STATUTES OF CALIFORNIA

REGULAR SESSION

1959

Began Monday, January 5, 1959, and Adjourned
Friday, June 19, 1959

STATUTES OF CALIFORNIA

PASSED AT THE 1959 REGULAR SESSION OF THE LEGISLATURE

CHAPTER 1

An act to amend Sections 140 and 161 of, and to add Section 160.2 to, the Vehicle Code, and to amend Section 4606 of, and to add Sections 4014 and 4611 to, the Vehicle Code as proposed by Assembly Bill No. 5, and to add Section 10787 to the Revenue and Taxation Code, relating to vehicle registration, and declaring the urgency thereof to take effect immediately.

[Approved by Governor January 30, 1959. Filed with Secretary of State January 30, 1959.]

In effect immediately

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

SECTION 1. Section 140 of the Vehicle Code is amended to read:

140 Misdemeanor to Violate Registration Requirements. It is a misdemeanor for any person to drive or move, or for an owner knowingly to permit to be driven or moved, upon any highway any vehicle of a type required to be registered hereunder which is not registered or for which the appropriate fee has not been paid as required hereunder, subject to such exceptions as are stated in this code.

Registration violations Misdemeanor

This section does not apply:

(a) To the moving or operating of a vehicle not previously registered from a dealer's, distributor's, or manufacturer's place of business to a place where essential parts of the vehicle are to be altered or supplied.

(b) To the transportation of a vehicle upon a highway when no part of such vehicle is in contact with the highway.

(c) To the moving of a vehicle from a place of storage to another place of storage within a radius of 100 miles.

(d) To the moving of a vehicle which has been disabled as the result of an accident, for the purpose of repairs.

(e) To the moving or operating of a vehicle for the purpose of dismantling or wrecking the same and permanently removing it from the highway.

(f) To the moving or operating of a vehicle during the period of time in which application may be made for registration of the vehicle without penalty as provided in Sections 160 and 160.2.

No vehicle shall be operated under the provisions of paragraphs (a), (c), (d) or (e) except under a special permit issued by the department.

SEC. 2. Section 160.2 is added to said code, to read:

Nonresident's application

160.2 Nonresident Application for Registration. When the home state license plates of a foreign vehicle expire on December 31, and the owner of such vehicle has previously established residence or accepted gainful employment in this State, such owner shall make application for registration of said vehicle in this State between January 1st, and midnight of February 4th succeeding such expiration date. Such application shall be deemed an application for renewal of registration.

SEC. 3. Section 161 of said code is amended to read:

Vehicle operation pending registration

161. Operation of Vehicle Pending Registration. When application for registration of a vehicle has been made as required in Sections 160 and 160.2 hereof, such vehicle may be operated on the highways until the new indicia of current registration has been received from the department upon condition that there be displayed on such vehicle the license plate or plates and validating devices issued to such vehicle for the previous year.

SEC. 4. Section 10787 is added to the Revenue and Taxation Code, to read:

Vehicle license fee exception re Civil Air Patrol

10787. The license fee imposed by this part does not apply to any vehicle operated by the Civil Air Patrol, when the vehicle has been transferred to the Civil Air Patrol by the United States Government, or any agency thereof, if by federal regulation or directive the use of such vehicle is restricted to defined activities of the Civil Air Patrol, and if by federal regulation or directive the vehicle must be returned to the United States Government when no longer required or suited for use by the Civil Air Patrol.

SEC. 5. Section 4014 is added to the Vehicle Code as proposed by Assembly Bill No. 5, to read:

Exception re vehicle registration

4014. The provisions of Section 4000 shall not apply to the moving or operating of a vehicle during the period of time in which application may be made for registration of the vehicle without penalty as provided in Sections 4602 and 4611.

SEC. 6. Section 4606 of said proposed code is amended to read:

Vehicle operation pending registration

4606. When application for registration of a vehicle has been made as required in Sections 4602 and 4611, the vehicle may be operated on the highways until the new indicia of current registration have been received from the department upon condition that there be displayed on the vehicle the license plates and validating devices, if any, issued to the vehicle for the previous year.

SEC. 7. Section 4611 is added to said proposed code, to read:

Nonresident's application

4611. When the home state license plates of a foreign vehicle expire on December 31, and the owner of such vehicle has previously established residence or accepted gainful employment in this State, such owner shall make application for registration of said vehicle in this State between January 1st

and midnight of February 4th succeeding such expiration date. Such application shall be deemed an application for renewal of registration.

SEC. 8. Sections 5, 6, and 7 of this act shall become operative only if the Vehicle Code as proposed by Assembly Bill No. 5 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Assembly Bill No. 5 becomes operative; at which time Sections 140, 160.2 and 161 of the Vehicle Code adopted in 1935 are repealed. Effect Stats 1959, Ch 3

SEC. 9. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

Application for renewal of California registration may be made up to midnight of February 4th without penalty. However, under a recent legal interpretation, a nonresident who has become a resident or who has accepted gainful employment in California and whose vehicle registration expired on December 31st must apply for California registration on or before the succeeding January 30th in order to avoid penalty.

Also, in the 1958 legislative session, vehicles of the Civil Air Patrol were exempted from registration but, through error, such vehicles were not exempted from vehicle license fees which are normally collected at the time of vehicle registration.

Renewal of registration for 1959 has already begun. In order to prevent confusion resulting from two different penalty dates for the current registration renewal period and to prevent the imposition of excessive penalties upon a substantial number of new residents, it is necessary that this act take effect immediately.

CHAPTER 2

An act to recodify the Education Code by repealing and reenacting said code, relating to the establishment, maintenance, government and operation of schools, libraries and institutions of learning, arts and sciences.

[Approved by Governor February 3, 1959. Filed with Secretary of State February 3, 1959]

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

SECTION 1. The Legislature intends by this act to rearrange the provisions of the Education Code in more logical sequence, making only such other changes as are necessitated by changing the sequence of existing provisions. The Legislature intends to accomplish this objective without making any substantive change in the law. Legislative intent

Repeal

SEC. 2. The Education Code is repealed.

SEC. 3. The Education Code is enacted, to read:

EDUCATION CODE

PART 1. GENERAL PROVISIONS AND ORGANIZATIONAL STRUCTURE OF THE PUBLIC SCHOOL SYSTEM

DIVISION 1. GENERAL PROVISIONS

CHAPTER 1. ESTABLISHMENT AND CONSTRUCTION OF EDUCATION CODE

Article 1. Construction of Provisions

Short title

1. This act shall be known as the Education Code.

Construction

2. The code establishes the law of this State respecting the subjects to which it relates, and its provisions and all proceedings under it are to be liberally construed, with a view to effect its objects and to promote justice.

Continuation of existing law

3. The provisions of this code, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

References

4. Whenever reference is made to any portion of this code or of any other law of this State, such reference applies to all amendments and additions now or hereafter made.

Effect of headings

5. Division, chapter, article, and section headings do not in any manner affect the scope, meaning, or intent of the provisions of this code.

Constitutionality

6. If any provision of this code, or the application thereof to any person or circumstances is held invalid, the remainder of the code, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Delegation of powers

7. Whenever a power is granted to, or a duty is imposed upon, a public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized, pursuant to law, by the officer, unless this code expressly provides otherwise.

Words of joint authority

8. Words giving a joint authority to three or more public officers or other persons are construed as giving such authority to a majority of them, unless it is otherwise expressed in the provisions of the code giving the authority.

Computation of time

9. The time in which any act provided by this code is to be done is computed by excluding the first day, and including the last, unless the last day is a holiday, and then it is also excluded.

Construction and definitions

10. Unless the provisions or the context otherwise requires these general provisions, rules of construction, and definitions shall govern the construction of this code

Article 2. Continuation of Rights and Duties

21. All persons who, at the time this code goes into effect, hold office under any of the acts repealed by this code, which offices are continued by this code shall continue to hold them according to their former tenure. Continuation in office

22. No action or proceeding commenced before this code takes effect, and no right accrued, is affected by the provisions of this code, but all procedure thereafter taken therein shall conform to the provisions of this code so far as possible. Effect on actions and proceedings

23. No rights given by any license or certificate under any act repealed by this code are affected by the enactment of this code or by such repeal, but such rights shall hereafter be exercised according to the provisions of this code. Existing rights

24. All persons who, at the time this code goes into effect, are entitled to a certificate or credential under any act repealed by this code, are thereby entitled to a certificate or credential under the provisions of this code so far as the provisions of this code are applicable. Certificates and credentials

Article 3. Definitions

31. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise. Writings

32. "Section" means a section of this code unless some other statute is specifically mentioned. "Section"

33. The present tense includes the past and future tenses, and the future, the present. Present and future tenses

34. The masculine gender includes the feminine. Gender

35. The singular number includes the plural, and the plural, the singular. Singular and plural numbers

36. "Shall" is mandatory and "may" is permissive. "Shall" and "may"

37. "Oath" includes affirmation. "Oath"

38. "State" means the State of California, unless applied to the different parts of the United States. In the latter case, it includes the District of Columbia and the territories. "State"

39. "Governing board" means board of school trustees, and city, and city and county board of education. "Governing board"

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

41. "Any school district" and "all school districts" mean school districts of every kind or class. "Any school district," etc.

42. "Union school district" means a district composed of two or more school districts situated in the same county. "Union school district"

43. "Joint union school district" means a district composed of two or more school districts situated wholly or in part in different counties. "Joint union school district"

Same

44. A union school district formed of elementary school districts not all in the same county is designated a joint union school district.

"City school district"

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

"High school district"

46. Whenever "high school district" is used in this code, unless a contrary intent appears, it includes union high school districts, joint union high school districts, and county high school districts.

"Union high school district"

47. A high school district, other than a city high school district, comprising two or more elementary school districts lying wholly in the same county is a union high school district, and such designation shall be part of its name.

Joint union high school district

48. A high school district comprising two or more elementary school districts lying wholly or in part in more than one county is a joint union high school district, and such designation shall be part of its name.

"War"

49. Whenever used in this code, in specifying or defining the rights of employees of school districts who are absent from their duties as employees of the district while in the active military service of the United States of America or of the State of California, or while assigned to duty with the military forces of the United States of America or of the State of California in the full-time paid service of the American Red Cross, the word "war" shall mean: (a) whenever Congress has declared war and peace has not been formally restored; (b) whenever the United States is engaged in active military operations against any foreign power, whether or not war has been formally declared; or (c) whenever the United States is assisting the United Nations, in actions involving the use of armed force, to restore international peace and security.

CHAPTER 2. ADMINISTRATION AND CERTIFICATION OF OATHS

Power to administer oaths

61. The Superintendent of Public Instruction, Deputy and Assistant Superintendents of Public Instruction, secretary of the Superintendent of Public Instruction, county superintendents of schools, school trustees, members of boards of education, secretaries and assistant secretaries of boards of education, city superintendents of schools, district superintendents of schools, assistant superintendents of schools, deputy superintendents of schools, principals of schools, and every other officer charged with the performance of duties under the provisions of this code may administer and certify oaths relating to officers or official matters concerning public schools.

CHAPTER 3. LANGUAGE OF INSTRUCTION

71. All schools shall be taught in the English language. Language of instruction

DIVISION 2. STATE EDUCATIONAL AGENCIES

CHAPTER 1. THE STATE BOARD OF EDUCATION

Article 1. Composition, Terms and Organization

101. There is in the State Government a State Board of Education, consisting of 10 members, who are appointed by the Governor with the advice and consent of two-thirds of the Senate. State Board of Education

102. The term of office of the members of the board is four years, and they shall hold office until the appointment and qualification of their successors. The terms of the members of the board in office when this section takes effect shall expire as follows: Term of office

Three members January 15, 1960.
Two members January 15, 1961.
Three members January 15, 1962.
Two members January 15, 1963.

The terms shall expire in the same relative order as to each member as the term for which he holds office before this section takes effect.

103. Any vacancy shall be filled by appointment by the Governor, subject to confirmation by two-thirds of the Senate. The appointee to fill a vacancy shall hold office only for the balance of the unexpired term. Vacancies

104. At the first meeting following any change in the membership of the board, the board shall reorganize by electing one of its members president. Organization

105. The Superintendent of Public Instruction shall be secretary and shall act as executive officer of the board. He shall have charge of all its correspondence and shall keep a record of its proceedings. Superintendent of Public Instruction, Secretary

106. The board shall appoint an acting secretary, who shall also act as executive officer of the board in the absence of the Superintendent of Public Instruction from the State, or in case of his incapacity for duty. Acting secretary

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

108. The board shall meet every three months at such times as it may by resolution determine. Meetings

109. Special meetings may be called by the president. Upon the request of any four members in writing, the secretary shall call a special meeting. Special meetings

110. Notice of each meeting shall be given by the secretary by registered mail to each member of the board at least Notice

10 days prior to the time of the meeting. Notice of the meeting may be waived in writing by all members of the board.

Open meetings

111. All meetings of the board shall be open and public

112. The concurrence of six members of the board shall be necessary to the validity of any of its acts.

Records

113. All records of the board shall be open to inspection by the public during regular office hours, except as otherwise provided by law.

Article 2. Powers and Duties

Policy determination

151. The board shall determine all questions of policy within its powers.

Rules and regulations

152. The board shall adopt rules and regulations not inconsistent with the laws of this State (a) for its own government, (b) for the government of its appointees and employees, (c) for the government of the day and evening elementary schools, the day and evening secondary schools, and the technical and vocational schools of the State, (d) for the government of the several teachers colleges of the State, and (e) for the government of such other schools, excepting the University of California, as may receive in whole or in part financial support from the State.

The rules and regulations adopted shall be published for distribution as soon as practicable after adoption.

Study and plans

153. The board shall study the educational conditions and needs of the State. It shall make plans for the improvement of the administration and efficiency of the public schools of the State.

Courses in state institutions

154. The State Board of Education may:

(a) Establish at the request of the governing authorities of any state institution, courses of instruction for the inmates of the institution.

(b) Examine under arrangements with the governing authorities of the institution the progress of students taking the courses and grant certificates of progress or completion as the State Board of Education may determine.

Witnesses

155. The board shall issue subpenas to compel the attendance of witnesses before the board, or any member thereof, in the same manner as any court in this State. Whenever the testimony of any witness upon any matter pending before it is material, the president shall cause the attendance of the witnesses before the board, or a member of the board, to testify concerning the matter, and the board may make a reasonable allowance for this purpose not exceeding the fees of witnesses in civil cases. The allowance shall be paid for out of the appropriation for the expense of the board, but in no instance shall an allowance be made in favor of a witness who appears in behalf of a claimant. The provisions of this section shall not apply to proceedings conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

Seal

156. The board shall adopt and use an official seal in authentication of its acts.

157. The board shall cause the State Printer or other officer having the management of state printing to do any printing required by it. All orders for printing shall first be approved by the Department of Finance. Printing

158. The board shall submit to the Governor biennially on or before the fifteenth day of September next preceding the regular session of the Legislature, a report of its transactions for the preceding two years, together with recommendations of its needs for the coming biennium, and such recommendations as to changes in laws or new educational legislation as may seem to it to be necessary. Biennial report

CHAPTER 2. SUPERINTENDENT OF PUBLIC INSTRUCTION

Article 1. Appointment, Salaries and Bond

201. A vacancy in the Office of Superintendent of Public Instruction shall be filled by appointment by the Governor. Vacancy

202. The annual salary of the Superintendent of Public Instruction is provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. He shall execute an official bond in the sum of ten thousand dollars ($10,000). Salary and bond

203. The actual and necessary traveling expenses of the Superintendent of Public Instruction, his deputy and assistants, shall be ordered and paid out of the appropriation made for the Department of Education. Traveling expenses

Article 2. Powers, Duties, and Responsibilities

251. The Superintendent of Public Instruction may employ one deputy superintendent of public instruction and necessary clerical and expert assistants, and may fix the compensation of all statutory and other employees as provided by law, except as otherwise provided. Deputy and assistants

252. The Superintendent of Public Instruction shall execute, under direction of the State Board of Education, the policies which have been decided upon by the board and shall direct, under general rules and regulations adopted by the State Board of Education, the work of all appointees and employees of the board. Execution of policies, etc

253. The Superintendent of Public Instruction shall: Duties

(a) Superintend the schools of this State.

(b) Prepare, have printed, and furnish to teachers and to all officers charged with the administration of the laws relating to the public schools such blank forms and books as may be necessary to the discharge of their duties, including blank teachers' certificates to be used by county and city and county boards of education.

(c) Visit the several orphan asylums to which state appropriations are made, and examine into the course of instruction in the asylums.

(d) Visit the schools in the different counties, and inquire into their condition; and the actual traveling expense thus

incurred, not exceeding one thousand eight hundred dollars ($1,800) per annum, shall be allowed, audited and paid out of the General Fund in the same manner as other claims are audited and paid.

(e) Visit and inspect each state college from time to time, inquire into its condition and management, require such reports as he may deem proper from the teachers of the school, and exercise general supervision over the colleges.

(f) Authenticate with his official seal all drafts or orders drawn by him, and all papers and writings issued from his office.

(g) Have bound, at the state bindery, all valuable school reports, journals, and documents in his office, or received by him.

(h) Deliver over, at the expiration of his term of office, on demand, to his successor, all property, books, documents, maps, records, reports, and other papers belonging to his office, or which may have been received by him for the use of his office.

Contracts, etc., with Federal Government

254. The Superintendent of Public Instruction shall prescribe regulations under which contracts, agreements or arrangements may be made with agencies of the Federal Government for funds, services, commodities, or equipment to be made available to schools of the Public School System.

Compliance with regulations

255. All such contracts, agreements or arrangements shall be entered into in accordance with regulations prescribed by the Superintendent of Public Instruction and in no other manner.

Aeronautics courses agreements

256. The Superintendent of Public Instruction may enter into an agreement with the Government of the United States or any agency thereof relative to the establishment of courses of study in aeronautics in the junior colleges, state colleges, and technical schools of the Public School System.

Agreements with Federal Government

257. The Director of Education may enter into agreements with any agency of the Federal Government for the education of persons in the service of the Federal Government in schools or colleges under the jurisdiction of the Department of Education. All moneys received from an agency of the Federal Government for the education of persons in any such school or college are hereby appropriated for the support of such school or college in addition to such other funds as may be appropriated therefor by the Legislature.

Same: Performance of services

258. The Director of Education may enter into agreements with agencies of the Federal Government, county superintendents of schools, county boards of education, any school district, and state college foundations or other auxiliary organizations, including those established pursuant to Sections 23603 to 23607, inclusive; Sections 23751 to 23803, inclusive; Sections 24051 to 24104, inclusive; Sections 24451 to 24455, inclusive; Sections 24581 and 24582; and Section 24601, for the performance of any services for such agencies by any school or college under the jurisdiction of the Department of Education. All moneys received under any such agreement,

except recovery of contributions to the State Employees' Retirement Fund, are hereby appropriated for the support of such school or college in addition to such other funds as may be appropriated therefor by the Legislature.

Estimate of school money to be apportioned

259. The Superintendent of Public Instruction shall, not later than the twenty-fifth day of July in each year, prepare an estimate of the amount of state school money that will be apportioned to each county or city and county during the current school year, and furnish a certified copy of the estimate to each county or city and county superintendent of schools.

Length of vacations

260. Other than for persons in the state civil service, the length of, and the time for, vacations of teachers, officers, and employees of state colleges, the schools for the deaf, the school for the blind, and orientation centers for the blind shall be prescribed by the Director of Education, except that the length of vacations for teachers at orientation centers for the blind shall not exceed 30 days.

Report to Governor

261. The Superintendent of Public Instruction shall report to the Governor, on or before the fifteenth day of September, preceding each regular session of the Legislature, a statement of the condition of the public elementary and secondary schools, the state colleges, and other educational institutions, supported in whole or in part by the State.

He shall accompany his report with tabular statements, showing:

(a) The number attending public schools, and the average attendance.

(b) The amount of state school funds apportioned, and the sources from which derived.

(c) The amount raised by county, city and county, and district taxes, or from other sources of revenue, for school purposes.

(d) The amount expended for salaries of teachers, for building schoolhouses, for district school libraries, and for incidental expenses.

Experimental work

262. The Director of Education may conduct experimental work in education through various media, including radio and vision.

Audial and visual materials

263. The Director of Education may develop audial and visual curriculum materials, evolve means and methods, and prescribe standards, for the use of such materials in the public elementary and secondary schools.

Consultant services

264. The Director of Education shall provide consultant services in connection with the education of hard of hearing children in areas where said services are not available. The services shall be provided through an expert in the fields of organization and planning for the education of the hard of hearing who shall be employed for that purpose by the Director of Education.

Article 3. Deputy and Associate Superintendents

Deputy and associate superintendents Duties

301. The duties of the Deputy Superintendent of Public Instruction and of the associate superintendents of public instruction appointed by the State Board of Education under Section 2 1 of Article IX of the Constitution of this State shall be such as are assigned to them by the Superintendent of Public Instruction.

Same: Salaries

302. The annual salaries of the Deputy Superintendent of Public Instruction and of the associate superintendents of public instruction appointed by the State Board of Education under Section 2.1 of Article IX of the Constitution of this State shall be fixed by the Superintendent of Public Instruction with the approval of the Director of Finance.

CHAPTER 3. DEPARTMENT OF EDUCATION

Article 1. General Provisions

Department of Education

351. There is in the State Government a Department of Education.

Administration

352. The Department of Education shall be administered through:

(a) The State Board of Education which shall be the governing and policy determining body of the department.

(b) The State Director of Education in whom all executive and administrative functions of the department are vested and who is the executive officer of the State Board of Education.

Executive officers

353. The Department of Education shall be conducted under the control of an executive officer known as the Director of Education.

Director of Education

354. The State Superintendent of Public Instruction is ex officio Director of Education.

Conduct of department

355. Except as otherwise in Sections 351 to 363, inclusive, Sections 401 to 404, inclusive, Sections 406 to 457, inclusive, and Section 24001 prescribed, the provisions of Article 2, Chapter 2, Part 1, Division 3 of Title 2 of the Government Code, shall govern and apply to the conduct of the Department of Education in every respect as if such provisions were herein set forth at length.

"Head of department"

356. Wherever in Article 2, Chapter 2, Part 1, Division 3 of Title 2 of the Government Code, the term "head of the department," or similar designation occurs, it shall, for the purposes of Sections 351 to 363, inclusive, Sections 401 to 404, inclusive, Sections 406 to 457, inclusive, and Section 24001 mean the Director of Education.

Successor to boards and offices

357. The Department of Education is the successor to, and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction of the State Board of Education, boards of trustees of the several state normal schools, teachers colleges, board of trustees of the California Polytechnic School, board of directors of the California School for the Deaf and

the Blind, and of the several officers, deputies, and employees of such bodies and offices.

Successor to powers

358. Except as otherwise provided in Sections 101 to 153, inclusive, Sections 155 to 253, inclusive, Sections 259 and 261, Sections 301 to 363, inclusive, Sections 401 to 404, inclusive, and Section 24001, whenever by the provisions of any statute or law now in force, or that may hereafter be enacted, a duty or jurisdiction is imposed or authority conferred upon any of the bodies, offices, officers, deputies, or employees mentioned in Sections 351 to 363, inclusive, Sections 401 to 404, inclusive, and Sections 406 and 24001, such duty, jurisdiction, and authority are imposed upon and transferred to the Department of Education with the same force and effect as though the title of the Department of Education had been specifically set forth and named therein.

Records and property

359. The Department of Education shall be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land, and other property, real or personal, now or hereafter held for the benefit of the bodies, offices, and officers whose duties, powers, purposes, responsibilities, and jurisdiction are transferred to and vested in the Department of Education.

Administration of laws

360. The Department of Education shall administer and enforce all laws now or hereafter imposing any duty, power, or function upon any of the bodies, offices, officers, deputies, or employees transferred to the Department of Education under the provisions of Sections 351 to 363, inclusive, Sections 401 to 404, inclusive, and Sections 406 and 24001.

Offices and positions abolished

361. The following bodies and offices and the position of all deputies, officers, and employees thereunder are abolished: the boards of trustees of the several state normal schools, or teachers colleges, of the California Polytechnic School, and of the California School for the Deaf and the Blind; but the statutes and laws under which they existed, and all laws prescribing their duties, powers, purposes, responsibilities, and jurisdiction, together with all lawful rules and regulations established thereunder, are expressly continued in force.

Establishment of divisions in department

362. In addition to the Division of Libraries of the Department of Education, established by law, the State Board of Education may, upon recommendation of the Director of Education, establish such divisions as in the judgment of the board are necessary for the proper transaction of the business of the department.

Commission on employment discrimination

363. The State Board of Education may, upon recommendation of the Director of Education, establish in the Department of Education a commission to assist and advise local school districts in problems relating to racial, religious or other discrimination in connection with the employment of certificated employees.

Printing and binding

364. All printing or binding required by the Superintendent of Public Instruction or the State Board of Education, or by any educational institution, except the University

of California, supported entirely out of state funds, and all school registers and blank forms prescribed by the Superintendent of Public Instruction for the use of officers charged with the administration of the laws relating to the public schools, including blank teachers' certificates, and diplomas of graduation from elementary schools in districts not governed by city boards of education, shall be performed by the Department of Finance in the form and manner and at the prices of other state printing, and be paid for in like manner.

Sale of publications

365. With the approval of the Department of Finance, the State Department of Education may fix the price for the sale of any bulletin or publication of the department, or any institution of the department.

Free copies

366. When the Department of Education fixes the price of any publication, it shall specify the class of persons or institutions that may receive copies of the publication free of charge.

Purchase of publications

367. Any county, or any school district, in this State may purchase the publications described in Sections 364 to 368, inclusive, from the State Department of Education.

Deposit of proceeds

368. All moneys received from the sale of publications shall be deposited in the State Treasury to the credit of the fund against which the cost of printing the publication was charged.

Article 2. Specific Provisions—Finances

Expenditure of money

401. The department may expend the moneys in any appropriation, or in any special fund in the State Treasury now remaining or made available by law for the administration of the provisions of any of the statutes enumerated in this article or for the use, support, or maintenance of any board, commission, office, or officer that is abolished by the provisions of Sections 351 to 363, inclusive, Sections 401 to 404, inclusive, and Sections 406 and 24001, and whose duties, powers, and functions are, by the provisions of Sections 351 to 363, inclusive, Sections 401 to 404, inclusive, and Sections 406 and 24001, transferred to and conferred upon the Department of Education, excepting that the funds of the State Board of Education in respect to functions retained by it, including such funds as are now or may hereafter be entrusted to the State Board of Education for administration, and the funds of the Superintendent of Public Instruction shall be administered as heretofore.

Appropriations

402. The Department of Education may expend the moneys in any appropriation heretofore or hereafter made for the support of the State Board of Education.

Gifts and bequests

403. The Director of Education may, with the approval of the Director of Finance, accept on behalf of, and in the name of, the State such gifts, donations, bequests, and devises as may be made to the Department of Education, or to any school, college, or other institution administered by the Director of Education or the Department of Education, which in his judgment would be of benefit to the State and, if made to a school, college, or other institution, would be of benefit to the school,

college, or other institution. Gifts, donations, bequests, and devises may be made subject to such conditions or restrictions as the Director of Education may deem advisable.

The "Fund of the Industrial Home of Adult Blind" is hereby abolished and the moneys therein are transferred to the Special Deposit Fund in the State Treasury.

Disposition of funds

404. Money received under Section 403 may, with the approval of the Director of Finance, be deposited by the Director of Education to the credit of the department or of the school, college, or institution designated by him, in accounts in banks or transmitted by him to the State Treasurer for deposit in trust accounts. Withdrawals may be made from any such bank account or trust account by the Director of Education or any employee of the Department of Education authorized by him to make withdrawals therefrom.

Appropriation: Education of veterans

405. All moneys received by or for any school or college under the jurisdiction of the Department of Education from any agency of the Federal Government, directly or indirectly, for the education of veterans, are hereby appropriated for the support of such school or college in addition to such other funds as may be appropriated therefor by the Legislature. Such moneys shall augment such support appropriation of the state college current at the date of issuance of the State Controller's receipt therefor as may be designated by the state college prior to their deposit in the State Treasury.

Traveling expenses

406. For the purposes of Government Code Section 11032, the following constitute, among other proper purposes of like or different character, state business for officers and employees of the Department of Education for which the officers and employees shall be allowed actual and necessary traveling expenses:

(a) Attending meetings of any national association or organization having as its principal purpose the study of matters relating to education or to a particular field or fields of education, or any agency of such association.

(b) Conferring with officers or employees of the United States, or appearing before committees of either house of the Congress of the United States, relative to problems relating to education in California.

(c) Conferring with officers or employees of other states engaged in the performance of similar duties.

(d) Obtaining information useful to the department in the conduct of its work.

When traveling is outside the State, traveling and expense shall be approved by the Governor and Director of Finance as provided in Government Code Section 11032.

Article 3. Specific Provisions—Surplus Property

Designation

451. The State Department of Education is hereby designated as the California State Educational Agency for Surplus Property.

Co-operation with Federal Government

452. Said agency is authorized and directed to co-operate with the Federal Government and its agencies in securing the expeditious and equitable distribution of surplus property of the Federal Government to eligible institutions in California, to assist said institutions in securing such property and to do all things necessary to the execution of its powers and duties.

Acquisition and disposition of property

453. Whenever by the provisions of any act of Congress or any rule or regulation adopted thereunder the agency is authorized to accept, receive, or purchase for resale from the Federal Government or any agency thereof, any property and to provide for its disposition or resale, it is authorized to do so and is vested with all necessary power and authority to accomplish such acceptance, purchase, receipt, disposition and resale. The agency is hereby exempted from the provisions of Article 2, Chapter 4, Part 3, Division 3, Title 2 of the Government Code.

Reimbursement and refunds

454. The California State Educational Agency for Surplus Property in providing for the disposition of such property shall require the payment of such charges by the parties to whom property is transferred as the agency estimates will reimburse the agency for the average costs of procuring, storing, handling, and disposing of such property. All moneys received by the agency for charges billed on or after July 1, 1947 under this section or its predecessor shall be paid into the State Treasury to the credit of the Educational Surplus Property Revolving Fund. Any moneys found by the agency to be in excess of the costs incurred in procuring, storing, handling and disposing of such property may, upon approval of the Department of Finance, be refunded to the parties from whom such moneys were received. The agency may reduce or eliminate charges on property found not to be usable for the purpose for which procured.

Surplus Educational Property Revolving Fund

455. There is hereby created in the State Treasury the Surplus Educational Property Revolving Fund. Accumulated reserves resulting from handling and service charges shall be transferred from the appropriation made by Chapter 95 of the Statutes of the First Extraordinary Session of the Fifty-sixth Legislature to said fund, upon the approval of the Director of Finance. On and after July 1, 1947, all costs of the State Educational Agency for Surplus Property, including but not limited to costs of procuring, transporting, shipping, and storing surplus property of the Federal Government and its distribution to educational agencies, and costs of general assistance and real property procurement, shall be paid from this fund. The Surplus Educational Property Revolving Fund shall be reimbursed from the support appropriation for the agency for costs of general assistance and real property procurement in accordance with Sections 11251 and 11252 of the Government Code.

Out-of-state travel

456. The California State Educational Agency for Surplus Property may send representatives out of this State for the purpose of inspecting property or conferring with federal and other state officials, provided such traveling and expenses have

been approved by the Governor and by the Department of Finance. Such out-of-state travel shall not come within the limitation imposed in Section 406 of the Education Code.

457. The State Educational Agency for Surplus Property may, without at the time furnishing vouchers or itemized statements, draw from the Surplus Educational Property Revolving Fund for use as a departmental revolving fund: Departmental revolving fund

(a) A sum not to exceed thirty thousand dollars ($30,000), or

(b) With the approval of Department of Finance a sum in excess of thirty thousand dollars ($30,000).

Any moneys so withdrawn may only be used, in accordance with law and Board of Control rules, for payment of compensation earned, traveling expense, traveling expense advances, or where immediate payment is otherwise necessary. All disbursements from such revolving fund must be substantiated by vouchers filed with and audited by the Controller. From time to time, disbursements, supported by vouchers, may be reported to the Controller in connection with claims for reimbursement of the departmental revolving fund. At any time upon the demand of the Department of Finance or the Controller, such revolving fund must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller.

CHAPTER 4. STATE COUNCIL OF EDUCATIONAL PLANNING AND CO-ORDINATION

501. There is in the State Government, a State Council of Educational Planning and Co-ordination consisting of nine members. The Superintendent of Public Instruction and the President of the University of California are ex officio members of the board. Establishment and composition

Of the seven other members of the board, five shall be persons not engaged in any manner in the direction or supervision of education, not engaged, employed, or serving in any capacity in any body charged with the direction or supervision of education, and not engaged, employed, or serving in any capacity in any school, college, or university. Each of the appointed members of the board shall be appointed for a term of one year jointly by the State Board of Education and the Board of Regents of the University of California upon the joint nomination of the Superintendent of Public Instruction and the President of the University of California

Thereafter their successors shall be chosen in like manner for a like term. Any vacancy shall be filled by appointment by the Superintendent of Public Instruction and the President of the University of California jointly. Any person appointed to fill a vacancy shall serve only for the balance of the unexpired term.

Function

502. The function of the State Council of Educational Planning and Co-ordination is to study problems affecting the relationships between the schools of the Public School System and the University of California, and to make recommendations thereon jointly to the State Board of Education and the Regents of the University of California through the Superintendent of Public Instruction and the President of the University of California.

DIVISION 3. COUNTY ORGANIZATION

CHAPTER 1. COUNTY BOARDS OF EDUCATION

Article 1. Election, Jurisdiction, Organization and Procedure

County boards of education. Composition, etc

601. Except in a city and county, there shall be a county board of education, which shall consist of five or seven members to be determined by the county committee on school district organization. Not later than March 1, 1956, the county committee on school district organization shall file in writing its determination of the number of members of the county board of education and the designated trustee areas in the county with the county board of supervisors. Each member of the board shall be an elector of the trustee area which he represents and shall be elected by the electors of the trustee area. In chartered counties the manner of selection of the county board of education shall be prescribed in the county charter, or by the county board of supervisors. In a county unified school district or in a unified school district which includes all of the territory over which a county superintendent of schools has jurisdiction, the governing board of the district shall serve as the county board of education. This section shall become effective on July 1, 1959.

Same

601.1. Except in a city and county, there shall be a county board of education, which shall consist of five or seven members to be elected at large with at least one residing in each of designated trustee areas to be determined by the county committee on school district organization. Not later than March 1, 1956, the county committee on school district organization shall file in writing its determination of the number of members of the county board of education and the designated trustee areas in the county with the county board of supervisors. In chartered counties the manner of selection of the county board of education shall be prescribed in the county charter, or by the county board of supervisors. In a county unified school district or in a unified school district which includes all of the territory over which a county superintendent of schools has jurisdiction, the governing board of the district shall serve as the county board of education. This section shall remain in effect until July 1, 1959, and thereafter shall have no further force and effect.

602. Upon request of the county board of education, the county committee on school district organization by a two-thirds vote of the members, may change the boundaries of any or all of the trustee areas of the county. The trustee areas shall be as nearly equal in population as may be, except that in establishing the boundaries of the trustee areas the county committee may give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the trustee areas. Changes in boundaries shall be made in writing and filed with the county board of supervisors not later than the first day of March of any school year. Change in trustee areas

603. The boundaries of any trustee area shall not at any time be changed so as to affect the term of office of any member of the county board of education who has been elected and whose term of office has not expired. Term of office

604. Any registered voter is eligible to be a member of the county board of education except the county superintendent of schools, any member of his staff, or any employee of a school district. Eligibility

605. Members of the county board of education shall be elected on the date and in the manner prescribed for the election of members of governing boards of school districts; provided, such elections are held throughout the county on the same date; otherwise the election shall be consolidated with the direct primary election. Where the elections for governing board members are held on the same date then the provisions of Section 940 of this code shall apply to the election of members of the county board of education. The first election held under Sections 601 to 653, inclusive, and Sections 701 to 707, inclusive, shall be conducted by the county board of supervisors and thereafter by the county board of education. They shall take office on the first day of July subsequent to their election and shall serve for a term to be determined for each county by the county committee on school district organization. The county committee on school district organization shall also determine the manner in which the county board of education first elected under Sections 601 to 653, inclusive, Sections 701 to 811, inclusive, Section 816, and Sections 851 to 856, inclusive, shall effect a staggering of terms. Election procedure

The county committee on school district organization shall file in writing its determinations under this section with the county board of supervisors not later than March 1, 1956.

606. Any vacancy shall be filled by the majority of the remaining members of the board. The appointee shall hold office only until the first day of the month following the next election at which a member of the county board of education is elected in the county and until his successor is qualified. At such election the person elected to fill the vacancy shall be elected to serve for the remainder of the unexpired term. Vacancies

Annual organization

607. The county board of education shall organize on the first meeting subsequent to the first of July in each year by electing one of their number president of the board.

Secretary

608 The county superintendent of schools is ex officio secretary and executive officer of the board.

Regular meetings

609. Regular meetings of the board shall be held at such time as it may determine, but not less than once per month.

Special meetings

610. Special meetings may be called by the president whenever, in his judgment, the exigencies of the schools require them to be held. Upon the request of any three members, in writing, the president shall call a special meeting.

Quorum

611. A majority of the members shall constitute a quorum for the transaction of business.

Majority vote

612. No teacher's certificate shall be issued or renewed, nor shall any books or apparatus be adopted except by an affirmative vote of at least a majority of the members of the board.

Recording of vote

613. On the call of any member, the ayes and nays shall be taken upon any proposition, and the vote shall be recorded in the minutes of the board.

Special meetings Business

614. At special meetings, no business shall be transacted other than such as may be specified in the call of the president, except that certificates to teach, upon credentials, may be granted, and unexpired certificates to teach may be renewed at any meeting of the board.

Article 2. Duties and Responsibilities

Duties

651. County boards of education shall:

(a) Adopt rules and regulations not inconsistent with the laws of this State, for their own government.

(b) Keep a record of their proceedings.

(c) Review and make recommendations on the annual budget of the county superintendent of schools before its submission to the county board of supervisors.

(d) Review and make recommendations on the annual county school service fund budget of the county superintendent of schools before its submission to the Superintendent of Public Instruction.

Powers

652. County boards of education may:

(a) Adopt and use an official seal in authentication of their acts.

(b) Have such printing done as may be necessary.

Same

653. County boards of education in counties governed by charters which provide for an elected board of education may:

(a) Adopt rules and regulations governing the administration of the office of the county superintendent of schools.

(b) Review the county superintendent of schools annual itemized estimate of anticipated revenue and expenditures before such annual itemized estimate is filed with the auditor as required by Section 29040 of the Government Code and make such revisions, reductions or additions therein that it

deems advisable and proper. No such itemized estimate shall be filed by the county superintendent of schools or be approved by the board of supervisors until it has first been so reviewed and approved by the county board of education.

Courses of instruction

654. County boards of education shall prescribe, on or before the first day of July of each year, the course of study in and for each grade of the elementary schools of the county for the ensuing school year.

Same: Exclusion

655. Such course of study shall not apply to elementary schools in cities governed by city boards of education.

Same: Changes

656. Whenever necessary the board may amend and change the course of study, subject to the provisions of Sections 645 to 656, inclusive, and Sections 7601 to 7606, inclusive.

Article 3. Salaries and Expenses

Compensation

701. The board of supervisors may allow to each member of the county board of education as compensation ten dollars ($10) a day for his services, and to each member who uses a privately owned automobile in the discharge of necessary official duties as a member of the county board of education the same amount as allowed any county official in the performance of his official duties. The mileage rates allowed in this section should be based on the total mileage claimed in a calendar month.

Mileage

702. If the members of the board of supervisors of any county are not allowed mileage, the board of supervisors of the county shall allow to each member of the county board of education of that county actual and necessary traveling expenses not exceeding twenty-five cents ($0.25) per mile one way in attending the meetings of the board.

Compensation of secretary

703. The secretary may be allowed the sum of ten dollars ($10) per day for the actual time that the board may be in session.

Same: Payment

704. Compensation of the members of the board, shall be payable out of the county general fund.

Printing and other expenses

705. Expenses for printing required by the county board of education, and all incidental expenses incurred for stationery or other purposes in the performance of its duties, shall be audited and paid as other claims against the general fund of the county are paid.

Membership in organizations

706. The county board of education may subscribe for membership in, or otherwise become a member of, any state or local organization of governing boards of school districts or members thereof, or of county boards of education or members thereof, or both, which has for its primary purpose the promotion and advancement of public education through research and investigation, and the co-operation with persons and associations whose interests and purposes are the betterment of the educational opportunities of the children of the State. The costs incurred for the purposes of this section shall be payable out of the county general fund.

Expenses re attendance at meetings

707. The county board of education of each county may select a member or members of the board to attend meetings of any society, association, or organization for which the board has subscribed for membership, or any convention to which the governing board of a school district may pay the expenses of any employee. The actual expenses of the member or members shall be allowed and paid out of the county general fund with prior budgetary approval.

CHAPTER 2. COUNTY SUPERINTENDENT OF SCHOOLS

Article 1. Appointment, Qualifications, Salary and Expenses

Traveling expenses

751. Each county superintendent shall receive his actual and necessary traveling expenses. The expenses shall be allowed by the board of supervisors, and be paid out of the county general fund.

Convention expenses

752. Each county school superintendent shall also receive his actual and necessary traveling expenses, when, with the approval of the board of supervisors, he attends any convention or conference to which he is called by the State Board of Education, or the Superintendent of Public Instruction, and when the board of supervisors delegates him to perform services outside of his county either within or without the State.

Office expenses

753. The expenses of the office of superintendent of schools for its stationery, blank books, postage, expressage, freight, telephone, telegraphing, and other necessary office expenses shall be allowed by the supervisors of the county and paid out of the general fund of the county in the same manner as other claims against the county are paid.

Expense of housing services

754. The expense of providing housing for all the services of the county superintendent of schools shall be allowed by the board of supervisors of the county and paid out of the general fund of the county.

Retirement system contributions and benefits

755. For the purposes of the retirement system of which a county superintendent of schools is a member, all contributions by or on account of the county superintendent and all benefits to him shall be based, insofar as, and to the extent that, such contributions and benefits are based upon the compensation received by him as county superintendent of schools, upon the whole of his annual salary as county superintendent of schools regardless of the fund or funds from which paid, subject only to the maximum amount of salary on which contributions can be paid the system. If such contributions are required to be paid to the system from any fund from which any part of the annual salary of the county superintendent of schools is paid, then contributions shall be paid from each of the funds from which his annual salary is actually paid in the same proportion of the total contribution as that part of his annual salary paid from such fund is of the whole of his annual salary. Contributions which would have been made by any county superin-

tendent of schools, or by an employer on account of said superintendent, if this section had been in effect on and after September 19, 1947, shall be made in accordance with the provisions of this section.

Classification of counties

756. For the purposes of prescribing the qualifications required of county superintendents of schools and fixing their salaries the counties are classified on the basis of the average daily attendance in the public schools of the State in the respective counties as follows:

Class one (1) includes all counties with an average daily attendance of seven hundred fifty thousand (750,000) and over.

Class two (2) includes all counties with an average daily attendance of one hundred forty thousand (140,000) to seven hundred forty-nine thousand nine hundred ninety-nine (749,999), inclusive.

Class three (3) includes all counties with an average daily attendance of sixty thousand (60,000) to one hundred thirty-nine thousand nine hundred ninety-nine (139,999), inclusive.

Class four (4) includes all counties with an average daily attendance of fifteen thousand (15,000) to fifty-nine thousand nine hundred ninety-nine (59,999), inclusive.

Class five (5) includes all counties with an average daily attendance of seven thousand (7,000) to fourteen thousand nine hundred ninety-nine (14,999), inclusive.

Class six (6) includes all counties with an average daily attendance of one thousand (1,000) to six thousand nine hundred ninety-nine (6,999), inclusive.

Class seven (7) includes all counties with an average daily attendance of one hundred (100) to nine hundred ninety-nine (999), inclusive.

Class eight (8) includes all counties with an average daily attendance of under one hundred (100).

Credential required

757. Except as provided in this section no person shall hereafter be elected or appointed to office as county superintendent of schools of any county who does not possess a valid credential issued by the State Board of Education of the type designated in Sections 756 to 766, inclusive, for each class.

Where a county changes from one class to another because of an increase in the average daily attendance in the public schools of such county, the incumbent county superintendent of schools in that county shall not be prohibited from continuing in office and shall be eligible for re-election to the same office regardless of whether he possesses a valid credential otherwise required in a county of that class.

Salaries and qualifications

758. The salary and qualifications of the county superintendent of schools in each county shall be as set forth in Sections 756 to 766, inclusive, for that class into which the county falls. The class into which each county falls shall be determined on October 1st of each year based upon the average daily attendance in the public schools of such county for the preceding school year as reported to the State Department

of Education. In no case will the salary of the county superintendent be lowered during his term of office.

The salaries set forth in Sections 756 to 766, inclusive, are payable to incumbent county superintendents of schools; provided, however, that the salary of an incumbent shall not be reduced during the term for which he was elected or appointed or for any consecutive new term to which he is elected or appointed.

Salaries: Class 1 counties

759. All county superintendents of schools in counties within class one (1) shall receive an annual salary of nineteen thousand dollars ($19,000) and each shall possess a valid general administrative credential issued by the State Board of Education. Of the amount prescribed in this section, the State shall pay twelve thousand dollars ($12,000), and the county seven thousand dollars ($7,000).

Class 2 counties

760. All county superintendents of schools in counties within class two (2) shall receive an annual salary of sixteen thousand five hundred dollars ($16,500) and each shall possess a valid general administrative credential issued by the State Board of Education. Of the amount prescribed in this section, the State shall pay ten thousand five hundred dollars ($10,500), and the county shall pay six thousand dollars ($6,000).

Class 3 counties

761. All county superintendents of schools in counties within class three (3) shall receive an annual salary of fourteen thousand five hundred dollars ($14,500) and each shall possess a valid general administrative credential issued by the State Board of Education. Of the amount prescribed in this section, the State shall pay nine thousand five hundred dollars ($9,500), and the county shall pay five thousand dollars ($5,000).

Class 4 counties

762. All county superintendents of schools in counties within class four (4) shall receive an annual salary of twelve thousand dollars ($12,000) and each shall possess a valid elementary or secondary administrative credential issued by the State Board of Education. Of the amount prescribed in this section, the State shall pay eight thousand dollars ($8,000), and the county shall pay four thousand dollars ($4,000).

Class 5 counties

763. All county superintendents of schools in counties within class five (5) shall receive an annual salary of nine thousand five hundred dollars ($9,500) and each shall possess a valid elementary or secondary administrative credential issued by the State Board of Education. Of the amount prescribed in this section, the State shall pay six thousand five hundred dollars ($6,500), and the county shall pay three thousand dollars ($3,000).

Class 6 counties

764. All county superintendents of schools in counties within class six (6) shall receive an annual salary of eight thousand dollars ($8,000) and each shall possess a valid elementary or secondary administrative credential issued by the State Board of Education. Of the amount prescribed in this

section, the State shall pay six thousand dollars ($6,000), and the county shall pay two thousand dollars ($2,000).

765. All county superintendents of schools in counties within class seven (7) shall receive an annual salary of six thousand dollars ($6,000) and each shall possess a valid elementary or secondary administrative credential issued by the State Board of Education. Of the amount prescribed in this section, the State shall pay five thousand dollars ($5,000), and the county shall pay one thousand dollars ($1,000). Class 7 counties

766. All county superintendents of schools in counties within class eight (8) shall receive an annual salary of four thousand two hundred dollars ($4,200) and each shall possess a valid elementary or secondary teaching credential issued by the State Board of Education. Of the amount prescribed in this section, the State shall pay three thousand two hundred dollars ($3,200), and the county shall pay one thousand dollars ($1,000). Class 8 counties

Article 2. Duties, Responsibilities and Powers

801. The superintendent of schools of each county shall: Duties

(a) Superintend the schools of his county.

(b) Visit and examine each school in his county at reasonable intervals to observe their operation and to learn of their problems. He may annually present a report of the state of the schools in his county, and of his office, including but not limited to his observations while visiting the schools, to the board of education and the board of supervisors of his county.

(c) Distribute all laws, reports, circulars, instructions, and blanks which he may receive for the use of the school officers.

(d) Keep in his office the reports of the Superintendent of Public Instruction.

(e) Keep a record of his official acts, and of all the proceedings of the county board of education, including a record of the standing, in each study, of all applicants for certificates who have been examined, which shall be open to the inspection of any applicant or his authorized agent.

802. The county superintendent of schools shall also: Same

(a) Enforce the course of study.

(b) Enforce the use of state textbooks and of high school textbooks regularly adopted by the proper authority.

(c) Preserve carefully all reports of school officers and teachers.

(d) Deliver to his successor, at the close of his official term, all records, books, documents, and papers belonging to the office, taking a receipt for them, which will be filed in the office of the county clerk.

803. The county superintendent of schools shall make reports, when directed by the Superintendent of Public Instruction, showing such matters relating to the public schools in his county as may be required of him. Reports

If he fails to make full and correct report as required under the provisions of this section at the time fixed by the Superintendent of Public Instruction, he shall forfeit one hundred dollars ($100) of his salary; and the county auditor whose duty it is to draw the warrant for the salary of the superintendent of schools shall deduct this amount from the warrant on receiving notice from the Superintendent of Public Instruction to the effect that the superintendent of schools has failed to make the report as directed.

Attendance reports

804. Each county superintendent of schools shall annually, at such time as is required by the Superintendent of Public Instruction but not later than July 15th, submit to the Superintendent of Public Instruction a complete report of the attendance credited to the public schools of the county for the school year closing June 30th immediately preceding July 15th. Forms for the reports shall be furnished by the Superintendent of Public Instruction. Reports shall contain and be accompanied by such other information and reports relating to the computation of state apportionments as may be required by the Superintendent of Public Instruction.

Financial and other statistics

805. Each county superintendent of schools shall also submit to the Superintendent of Public Instruction a general annual report of financial and other statistics relating to the public schools of the county. The report shall be submitted on forms furnished by, and at the time required by, the Superintendent of Public Instruction.

Additional reports

806. Each county superintendent of schools shall submit such additional reports as may from time to time be required by the Superintendent of Public Instruction. It shall be the duty of each school district to furnish to the county superintendent of schools any records, reports, documents, maps or other data pertaining to reports required by the Superintendent of Public Instruction.

Destruction of records

807. Whenever the destruction of records of a county superintendent of schools is not otherwise authorized or provided for by law, the county superintendent of schools may destroy such records of his office in accordance with regulations of the Superintendent of Public Instruction which he is herewith authorized to adopt.

Sale of publications

808. The county superintendent of schools may sell publications produced by him.

Sections 808 to 810, inclusive, do not authorize a county superintendent of schools to prepare or publish written materials, the preparation or publication of which is not otherwise authorized by law.

Price

809. The county superintendent of schools, with the approval of the county board of education, may fix the price not to exceed the estimated cost of production for the sale of any publication produced by him.

Proceeds

810. All moneys received from the sale of publications produced by the county superintendent of schools shall be de-

posited to the credit of the fund against which the cost of printing the publication was charged.

Agreements re audio-visual services

811. The county superintendent of schools, with the approval of the county board of education, may enter into an agreement with the governing board of any school district under his jurisdiction, to provide for the use by the district of audio-visual equipment and apparatus. The county superintendent of schools is authorized to acquire by purchase, lease, or any other means the equipment and apparatus necessary to provide the service, and to establish facilities for maintaining and servicing such equipment, and for its distribution to school districts. The title to all equipment and apparatus acquired by the county superintendent of schools under this section shall be vested in the office of the county superintendent of schools.

The agreement shall, among other matters, provide for the amount of the payment to be made by the district to the county superintendent of schools, and the time the payments shall be made. The payments made by all districts that have entered into an agreement with the county superintendent of schools under this section shall not exceed the costs of rendering the service. The costs may include any expense necessary to carry out the provisions of this section.

The governing board of a school district may withdraw from an agreement by giving notice six months prior to the beginning of the next fiscal year, and the agreement shall terminate on the last day of the then current fiscal year. The terms of an agreement may be changed by mutual consent at any time.

The county superintendent of schools shall transfer the amounts agreed upon, at the time or times agreed upon, from the general fund of the district to the special equipment and apparatus fund of the county superintendent of schools, which fund is hereby authorized. All funds received for the purposes of this section shall be deposited in said fund, and all expenditures made for the purposes of this section shall be made from the fund.

Group workmen's compensation insurance

812. The county superintendent of schools of any county may, with the approval of the State Compensation Insurance Fund, insure the liability for compensation of any school districts under his jurisdiction, the governing boards of which consent thereto, with the State Compensation Insurance Fund under one policy or contract of insurance and pay the premium for the insurance from the county school service fund. Immediately following the payment of the final premium the county superintendent of schools shall transfer from the funds of each insured district to the county school service fund an amount which bears the same ratio to the premium as the payroll of each district bears to the total payroll of all the insured districts.

Any dividends earned on the premiums paid under the provisions of this section shall be credited to the individual dis-

tricts in proportion to the amount of the premium charged to each district.

Jurisdiction Unified districts

813. The county superintendent of schools of the county in which the greatest part of the assessed valuation of any unified school district lies has jurisdiction over the unified school district for the purposes specified in this code.

Same Junior college districts

814. In each junior college district, the superintendent of schools of the county in which the junior college buildings are located shall have jurisdiction over all matters in which his office is concerned.

Power to operate school

815. The county superintendent of schools shall, when there is sufficient money in the fund of any school district to maintain a free school in the district for 175 days of actual teaching, if the trustees neglect or refuse to employ a teacher, appoint a teacher, and open and keep the school. He may draw his requisition upon the county auditor, who shall draw his warrant upon the fund of the district for the expense incurred.

Appointment of janitor

816. In case of the failure of the governing board of any school district to employ a janitor as provided elsewhere in this code, the county superintendent shall appoint a janitor who shall be paid out of the school fund of the district.

If the governing board of any district fails or refuses to issue an order for the compensation for services provided for in this section, he shall issue his requisition upon the county fund apportioned to the district.

Article 3. Staff

Deputy superintendents

851. Except as otherwise provided by law, every county superintendent may appoint a deputy.

Same Salary

852. A deputy appointed pursuant to Section 851 shall not be allowed a salary, payable out of the school fund.

Compensation in city and county

853. The compensation of each deputy school superintendent of a city and county shall be not less than the minimum received by any high school principal in the city and county.

Employment contracts

854. A county superintendent of schools may enter into contracts of employment with persons employed by him in positions requiring certification qualifications for periods of not to exceed the end of the school year in which the term for which the county superintendent of schools was elected or appointed expires and in no event, for more than four years and six months.

Employees' rights

855. Each person employed by a county superintendent of schools in a position requiring certification qualifications, and whose salary is paid from the county school service fund, has the same right with respect to leaves of absence, sick leave, and bereavement leave as a person employed by a school district in a position requiring certification qualifications.

The provisions of Sections 13453 to 13466, inclusive, and Sections 13467, 13468, 13469, and 13470 apply to persons so employed by a county superintendent of schools and so paid from the county school service fund. Whenever, in such provi-

sions, a duty or power is imposed upon or granted to the governing board of a school district or an employee thereof, such power or duty shall, for the purposes of this section, be deemed to be granted to or imposed on the county superintendent of schools or his employee, respectively. When "district" is used in such provisions, it shall, for the purposes of this section, be deemed to mean "county superintendent of schools." Compensation paid to such employees during such leaves shall be paid from the county school service fund.

The granting of leaves of absence to such employees pursuant to Section 13457 shall be by the county superintendent of schools, upon approval by the county board of education.

Classification as permanent employee

856. If the average daily attendance of the schools and classes maintained by a county superintendent of schools is 850 or more, each person who, after being employed for three complete consecutive school years by such superintenedent in a teaching position in such schools or classes requiring certification qualifications and whose salary is paid from the county school service fund, is re-elected for the next succeeding school year to such a position in such schools or classes, shall be classified as and become a permanent employee of the county superintendent of schools.

Such an employee shall have the same rights and duties as employees of school districts to which Section 13304 applies.

Workmen's compensation insurance

857. For the purpose of insurance under the workmen's compensation laws of this State, any person employed by a county superintendent of schools to supervise instruction or to give instruction in the school districts under the jurisdiction of the county superintendent of schools shall be deemed an employee of the county. The cost of insuring any person employed to supervise instruction shall be paid by the county superintendent of schools from the county elementary school supervision fund. The cost of insuring any person employed by the county superintendent of schools to give instruction shall be paid by the county superintendent of schools from the unapportioned county elementary school fund.

DIVISION 4. LOCAL EDUCATIONAL AGENCIES

CHAPTER 1. LOCAL GOVERNING BOARDS GENERALLY

Article 1. General Provisions

Control of school district

901. Except when otherwise authorized by law, every school district shall be under the control of a board of school trustees.

Liability: Contracts and debts

902. The governing board of any school district is liable as such in the name of the district for salary due any teacher on contract, and for all debts contracted under the provisions of this code.

Same: Personal injury or property damage

903. The governing board of any school district is liable as such in the name of the district for any judgment against the district on account of injury to person or property arising because of the negligence of the district, or its officers, or employees in any case where a verified claim for damages has been presented in writing and filed with the secretary or clerk of the school district within ninety (90) days after the accident has occurred. The claim shall specify the name and address of the claimant, the date and place of the accident, and the extent of the injuries or damages received.

Payment of judgments

904. The governing board of any school district shall pay any judgment for debts, liabilities, or damages out of the school funds to the credit of the district, subject to the limitation on the use of the funds provided in the Constitution. If any judgment is not paid during the tax year in which it was recovered:

(a) And if, in the opinion of the board, the amount is not too great to be paid out of taxes for the ensuing tax year, the board shall include in its budget for the ensuing tax year a provision to pay the judgment, and shall pay it immediately upon the obtaining of sufficient funds for that purpose.

(b) If, in the opinion of the board, the amount of the judgment is so great that undue hardship will arise if the entire amount is paid out of taxes for the next ensuing tax year, the board shall provide for the payment of the judgment in not exceeding three annual installments with interest thereon, at a rate not exceeding 4 percent per annum, up to the date of each payment, and shall include provision for the payment in each budget for not exceeding three consecutive tax years next ensuing. Each payment shall be of an equal portion of the principal of the judgment.

Contract limitations

905. Contracts mentioned in this article (commencing with Section 901) shall not be made in excess of the school moneys accruing to the district and usable for the purposes of the contracts during the school year for which the contracts are made. The district shall not be liable for contracts made in violation of this section.

District attorney's defense of suits

906. The district attorney of the county in which a school district is located shall, without fee or other charge, defend the district in any suit brought for injury to any pupil for any cause.

Disinterest of members in contracts

907. No member of the governing board of any school district shall be interested in any contract made by the board of which he is a member.

Permitted interest in contracts, etc.

908. Except as provided in Section 909, no contract or other transaction entered into by the governing board of any school district is either void or voidable under the provisions of Section 907, nor shall any member of such board be disqualified or deemed guilty of misconduct in office under said provisions, if the circumstances specified in the following subdivisions exist:

(a) The fact of such interest is disclosed or known to the governing board and noted in the minutes, and the governing board thereafter authorizes, approves, or ratifies the contract or transaction in good faith by a vote sufficient for the purpose without counting the vote or votes of such interested member or members, and

(b) The contract or transaction is just and reasonable as to the school district at the time it is authorized or approved.

Exceptions

909. The provisions of Section 908 shall not be applicable if the circumstances specified in any of the following subdivisions exist:

(a) The contract or transaction is between the school district and a member of the governing board of that district.

(b) The contract or transaction is between the school district and a partnership or unincorporated association of which any member of the governing board of that district is a partner or in which he is the owner or holder, directly or indirectly, of a proprietorship interest.

(c) The contract or transaction is between the school district and a corporation in which any member of the governing board of that district is the owner or holder, directly or indirectly, of five percent (5%) or more of the outstanding common stock.

(d) A board member is interested in a contract or transaction within the meaning of Section 907, and without first disclosing such interest to the governing board at a public meeting of the board, influences or attempts to influence another member or members of the board to enter into the contract or transaction.

Applicability

910 The question of the validity or invalidity of a contract or other transaction entered into by the governing board of any school district where a member of the governing board of that district is interested in such contract or transaction, as well as the question of disqualification or misconduct in office of such interested member, shall be exclusively governed by the provisions of the Education Code which are hereby declared to and shall supersede (1) any and all provisions of law contained in any code or law of this State, except those which specifically refer to members of the governing board of school districts and which might otherwise be applicable and (2) any and all provisions of law contained in any charter or ordinance of a city, county or city and county, which might otherwise be applicable.

Permitted interest in contracts

911. A board member shall not be deemed to be interested in a contract within the meaning of Section 907 of this code solely by reason of his membership in a nonprofit corporation formed under the Agricultural Code, or in a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products providing that the fact of such membership is disclosed or known to the governing board and noted in the minutes, and the governing board thereafter authorizes, approves, or ratifies the contract in good faith by a vote sufficient for the purpose without counting the vote of such member.

Compensation of board member re supplies, etc.

912. In a school district which during the preceding fiscal year had an average daily attendance of 70 or less, a member of the governing board may receive a reasonable compensation from the district for necessary work and labor performed by him for the district in repairing the schoolhouse, fences, and other property belonging to the district, or in furnishing wood or other necessary supplies. In all such cases the requisition drawn in his favor in payment of services or supplies shall be signed by the other members of the governing board and shall be subject to approval by the county superintendent of schools.

Void contracts

913. Any contract made in violation of Sections 907 or 912 is void.

Unlawful influence

914. The offering of any valuable thing to any member of the governing board of any school district, with the intent to influence his action in regard to the granting of any teacher's certificate, the appointment of any teacher, superintendent, or other officer or employee, the adoption of any textbook, or the making of any contract to which the board of which he is a member is a party, or the acceptance by any member of the governing board of any valuable thing, with corrupt intent, is a misdemeanor.

Corruption

915. Any contract or appointment obtained from the governing board of any school district by corrupt means is void.

Testimony

916. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who is charged with any offense described in Sections 914 or 915.

Tuberculosis examination

917. The governing board of each school district shall require each employee of the district, including but not limited to school teachers, to undergo an examination to determine that he is free from active tuberculosis, by a physician and surgeon licensed under Chapter 5 of Division 2 of the Business and Professions Code, at least once in each two years, or oftener if the governing board so determines by rule. This examination shall consist of an X-ray of the lungs, or an approved intradermal tuberculin test, which, if positive, shall be followed by an X-ray of the lungs. After such examination, each employee shall file with the board a certificate from the physician or surgeon who examined him showing that the employee was examined and found free from active tuberculosis.

The provisions of this section shall not apply to any person who files with the governing board an affidavit stating that he adheres to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion and that to the best of his knowledge and belief he is free from active tuberculosis. If at any time there should be probable cause to believe that such affiant is afflicted with active tuberculosis, he may be excluded from service until the governing board of the employing school district is satisfied that he is not so afflicted.

Article 2. Election and Appointment

931. As used in Sections 931 to 974, inclusive, Sections 1231 to 1285, inclusive: Definitions

(a) "Any school district" means school districts of every kind or class.

(b) "Joint school district" means a school district situated in more than one county.

(c) "Union school district" means a school district composed of two or more school districts situated in the same county.

(d) "Joint union school district" means a school district composed of two or more school districts situated wholly or in part in different counties.

(e) "Voter" means "registered voter."

Except as provided in any city charter or in Sections 1209, 1210, and 987, the provisions of Sections 931 to 974, inclusive, Sections 1231 to 1285, inclusive, other than Sections 1244 and 1245 shall not apply to any school district governed by a city board of education.

932. Any person, regardless of sex, who is 21 years of age or older, a citizen of the State, a resident of the school district, a registered voter, and who is not disqualified by the Constitution or laws of the State from holding a civil office, is eligible to be elected or appointed a member of a governing board of a school district. Eligibility

933. Any member of the governing board of any school district whose term has expired shall continue to discharge the duties of his office until his successor has qualified. The term of the successor shall begin upon the expiration of the term of his predecessor. Term

934. The provisions of Division 10 (commencing at Section 8500) of the Elections Code, relating to election contests shall apply to school board member elections. Applicability of Election Code

935. Within 15 days after the action necessary for the formation of any elementary or union school district is completed, the county superintendent of schools shall appoint an interim governing board. Interim governing board

Within 15 days after the action necessary for the formation of any joint or joint union school district is completed, the county superintendent of schools having jurisdiction over the district shall appoint a majority of the members of an interim governing board. If the new district is in two counties, the other county superintendent shall appoint the rest of the interim governing board members within such 15-day period. If the new district is in more than two counties, the other county superintendents shall appoint the rest of the interim governing board members within such 15-day period as may be agreed upon by them. If they cannot agree within such 15-day period, the county superintendent who appointed the majority of the interim governing board members shall appoint the rest of the members.

The term of each governing board member so appointed shall expire on the July 1st following the election of the first elected governing board of the district.

County superintendent's powers

936. If a majority of the members of the interim governing board of any school district is not appointed and qualified within such 15-day period, the county superintendent of schools having the power to appoint the interim governing board, or a majority thereof, shall assume the powers and duties belonging to the governing board until a majority of the governing board is selected and qualified.

Election date

937. When the action necessary for the formation of a new school district is completed prior to the first of February of any calendar year, a governing board member election shall be held on the third Tuesday in May of such year. When the action necessary for the formation of a new school district is completed after the first of February of any calendar year, a governing board member election shall be held on the third Tuesday in May of the following year.

Terms

938. The terms of the members elected at the initial election of governing board members in any new school district shall begin on July 1st next succeeding their election. If the governing board has three members, the member receiving the highest number of votes shall hold office for a term of three years, the member receiving the next highest number of votes shall hold office for a term of two years, and the third member shall hold office for a term of one year. If the governing board has five members, the two members receiving the highest number of votes shall hold office for a term of three years, the two members receiving the next highest number of votes shall hold office for a term of two years, and the fifth member shall hold office for a term of one year.

Annual elections

939. After the initial election of governing board members in any school district, a governing board member election shall be held annually on the third Tuesday of May to fill the offices of members whose terms expire on July 1st next succeeding the election. Each person elected shall hold office for a term of three years from July 1st next succeeding his election.

Consolidation of elections

940. Whenever school district governing board member elections for two or more school districts of any type are required by law to be held in the same district or area on the same day the elections shall be consolidated so that a person entitled to vote in both or all of such elections may do so at the same time and place and using the same ballot.

When a consolidated election is required by this section to be held, the basic unit for conducting the election shall be the elementary district and the county superintendent of schools having jurisdiction over the elementary district shall, at least 120 days prior to the election, notify in writing the governing boards concerned that a consolidated election is required to be held. He shall also perform those duties placed upon the county

superintendent of schools in Sections 942, 947, 948, 954, 955, 958, 962, 964, 966, and 971 of this code.

Tie vote

941. If a tie vote makes it impossible to determine either which of two or more candidates has been elected to the governing board or the term of office of a governing board member, the governing board shall forthwith notify the candidates who have received the tie votes to appear before it either personally or by a representative at a time and place designated by the governing board. The governing board shall at that time and place determine the tie by lot.

Notice publication

942. When a governing board member election is required to be held in any school district the county superintendent of schools having jurisdiction shall cause to be posted notices of the election in three public places in the district for 60 days and publish notices of the election in the district pursuant to Section 6063 of the Government Code. Notices shall not be posted more than 100 days before the election. The publishing shall begin no more than 100 days before the election and shall be completed at least 60 days before the election. If there is no newspaper of general circulation published in the district, notice need not be published.

When consolidated elections are required to be held in any district or area the county superintendent may consolidate the notice given in such district or area of such elections.

Same Registered voters

943. If the county superintendent of schools neglects or refuses to comply with Section 942, then at any time not later than 30 days before the third Friday of May, any three registered voters of the district may post election notices in three public places in the district. They shall also publish notices of the election in the district pursuant to Section 6066 of the Government Code. Publication shall be completed not less than 15 days before the election. If there is no newspaper of general circulation published in the district, notice need not be published. The cost of posting and publishing shall be a charge against the district.

Contents of notice

944. Any notice of any school governing board member election shall contain the following:

(a) The time, place, and purpose of the election.

(b) The number of governing board members to be elected.

(c) The location of the polls.

(d) The hours during which the polls will be kept open.

(e) The day and hour when the election returns will be canvassed by the county superintendent of schools which shall be within 24 hours after the deadline for the receipt of the absentee ballots.

(f) The place where the election returns will be canvassed.

(g) The deadline for the receipt of absentee ballots.

(h) The last day for filing declarations of candidacy with the county superintendent of schools.

(i) Where forms upon which to file declarations of candidacy may be obtained.

Information

945. Upon request by the county superintendent of schools having jurisdiction the governing board of any school district shall furnish him with any information necessary to enable him to comply with Sections 942 and 944.

Polling places

946. The governing board of the district shall designate polling places at one or more of the public school buildings in the district. The governing board may also designate additional polling places in the district.

When a consolidated election is required to be held in any district or area, the governing boards of the districts concerned shall agree upon the polling places.

If the governing board or boards concerned fail to designate the polling places within 100 days preceding the election, the county superintendent of schools having jurisdiction may designate them.

Precincts

947. The governing board of any school district may subdivide the district into precincts for the holding of elections, and may change and alter the precincts from time to time. The board shall number the precincts consecutively and each precinct shall for the purpose of any school district election be known by the number designated. If the governing board does not subdivide the district into precincts, the entire district shall constitute one precinct.

When a consolidated election is required to be held in any district or area, the governing boards of the districts concerned shall agree upon the precincts, if any, into which the district or area is to be divided and the numbers to be given them and shall inform the county superintendent of schools having jurisdiction of their decision.

If the governing board or boards concerned fail to designate the precincts within 100 days preceding the election, the county superintendent of schools having jurisdiction may subdivide the district or area into precincts and number them consecutively.

Election officers

948. The governing board shall appoint, as election officials, one inspector and two judges of election for each precinct. The governing board may appoint not more than two additional judges of election for any precinct. If some or all the election officials are not present at the time for opening the polls, the registered voters present may appoint substitutes for them. The substitutes, together with any inspector or judges appointed by the governing board who are present, shall proceed to conduct the election.

When a consolidated election is required to be held in any district or area the governing boards of the districts concerned shall agree upon the persons to be appointed as election officials for the precincts in the district or area and shall inform the county superintendent of schools having jurisdiction of their decision.

If any governing board fails to appoint some or all of the election officials, or if, in the case of a consolidated election the governing boards of the districts concerned fail to agree

upon the election officials, within five days preceding the election, the county superintendent of schools having jurisdiction shall appoint them.

Same Compensation

949. Any inspector and judge of election serving at any school district election may be paid out of the funds of the district as compensation for his services as an election official such sum as the governing board may determine, not to exceed the amount paid from the county treasury to officers of the last preceding general election. In districts in which the polls are not kept open for the same number of hours as at the last general election, the maximum compensation for election officers shall be the sum bearing the same relation to the amount paid to election officers of the last preceding general election as the number of hours the polls were open at the governing board member election bears to the number of hours the polls were open in the preceding general election.

Mailing of sample ballots

950. The governing board may mail to each registered voter within the district a sample ballot and a notice designating his polling place. The cost thereof may be paid out of the funds of the district. The sample ballot shall be printed on paper of a color different from that of the official ballot and shall be designated "Sample Ballot" upon the face thereof.

Poll hours

951. In any school district governing board member election, the polls shall be opened at the same hour and kept open at least until the same hour as were the polls at the last preceding general election, except that in elementary school districts having an average daily attendance during the preceding fiscal year of less than 500, the governing board may provide that the polls shall not be opened before 9 o'clock a.m. nor closed before 7 o'clock p.m. and shall be kept open for not less than six consecutive hours. If in the latter case the elementary school district election is consolidated with a high school district election or a junior college district election or the elementary school district is a precinct for the purpose of holding such an election, the polling hours determined by the governing board of the elementary school district shall also be the polling hours for the high school or junior college district.

If the governing board of any elementary school district having an average daily attendance during the preceding fiscal year of less than 500 fails to designate the polling hours within 100 days preceding the election, the county superintendent of schools having jurisdiction may designate them.

Voter qualifications

952. In any school district governing board member election, any resident of the district, who is a voter of the county and who is registered in a general election precinct wholly or partially within the school district at least 54 days before the election, may vote at the election.

Voting place

953. A voter shall cast his ballot only in the school district precinct in which his place of residence is located.

Index of registration

954. The county superintendent of schools of each county, at the time that notice of any governing board member election is given, shall in writing officially request the county clerk or registrar of voters of each county or city and county within which the school district is wholly or partially situated to furnish the governing board of the district with as many copies as may be requested by the governing board, not exceeding four, of the index of the registration book, as of the fifty-fourth day preceding the election, for each precinct in the county or city and county contained in whole or in part in the school district.

Upon receipt of the request, at least 40 days before the election, the county clerk or registrar of voters shall forward to the clerk or secretary of the governing board the number of copies of the index requested. Copies of the index shall be supplied from any available copies in the custody of the county clerk or registrar of voters. If no copies are available, copies of the index of the registration book or any supplements thereto, shall be prepared by the county clerk or registrar of voters. The actual expense of the preparation of the index shall be a charge against the school district requiring the index. If a consolidated election is to be held copies need be furnished to the governing board of only one of the districts concerned, which board shall be designated by the county superintendent of schools.

Declaration of candidacy

955. In any school district governing board member election the name of any registered voter shall be placed on the official ballot if such person files with the county superintendent of schools having jurisdiction not less than 30 days prior to the election a declaration of candidacy substantially as follows:

"I, _____, do hereby declare myself as a candidate for election to the governing board of _____ district, of the county of _____; I am a registered voter; if elected I will qualify and serve to the best of my ability; and I request my name be placed on the official ballots of the district, for the election to be held May _____, 19___.

_____

Residence address: _____."

In an election held under Section 1231 to elect additional governing board members all candidates for member of the governing board shall also indicate on their declaration of candidacy whether they are candidates for the existing office or for the new offices.

In a recall election all candidates for member of the governing board shall also state on their declaration of candidacy that they are candidates in the recall election to succeed the incumbent (naming him) if he is recalled.

Nomination by sponsors

956. In lieu of the method prescribed in Section 955, the name of any registered voter in the district shall be placed on the official ballot if proposed by written declaration with his consent. The declaration shall:

(a) Be signed by not less than three nor more than 10 persons each of whom is a registered voter and is a parent of a pupil attending a school of the district.

(b) State the place of residence and the occupation of the signers.

(c) Contain an acceptance of nomination signed by the candidate.

(d) Be filed with the county superintendent of schools having jurisdiction not less than 30 days prior to the election.

(e) In an election held under Section 1231 to elect additional governing board members, contain a statement whether the proposed candidate is a candidate for the existing office or for the new offices.

(f) In a recall election, contain a statement that the proposed candidate is a candidate in the recall election to succeed the incumbent (naming him) if he is recalled.

Same: Form

957. The declaration of parents proposing a candidate for election to the governing board shall be in substantially the following form, subject to the provisions of Section 956:

DECLARATION OF CANDIDACY BY SPONSORS

"I, the undersigned, am a registered voter and a parent of a pupil attending a school of the _____ School District. I hereby propose and sponsor _____, who resides at _____ (giving street address and name of city or town of residence, if any), _____ School District, County of _____, State of California, and who is a registered voter in the district, as a candidate for election to the governing board of the _____ School District, to be voted for at the election to be held on the _____ day of May, 19___, and I hereby assert as follows:

My knowledge of _____ is sufficient to warrant my urging his election to the governing board, and in my opinion he is mentally, morally, and physically fit for the office and should be elected to fill it.

My residence and occupation are correctly set forth after my signature hereto.

NAME	RESIDENCE	OCCUPATION
_____	_____	_____
_____	_____	_____
_____	_____	_____

I hereby accept the nomination as above proposed. If elected I will qualify and serve to the best of my ability.

_____
Signature of proposed candidate"

Uniform ballot

958. The county superintendent of schools having jurisdiction shall furnish a uniform ballot for elementary school district governing board member elections and no other form of ballot shall be used, except as provided in this section.

When a consolidated election is held in any district or area the county superintendent of schools shall furnish a uniform ballot to be used within that district or area. The ballot shall contain the names of all of the candidates for all of the governing board positions for which the voters in the district or area are entitled to vote at the consolidated election. No other form of ballot shall be used.

Cost of consolidated elections

959. The cost of conducting any consolidated election shall be paid by the county superintendent of schools and prorated among the school districts concerned.

Form of uniform ballot

960. The form of the ballot shall be as follows:

"Official ballot provided by the superintendent of schools to be used in the governing board member election on May _____, 19 ___, in _____ district or districts in the County of _____."

The name of the county and school district or districts and the date of the election shall be printed or typewritten in as part of the official ballot.

Following the above there shall be listed the names of the candidates.

When a consolidated election is required to be held there shall be as many separate lists of candidates as there are school districts for which governing board members are to be elected. Each list of candidates shall be headed by the name of the school district for which the persons listed are governing board member candidates. The name of each school district shall be printed in heavy-faced gothic type, or in capital letters, and shall be separated from the list of candidates beneath it by a line. The names of the school districts with the list of candidates for governing board member of each district following each name shall be arranged in the following order, as the case may require:

(a) First, elementary school district; second, high school district; third, junior college district, if there be one; or

(b) First, unified district; second, junior college district; or

(c) First, high school district; second, junior college district.

The names of the candidates for the office of governing board member of one district shall not be separated from each other on the ballot by the names of candidates for governing board member of another district, and the list of candidates for each district shall be separated from the other lists by two double rules, one below the list of candidates and one above the name of the district which precedes the list. Within each series or list the order of candidates' names shall be alphabetical, except the names of the incumbents, so designated, shall appear first in alphabetical order on the ballot. The name of each candidate shall be printed or typewritten on the ballot with a blank square after each name in which the voter may place his cross (+). Following each list of candidates, the ballot shall provide at least as many blank lines, with

blank squares following, as there are members to be elected in the particular school district concerned.

Candidates for office in each school district shall be listed on the ballot as follows, whether on a separate ballot for the district or on the list for the district on a consolidated ballot:

(a) The candidates shall be placed on a single list on the ballot regardless of how many members are to be elected;

(b) In an election held under Section 1231 to elect additional governing board members, the candidates for the new offices shall be listed separately from the candidates for the existing office and shall be voted for separately;

(c) When an election to recall a governing board member is held on the third Friday in May, the candidates for the office to succeed the incumbent if he is recalled shall be listed separately from the candidates to succeed governing board members whose recall is not sought.

Election

961. When one member of the governing board is to be elected, the candidate receiving the highest number of votes shall be elected. When two or more members are to be elected, the two or more candidates receiving the highest number of votes shall be elected. Each voter may vote for as many candidates as there are members to be elected. The ballot shall contain instructions stating the maximum number of candidates for whom each voter may vote.

Roster and tally list

962. The county superintendent of schools having jurisdiction shall furnish for any school district governing board member election, in addition to the official ballots, an official roster of voters and tally lists. The heading of the roster of voters shall read: "Official roster of voters of _____ precinct of _____ school district (or districts, giving the names of all districts for which elections are being held) for the school election held on the _____ day of May, 19___." Under this heading shall be arranged two columns. The first column shall have printed as its heading: "Write your name as it appears on the great register." The second column shall have printed as its heading: "Write your residence, street and number." Any person offering to vote at the school election shall write his name in the first column of the roster of voters, and his residence in the second column.

Tally list form

963. The tally list shall have printed as its heading: "An official tally list precinct of _____ of _____ school district (or districts, giving names of all districts for which elections are being held) for the school election held on _____ day of May, 19___." It shall be arranged in lines so as to give room for at least five candidates for each governing board position for each district participating in the election in that precinct. The name of the district shall be clearly indicated above the candidates for governing board of that district. It shall be vertically ruled, providing for counting the votes under a tally system. The final column shall have as its heading: "Total votes cast for each candidate." At the bottom of

the page shall be provided a space for the signatures of the election officers and over these signatures shall be printed the words: "We hereby certify that this is a correct report of the election held in precinct of _____ of _____ school district (or districts, giving names of all districts for which elections are being held) on _____ of May, 19___."

Envelope for returns

964. The county superintendent of schools having jurisdiction shall furnish, in addition to the ballots and roster of voters and tally list, an envelope on which shall be printed his name and address, and in the lower left-hand corner the words: "Returns of election held in _____ precinct of _____ school district (or districts, giving names of all districts for which elections are being held), _____ county, on May ___, 19___."

Voting method

965. In casting his vote the voter shall stamp or write a cross (+) in the square space immediately following the name of the candidate or candidates of his choice. If the voter desires to vote for a person whose name does not appear on the ballot, he shall himself write the name of the person in the space provided for that purpose on the ballot. When the voter writes the name of a person on the ballot he may, but need not, place a cross (+) after the name. After properly marking his ballot the voter shall hand it to the inspector who shall, in the presence of the voter, deposit the ballot in the ballot box.

Voting area

966. The county superintendent of schools having jurisdiction shall provide a private booth or room in which the voter may prepare his ballot.

Electioneering

967. No electioneering shall be carried on within any building in which the polls are located or within 100 feet of any entrance to the building.

Election procedure

968. Any voter desiring to vote at the election shall write his name and address, or if he is unable to write, shall have his name and address written for him, on a roster of voters provided for that purpose. He shall announce his name and address to one of the election officers, who shall in an audible tone of voice repeat the name and address. If another election officer finds the name on the printed index, and it has not been canceled, he shall in like manner repeat the name and address and deliver to the voter a ballot which he shall be allowed to vote.

The election clerk having in charge the copy of the index to the register or affidavits of registration shall, in like manner, repeat the name and shall write in the ruled space opposite the name, in figures, the line number designating the position of the name of the voter on the roster.

Right to challenge voter

969. Any person offering to vote may be challenged by any person entitled to vote in the election. The judges of the election shall thereupon administer to the person challenged an oath, in substance as follows: "You do swear (or affirm) that you are a citizen of the United States, that you are 21 years of age, that you have resided in this State one year, in this county 90 days, and in this school district 54 days preced-

ing this election, that you reside in this school district precinct, and that your name is on the great register of this county, and was on the great register of a general election precinct wholly or partially within this school district at least 54 days before this election, and that you have not before voted this day." If he takes the oath prescribed in this section, his vote shall be received, otherwise his vote shall be rejected.

Canvass votes

970. In any school district governing board member election, the election officials shall publicly canvass the votes immediately after closing the polls, fill out the tally sheet, certify to the correctness of the canvass made, and post conspicuously on the outside of the polling place a copy of the result of the votes cast at the polling place.

Canvass returns

971. The election officials shall fill in the blanks on the envelopes provided by the county superintendent of schools and shall enclose and seal in the envelopes the roster of voters and tally list and ballots cast at the election. The inspector of the election shall take possession of the returns. He shall either deliver them in person or mail them to the county superintendent of schools having jurisdiction who shall sign a receipt for the returns. At the time and place fixed in the notice of the election the county superintendent shall publicly canvass the returns. Upon completion of the canvass he shall certify to the governing board of each school district the names of those elected to the governing board of the district and shall issue certificates of election to the person or persons elected. Duplicates of all certificates shall be retained by the county superintendent of schools.

Joint or joint union high school election

972. In the case of the election of members of the governing board of a joint or joint union high school district the county superintendent under whom the consolidated election was conducted shall certify to the county superintendent having jurisdiction over the high school district the results of the canvass of returns for the high school governing board election in those elementary districts belonging to the joint or joint union high school district in which he conducted the election.

Tie vote

973. In the event of a tie vote the county superintendent shall so certify to the governing board and the board shall thereupon determine the tie in accordance with Section 941 of this code. The county superintendent shall thereupon issue certificates of election to the person or persons elected. The county superintendent shall keep the returns on file for one year.

Suspended district

974. Governing board members shall be elected or appointed in a suspended district at the same time and in the same manner as if it were not suspended.

Article 3. Powers and Duties

City board's powers and duties

981. The powers and duties of boards of education in cities are as prescribed in the laws governing the respective cities, except as otherwise provided by this code.

Rent or lease realty

982. The governing board of any school district may rent suitable quarters for administrative offices for a period of not to exceed 22 years.

The governing board of any school district may lease buildings and other facilities such as warehouses, athletic facilities, outdoor assembly facilities, auditoriums, quarters for adult education, and communication facilities for a period of not to exceed three years At the expiration of such lease, the governing board may continue to renew the lease for a period not to exceed three years and may continue to renew for periods not to exceed three years as long as the buildings and other facilities are needed.

Travel expenses

983. The governing board of each school district shall provide for the payment of the traveling expenses of any representatives of the board when performing services directed by the board.

Powers and duties

984. The governing board of any school district shall:

(a) Prescribe and enforce rules not inconsistent with law or with the rules prescribed by the State Board of Education, for its own government, and for the government of the schools under its jurisdiction.

(b) Transact its business at regular or special meetings called for the purpose.

(c) Fix the time for its regular meetings. Such action shall be proper notice to all members of the board of the regular meetings.

(d) Call special meetings by written notice which shall be given to each member of the board at least 24 hours prior to the time for the meeting, unless at the time of the meeting each member of the board waives written notice.

(e) Make an annual report, on or before the first day of July, to the superintendent of schools in the manner and form and on the blanks prescribed by the Superintendent of Public Instruction.

(f) Visit each school in its district at least once in each term, and examine carefully into the management, conditions, and needs of the schools. In any school district which employs district or city superintendents of schools, it shall either visit the schools or provide that they shall be visited by the district or city superintendent of schools or his assistants.

(g) Have the power to execute and deliver quitclaim deeds, either with or without consideration to the owners of real property adjacent to any real property owned by the school district, for the purpose of removing defects in and otherwise clearing up the title to such adjacent real property.

Open meeting

985. No action authorized or required by law shall be taken by the governing board of a school district except in a meeting open to the public.

Executive sessions

986. Notwithstanding the provisions of Section 985 of this code and Section 54950 of the Government Code, the governing body of a school district may hold executive sessions to consider the expulsion, suspension, or disciplinary action in

connection with any pupil of the school district, if a public hearing upon such question would lead to the giving out of information concerning school pupils which would be in violation of Section 10751 of the Education Code.

Before calling such executive session of the governing board of the district to consider these matters, the governing board of the district shall, in writing, by registered or certified mail or by personal service, if the pupil is a minor, notify the pupil and his parent or guardian, or the pupil if the pupil is an adult, of the intent of the governing board of the district to call and hold such executive session. Unless the pupil, or his parent, or guardian shall, in writing, within 48 hours after receipt of such written notice of intention, request that the hearing of the governing board be held as a public meeting, then the hearing to consider such matters may be conducted by the governing board in executive session. If such written request is served upon the clerk or secretary of the governing board, the meeting shall be public. Whether the matter is considered at an executive session or at a public meeting, the final action of the governing board of the school district shall be taken at a public meeting and the result of such action shall be a public record of the school district.

Elementary districts granted powers of city boards

987. The governing board of any elementary school district having an average daily attendance of 1,000 or more pupils and an assessed valuation of twenty million dollars ($20,000,000) or more may, and upon petition signed by 25 percent of the heads of families resident in the district, shall call an election to determine whether or not, it shall have the rights, powers, and duties of a city board of education and whether or not the district shall for all purposes be deemed to be a district governed by a city board of education.

Notice and proceedings of the election shall be in accordance with the provisions of this code relating to the election for school trustees, so far as applicable. There shall be elected at the election, to take office if the change in the rights, powers, and duties of the board is approved by majority vote of the qualified electors in the district, two additional members to the board, one to hold office until the first of July next succeeding the election and one to hold office until one year after the first of July next succeeding the election and until the election and qualification of their respective successors who shall hold office for three years. Thereafter, if the change in the rights, powers, and duties of the board is approved, the number of school trustees for the elementary school district shall be five, and they shall be elected in the same manner and for the same term as provided by law for trustees of elementary school districts, except that two trustees may be elected at the same time when the terms of their predecessors terminate in the same year. If the change is approved by a majority vote of the qualified electors of the district, the board shall have the rights, powers, and duties of a city board of education, and the district shall for all purposes be deemed to be a district governed by a city board of education.

If the office of any member of the board becomes vacant prior to the expiration of his term, the vacancy shall be filled by a person appointed by a majority of the remaining members of the board. The person appointed shall serve for the remainder of the unexpired term, except that where the term of office of members of the governing board is three years or more, such appointments shall be for the period ensuing from the date of the appointment until the date for the beginning of the term of office of newly elected members after the next election for members of the board or, if no such election is held within one year after the appointment, such appointments shall be for the period ensuing from the date of the appointment until the date of certification of newly elected members after the next school district election or city general election whichever comes first. Elections to fill such vacancies shall be for the balance of the unexpired term.

Gifts, etc

988. The governing board of any school district may accept on behalf of, and in the name of, the district such gifts, donations, bequests, and devises as are made to the district or to or for the benefit of any school or college administered by the district. Such gifts, donations, bequests and devises may be made subject to such conditions or restrictions as the governing board may prescribe.

Same

989. The governing board of any district maintaining a junior college may accept on behalf of, and in the name of, the district such gifts, donations, bequests, and devises as are made to the district for junior college purposes or to or for the benefit of any junior college administered by the district. Such gifts, donations, bequests, and devises may be made subject to such conditions or restrictions as the governing board may prescribe. In no event shall the approval of any state agency be a prerequisite to acceptance of such a gift, donation, bequest, or devise. No real or personal property, including money, accepted by a governing board pursuant to this section shall be considered in determining the eligibility of the district for an apportionment from the State School Fund nor in determining the amount thereof.

Lighting in underpass

990. The governing board of any school district may install and maintain a lighting system in any underpass in the vicinity of a schoolhouse.

Educational exhibits

991. The governing board of any school district may install and maintain exhibits of educational programs and activities of the schools of the district at any county fair held in the county in which the district is located in whole or in part, or at any agricultural district fair held in the county in which the agricultural district is located in whole or in part.

All necessary costs including transportation costs, incurred in connection with the installing, maintaining, and returning of the exhibits to the district may be paid out of any funds of the district not required to be used for other purposes.

992. The governing board of any city school district may inform and make known to the citizens of the district, the educational programs and activities of the schools therein. Publicity re educational programs

Nothing in this section shall authorize the preparation or dissemination of information for the purpose of influencing the electors in the district in voting at any school district election or in voting upon any proposition affecting the public schools of the district.

993. Each member of the governing board of a school district may be allowed for travel necessary to attend annual, regular monthly, and special meetings of the governing board, the rate of mileage determined by the governing board but not to exceed ten cents ($0.10) a mile. Mileage shall not be allowed to any member to attend any meeting except for travel required in excess of 10 miles. Orders for travel allowances shall be drawn upon the funds of the district and signed by a majority of the governing board exclusive of the payee. Mileage allowance

994. The governing board of each school district may select a member or members of the board to attend meetings of any society, association, or organization for which the school district has subscribed for membership, or any convention to which it may pay the expenses of any employee. The actual expenses of the member or members shall be allowed and paid out of the funds of the district. Attendance at conventions

995. The governing boards of two or more school districts whose boundaries are contiguous or coterminous may enter into an agreement upon such terms and conditions as may be agreeable to the respective governing boards, and subject to the approval of the county superintendent of schools, for the joint use and maintenance of school buildings and other school facilities. Joint use of facilities

996. The governing board of any school district may make a charge for furnishing transcripts of former pupils' records in excess of two copies, and for more than two verifications of various records of former pupils. Such a charge shall be fifty cents ($0.50) or an amount not to exceed the cost of rendering the service, whichever is the lesser. Transcripts Charge

997. Governing boards may employ a person not a member of the board to act as secretary and bookkeeper for the board. Secretary and bookkeeper

998. Anything in a city, county, or city and county charter to the contrary notwithstanding, when the average daily attendance of any school district, or of two or more school districts governed by governing boards of identical personnel, is 40,000 or more, the governing board or boards of the district, or districts, may appoint an administrative adviser and fix and order paid his compensation. The duties of the administrative adviser are to render administrative advice to the superintendent of schools and to other officers and employees of the school district, or districts, such other administrative duties as may be assigned by the superintendent of schools and the governing board, or boards, of the district, and to assist the legal counsel of the district, or districts, in the Administrative adviser

preparation and conduct of school district litigation. The employee shall have been admitted to practice law in the State, and shall not be required to have any certification qualifications. The employee shall be employed under the same conditions for employment as set forth in Sections 13303, 13304, and 13306.

Director of school building planning

999. The governing board of any school district having an average daily attendance of 10,000 or more may appoint a director of school building planning, who shall be a person qualified by training, experience and demonstrated ability to manage the building, construction and contracting business of the district. The director shall be responsible for the coordination of the building program of the district and shall advise the superintendent of schools and other employees of the district with respect to the negotiation and performance of school building construction contracts let by the governing board of the school district.

Employment of principals

1000. The governing boards of each school district shall employ a principal for each school under their control.

Supervising principals

1001. Whenever in their judgment it is deemed advisable, the board of trustees for any union or joint union school district may unite with the trustees of any other school district, single, union, or joint, in the employment of a supervising principal, who shall devote such time to the supervision of instruction in the several school districts as may be agreed upon by the several boards of trustees.

Duties of employees

1002. The governing board of each school district shall fix and prescribe the duties to be performed by all persons in public school service in the school district.

Equal rights and privileges

1003. The governing board of any school district shall maintain all of the elementary day schools established by it, and all of the day high schools established by it with equal rights and privileges as far as possible.

Maintenance of schools outside district

1004. The governing board of any school district, may establish and maintain outside of the boundaries of the district, for persons in the service of the United States or of the State assigned to, or serving at any camp, post, or other place under the jurisdiction of the United States or of the State, or for persons employed or living on any such camp, post, or other place, or for persons evacuated from the district by order of any military officer of the United States or of the State to meet an emergency created by war, or of any civil officer of the United States, the State, or any county, city and county, or city authorized to order such evacuation to meet an emergency created by war, and for the children or wards of such persons any schools or classes which the board may lawfully establish and maintain within the boundaries of the district.

The governing board of the district shall not maintain any school or class for other than persons and their children or wards evacuated from the district, under the provisions of this section in any other school district without the consent of the governing board of the other district.

1005. Whenever a school building or buildings of a school district are or have been destroyed, or made unusable through any cause for the maintenance of school, and the Superintendent of Public Instruction is satisfied no suitable quarters for the school can be or could have been obtained within the district, he may authorize the governing board of the district to maintain a school elsewhere than within the district or to contract for the education of the pupils of such district with the governing board of another district. Same

The maintenance of a school by a district outside the boundaries of the district as provided in Section 815, Sections 1003 to 1006, inclusive, and Section 5001 shall be deemed for all purposes to be or have been the maintenance of a school within the boundaries of the district.

The making of a contract by the governing board of a district as provided in Section 815, Sections 1003 to 1006, inclusive, and Section 5001 shall be deemed to be or have been maintenance of a school within the boundaries of the district except that the attendance of the pupils under such contract shall be reported by, and allowances because of the attendance of pupils under such a contract shall be made, to the district of attendance. For the purposes of Sections 1871 to 1885, inclusive, of this code, the average daily attendance of the district in which such pupils reside who are educated under such contract shall be the average daily attendance of the pupils educated under such contract.

1006. Whenever the governing board of a school district is unable to maintain the school or schools in the district because of its inability to secure a teacher, or teachers, the board may, with the approval of the county superintendent of schools having jurisdiction and the Superintendent of Public Instruction, maintain the school, or schools, of the district elsewhere than within the district or contract for the education of the pupils of such school, or schools, with the governing board of another district. Same Inability to secure teachers

The maintenance of a school by a district outside the boundaries of the district as provided in Section 815, Sections 1003 to 1006, inclusive, and Section 5001 shall be deemed for all purposes to be or have been the maintenance of a school within the boundaries of the district.

The making of a contract by the governing board of a district as provided in Section 815, Sections 1003 to 1006, inclusive, and Section 5001 shall be deemed to be or have been the maintenance of a school within the boundaries of the district except that the attendance of the pupils under such contract shall be reported by, and allowances because of attendance of pupils under such a contract shall be made, to the district of attendance. For the purposes of Sections 1871 to 1885, inclusive, of this code, the average daily attendance of the district in which such pupils reside who are educated under such contract shall be the average daily attendance of the pupils educated under such contract.

Bonds re education of Indian children

1007. Whenever by the provisions of any agreement entered into between the State or any officer or agency thereof and the Government of the United States or any officer or agency thereof under the authority of any law for the education and welfare of Indian children, a school district or the governing board of a school district is required to execute a bond in favor of the Government of the United States, or any officer or agency thereof, the bond may be executed by the governing board of the district and the cost shall be a proper charge against the funds of the district.

School in federal facilities

1008. Notwithstanding any other provision of this code to the contrary, whenever under the provisions of Section 310 of the act of Congress entitled, "An act relating to the construction of school facilities in areas affected by federal activities, and for other purposes" (Public Law 815—Eighty-first Congress), or under any similar provisions of any other act of Congress, school facilities are constructed by any agency of the Federal Government on federal property for the education of children residing on property owned by the Federal Government, the governing board of the school district in which such facilities are located or the governing board of any adjacent school district, with the approval of the Superintendent of Public Instruction, may make arrangements with the agency of the Federal Government to maintain school in such facilities. The children residing on such federal property and attending such school shall be deemed to be residents of the district maintaining such school.

Lease from Federal Government

1009. The governing board of any school district may lease property from the Federal Government for the purpose of constructing school buildings and facilities thereon for a term not to exceed 99 years. Subject to the approval of the Superintendent of Public Instruction, such lease shall be on such terms and conditions as may be agreed upon between the governing board of the school district and the agency of the Federal Government executing such lease.

Article 4. Instructions From Electors

Meetings of electors

1021. Boards of trustees in school districts, except districts having city boards of education, may, and upon a petition signed by a majority of the electors resident in the district, shall call meetings of the qualified electors of the district for determining or changing the location of the schoolhouse, or for consultation in regard to any litigation in which the district is engaged, or is likely to become engaged, or in regard to any affairs in the district.

Notice

1022. The meeting shall be called by posting three notices in public places, one of which shall be in a conspicuous place on the schoolhouse, for not less than 10 days prior to the time for which the meeting is called. The notices shall specify the purposes for which the meeting is called, and no other business shall be transacted at the meeting.

1023. Any district meeting shall be organized by choosing a chairman from the electors present. The district clerk shall be clerk of the meeting, and shall enter the minutes on the records of the district. Organization of meeting

1024. Any district meeting may be adjourned from time to time as found necessary. Power to adjourn

1025. All votes instructing the board of trustees shall be taken by ballot, or by "ayes" and "noes" vote as the meeting may determine. Method of voting

1026. The board of trustees shall, in all cases, be bound by the instruction of the district meeting in regard to the subjects mentioned in Sections 1021 to 1027, inclusive. Effect

1027. A meeting called under the provisions of Sections 1021 to 1027, inclusive, shall be competent to instruct the board of trustees upon the following subjects: Powers

(a) The location or change of location of the schoolhouse. The vote in favor of changing the location of the schoolhouse shall be two-thirds of all the electors voting at the meeting upon the proposition.

(b) The use of the schoolhouse for other than school purposes. In no case shall the schoolhouse be used for purposes which necessitate the removal of any school desks or other school furniture.

(c) The sale and purchase of school sites.

(d) The prosecution, settlement, or compromise of any litigation in which the district is engaged, or is likely to become engaged.

The meeting may vote money not exceeding one hundred dollars ($100) in any one year, for any of these purposes in addition to any amount which may be raised by the sale of district school property, and the insurance of property destroyed by fire, except that the proceeds of the insurance of the library and apparatus shall be paid into the library fund. All funds raised by the sale of school property may be disposed of by direction of a district meeting.

Article 5. Liability and Insurance

1041. No member of the governing board of any school district shall be held personally liable for accidents to children going to or returning from school, or on the playgrounds, or in connection with school work. Nonliability of member For accidents

1042. No member of the governing board of any school district shall be held personally liable for the death of, or injury to, any pupil enrolled in any school of the district, resulting from his participation in any classroom or other activity to which he has been lawfully assigned as a pupil in the school unless negligence on the part of the member of the governing board is the proximate cause of the injury or death. Same For injury incurred in school work

1043. If suit is brought against any member of the governing board of any school district as an individual, for any act, or omission, in the line of his official duty as member of Duty of district attorney to defend member

the board, or if suit is brought against any employee of any school district for any act performed in the course of his employment, the district attorney of the county shall defend the member of the board or the individual employee upon request of the governing board of the school district, without fee or other charge.

Liability insurance

1044. The governing board of any school district shall insure against the liability (other than a liability which may be insured against under the provisions of Divisions 4 and 5 of the Labor Code) of the district and against the personal liability of the members of the board and of the officers and employees of the district, for damages to property or damage by reason of the death of, or bodily injury to, any person or persons, as the result of any negligent act by the district, or by a member of the board, or any officer or employee when acting within the scope of his office or employment. The insurance may be written in any insurance company authorized to transact the business of insurance in the State.

Fund in lieu of insurance

1045. In districts situated within or partly within cities having a population of more than 500,000 any board of education may provide, from its own funds, for the purpose of covering the liability of the district, its officers, agents, and employees, in lieu of carrying insurance in insurance companies as provided in Section 1044. Nothing contained herein shall be construed as prohibiting the board of education of the district from providing protection against such liability partly by means of its own funds and partly by means of insurance written by insurance companies as provided in Section 1044.

Article 6. Clerks of the Board

Annual meeting, election of clerk

1061. The board of school trustees shall meet annually on the first day of July and elect one of its members clerk of the district.

Election of president

1062. If the district is governed by a board of trustees consisting of five members, one of the members shall be elected president at the annual meeting of the board.

Appointment of clerk

1063. If a clerk is not elected on the date prescribed, the superintendent of schools of the county shall appoint one of the members of the board of school trustees district clerk.

Same Vacancy

1064. If a vacancy occurs in the postion of district clerk, the superintendent of schools shall appoint one of the members of the board of school trustees to the position.

Dismissal

1065. If the clerk of the district refuses to keep the minutes, or draw warrants, or perform other duties ordered by the board, the board at a regular meeting may dismiss him and appoint another member clerk. It shall immediately notify the superintendent of schools of the county of its action.

Compensation

1066. In any school district organized under the provisions of Sections 1721 to 1727, inclusive, and which is also a high school district, and which districts are governed by a board of

school trustees, and which districts have an average daily attendance in the elementary school district of at least 800, as shown by the last report of the principal of schools in the elementary school district, on file in the office of the county superintendent of schools, the trustees of the school district may appoint a clerk, who shall not be one of their own number, to act for the elementary district trustees and the high school district trustees to hold office at the pleasure of the board of trustees. The board may fix the salary of the clerk at a sum not exceeding twenty-five dollars ($25) per month for the two districts, which shall be paid in the same manner and from the same funds as other incidental expenses of the districts are paid.

Duties

1067. The clerk shall call meetings of the board at the request of two members, act as clerk of the board, and keep a record of its proceedings and an accurate account of the receipts and expenditures of school moneys.

Public records

1068. The clerk shall keep his records, minutes of board meetings, and accounts open to public inspection.

School libraries

1069. The clerk shall place in the library of the school all pamphlets, books, or supplies received by purchase or otherwise for the school district.

Other duties

1070. The clerk shall perform such duties other than those enumerated in Sections 1061 to 1070, inclusive, as are prescribed by the board.

Article 7. Performance of Services

Service agreements
County superintendents

1091. Notwithstanding any other provision of this code, the governing board of any school district and the county superintendent of schools having jurisdiction over the district may, with approval of the county board of education, enter into an agreement for service which by law the county superintendent of schools is authorized to render to be rendered by one for the other. The agreement shall provide for the payment of an amount not less than the cost of providing such service. The county superintendent of schools shall transfer from the funds of the district to the county schools service fund or from the county schools service fund to the funds of the district the amount set forth in the agreement.

Same
Between districts

1092. One school district may perform school services for another school district, and receive pay from the other school district for the performance of the school service, whenever a contract approved by the county superintendent of schools covering the performance of and the payment for school service has been entered into by and between the governing boards of the school districts concerned. Nothing contained in this section shall be construed to authorize the establishment of separate schools for pupils for any reason other than those set forth in this code.

Same
Mental health services

1093. The governing board of any school district may enter into a contract with a mental health clinic or child guidance clinic for the furnishing to the district by the clinic of

mental health services for the pupils of the district. The terms and conditions governing the providing of such services shall be set forth in the contract. No payment shall be made by the district for services performed by persons who do not possess a credential issued by the State Board of Education covering such service. When the conditions of the contract have been fulfilled, the cost of services rendered pursuant to such contract may be paid from the funds of the district. The governing board of any city, county, or district which maintains a public mental clinic or child guidance clinic is authorized to enter such an agreement.

Same: School districts

1094. The governing board of any school district or the county superintendent of schools of any county may enter into agreements to render to a state college, to the University of California, or to any state institution any service which such governing board or county superintendent of schools is authorized to provide to school districts. Any such agreement must provide for the payment for services rendered of an amount not less than the cost of rendering such service. The Director of Education, the Regents of the University of California, and the Director of Finance are hereby authorized to enter into such agreements as to any state college, the University of California, and any state institution, respectively.

All funds received by a county superintendent of schools under this section shall be paid by him into the county treasury to the county school service fund and all funds received by the governing board of a school district under this section shall be paid by it into the county treasury to the credit of the general fund of the district.

Practice teaching

1095. The governing board of any school district may enter into agreements with a state college, the University of California, or any other university or college accredited by the State Board of Education as a teacher education institution, to provide teaching experience through practice teaching and to provide for supervised field experience in the public schools in such areas as may be called for in the requirements of the various authorized credentials for public school service to students enrolled in teacher education curricula of such institutions. Any such agreement may provide for the payment for the services rendered by the school district of an amount not to exceed the actual cost to the school district of the services rendered or such agreement may provide for the rendering of services to the school district of a value not to exceed the actual cost to the school district of the services rendered by the district. The Director of Education and the Regents of the University of California are hereby authorized to enter into such agreements with the governing board of any school district as to any state college, and the University of California, respectively.

All funds received by the governing board of a school district under this section shall be paid by it into the county treasury to the credit of the general fund of the district.

Article 8. Destruction of Records

Destroyed records: Affidavits accepted

1111. Whenever in any school year the school register of any teacher, or other records of any elementary or high school district are destroyed by conflagration or public calamity, preventing the teacher and school officers from making their annual reports in the usual manner and with accuracy, affidavits of the teacher, the school principals, or other officers of the school district, certifying as to the contents of the destroyed register or other records, shall be accepted by all school authorities for all school purposes appertaining to the school district, except that of average daily attendance.

Acceptance of regular annual reports

1112. Whenever the average daily attendance of any elementary or high school district has been materially affected in any school year by conflagration, public calamity, or epidemic of unusual duration and prevalence, the regular annual reports of the teacher, the school principal, or officers of the school district, shall be accepted by all school officers for all school matters appertaining to the school district, except that of average daily attendance.

Regulations for destruction

1113. Whenever the destruction of records of a district is not otherwise authorized or provided for by law, the governing board of the district may destroy such records of the district in accordance with regulations of the Superintendent of Public Instruction which he is herewith authorized to adopt.

Microfilm

1114. The governing board of any school district may make microfilm or photographic copies of any records of the district. The original of any records of which a photographic or micofilm copy has been made may be destroyed when provision is made for permanently maintaining such photographic or microfilm copies in the files of the district, except that no original record that is basic to any required audit shall be destroyed prior to the second July 1st succeeding the completion of the audit.

Article 9. Membership of Boards and Schools in Educational Organizations

Memberships

1131. The governing board of any school district, the governing board of any junior college district may subscribe for membership for any school under its jurisdiction, and the county superintendent of schools with the approval of the county board of education may subscribe for membership in any society, association, or organization which has for its primary purpose the promotion and advancement of public or private education. The State Board of Education shall approve a list of societies, associations, and organizations in which membership may be taken. No payment shall be made out of school funds for membership in any society, association, or organization whose name does not appear in the list approved by the State Board of Education. The total amount paid on account of all such memberships for any school or

for any county superintendent of schools shall not exceed the amount of the actual dues of the society, association, or organization during any school year.

Governing boards

1132. The governing board of any school district may subscribe for membership in, or otherwise become a member of, any state or local organization of governing boards of school districts or members thereof which has for its primary purpose the promotion and advancement of public education through research and investigation, and the co-operation with persons and associations whose interests and purposes are the betterment of the educational opportunities of the children of the State.

Accreditation costs

1133. The governing board of a district maintaining a secondary school may pay the costs of accreditation of the secondary school by any accrediting association.

Article 10. Expenses and Notice of Elections

Election expenses

1151. The expenses of any district election called by the governing board of a school district, or required by law, shall be borne by the entire district, and shall be paid out of its funds.

Notice

1152. In the case of any school district election called or conducted under the provisions of this code, the county clerk, or the registrar of voters if such office has been established, of the county in which the majority of the territory of the district is located, shall, at least 10 days before the day fixed for the election, mail to each registered voter residing within the district, a card designating the polling place and time of the election and containing a statement of the purposes of the election. Costs incurred by the county clerk or the registrar of voters in connection with this section shall be paid out of the funds of the district.

Chapter 2. Governing Boards of Union and Joint Union Districts

Powers and duties

1171. The powers and duties of boards of trustees of union or joint union school districts are such as are now or may hereafter be assigned by law to boards of school trustees except as otherwise provided by this code.

Executive committee

1172. Boards of trustees of union and joint union districts may appoint an executive committee, consisting of the president, the clerk, and one other member of the board, to attend to the routine business of the board. Their action shall be reported to the board for ratification at its first meeting ensuing.

Bonds employees and organization

1173. The board of trustees elected or appointed for a union school district may call elections for the issuance of bonds or for special taxes, and may select employees and arrange for the organization of the school for the next ensuing school year.

1174. At any time after the appointment or election of the board of trustees of a union or joint union school district, and the naming of the school district, the board may secure an option to purchase land for school purposes and may call a bond election for any of the purposes for which elementary school district bonds may be issued. The board may proceed thereafter in accordance with the provisions of this code governing the issuance of elementary school district bonds, with the same effect as though control of the property of the union or joint union district had already been vested in them. School buildings

CHAPTER 3. CITY BOARDS OF EDUCATION

1201. Boards of education are elected in cities under the provisions of the laws governing the respective cities, except as otherwise provided in this chapter, commencing with Section 1201. Election

1202. The members of any elective city board of education shall be elected at large from the territory within the boundaries of the school district or districts which are under the jurisdiction of the city board of education, whether sitting as a board of education, high school board, or junior college board, and any qualified elector of the territory shall be eligible to be a member of such city board of education. Election at large

1203. In any school district situated wholly or partly within a city containing a population of over 1,900,000 according to the 1950 federal census, the governing board shall be composed of seven members holding office numbers 1, 2, 3, 4, 5, 6, and 7, and shall be elected at large at the same time and in the same manner as the members of the city council of said city, and shall serve for a term of four years. The four members of such board whose terms of office expire July 1, 1947, shall be considered as holding office numbers 1, 3, 5, and 7 (such members within 15 days after the effective date of this act to determine by lot at a regular board meeting the number of the office each holds), and the remaining offices shall be known as office numbers 2, 4, and 6 (to be allocated by lot in the same manner as hereinbefore provided for office numbers 1, 3, 5, and 7). All such members' terms shall commence on the first day of July next succeeding their election. City with population over 1,900,000 Board membership

1204. In any school district situated wholly or partly within a city containing a population of over 1,900,000 according to the 1950 federal census, each member of the city board of education shall receive as compensation for his services the sum of five hundred dollars ($500) per month. A member may be paid for any meeting when absent if the board by resolution duly adopted and spread upon its minutes finds that at the time of the meeting he is performing services outside the meeting for the school district or districts. The compensation shall be a charge against the funds of the school district. If the city board of education is the governing board of more than one school district the compensation shall be charged Same Compensation

against and paid by the respective school districts in the same proportion as the salary of the city superintendent of schools is charged against them. Compensation shall be reduced by an amount equal to any salary or compensation paid to the members of the city board of education from any funds of the city. The member shall receive full compensation only if he attends not less than ten (10) meetings of the board for the month for which he receives compensation. In the event he attends less than ten (10) meetings in any month he shall receive compensation for that month in an amount that bears the same ratio to five hundred dollars ($500) as the number of meetings he actually attends bears to ten (10).

City with population over 250,000: Compensation

1205. In any school district which is situated wholly or partly within a city containing a population of over 250,000 and less than 1,900,000 according to the 1950 Federal Census and which is not a city and county, each member of the city board of education may receive as compensation for his services the sum of twenty-five dollars ($25) for each meeting of the board actually attended, not to exceed one hundred dollars ($100) in any one calendar month. A member may be paid for any meeting when absent if the board by resolution duly adopted and spread upon its minutes finds that at the time of the meeting he is performing services outside the meeting for the school district or districts. The compensation shall be a charge against the funds of the school district. If the city board of education is the governing board of more than one school district the compensation shall be charged against and paid by the respective school districts in the same proportion as the salary of the city superintendent of schools is charged against them. Compensation shall be reduced by an amount equal to any salary or compensation paid to the members of the city board of education from any funds of the city.

Reimbursement to city for election costs

1206. In those cases in which the boundaries of the school district, high school district, or junior college district, governed by a city board of education, are not coterminous with the boundaries of the city, and where elections, either primary, general, or recall, of members of the board of education are by the provisions of the laws governing the cities held at times other than on the day of municipal elections, general or special, the cost and expense of the district elections shall be a legal charge against the funds of the district or districts governed by the board of education. The city shall be reimbursed by the district or districts for its actual cost and expense incurred in the conduct of the election or elections. The cost and expense of conducting the election in territory common to two or more districts shall be borne by the districts in equal shares. In territory within a single district the cost shall be borne by the district.

Election expenses Proportionate reimbursement

1207. In those cases in which the boundaries of the school district, high school district, or junior college district, governed by a city board of education, are not coterminous with the boundaries of the city, and where elections, either primary,

general, or recall, of members of the board of education are by the provisions of the laws governing the cities held on the same day as municipal elections, general or special, a proportionate part of the actual cost and expense of the election shall be a legal charge against the school districts governed by the board of education. The city shall be reimbursed for the proportionate cost and expense incurred in the conduct of the election. The cost and expense of the elections within the boundaries of the city shall be apportioned between the city and the districts in the ratio that the total number of offices to be filled and propositions to be voted upon by the electors of the city and the school district or districts, respectively, bears to the total number of offices to be filled and propositions submitted. The cost and expense of the election in territory outside of the municipal boundaries shall be borne by the districts affected. As between the districts, costs and expense shall be apportioned as follows: In territory common to two or more districts the cost of conducting the election shall be borne in equal shares, and in territory within a single district the cost shall be borne by the district.

Consolidation of elections

1208. Elections of members of city boards of education, primary, general, or recall, may be consolidated with municipal elections, primary, general, or special, in accordance with the provisions of Chapter 4 of Part 2 of Division 11 of the Elections Code. In event of consolidation, the cost and expense shall be apportioned between the city and districts, elementary, high school, or junior college, as provided in Section 1207.

Governing board as city board of education

1209. Whenever the charter of a city comprising in whole or in part an elementary school district, fails to provide for the manner in which, the times at which, and the terms for which the members of the board of education of such city are appointed, and for the number which shall constitute such board, the governing board of the elementary school district within which the city is located or with which the city is coterminous is the board of education of the city.

Applicability

1210. Except as provided in Section 1209, whenever the charter of any city fails to provide for the manner in which, the times at which, or the terms for which the members of the city board of education shall be elected or appointed, for their qualifications, removal, or for the number which shall constitute such board, the provisions of Sections 931 to 974, inclusive, and Sections 1231 to 1285, inclusive, shall apply to the matter not provided for.

CHAPTER 4. ELEMENTARY SCHOOL DISTRICT GOVERNING BOARDS

Article 1. Composition of Boards

Composition of governing board

1231. Except as provided in this section or in Section 1232, the governing board of any elementary school district shall be composed of three members selected at large from the territory comprising the district. Whenever, in any elementary school district having a governing board of three members, the average daily attendance during the preceding fiscal year became 300 or more, the governing board of the district shall do either of the following:

(a) By its own action determine that the number of members of the governing board shall be increased to five, in which case two additional members shall be elected at the next regular governing board member election.

(b) Request the county superintendent of schools having jurisdiction to submit the question of whether the number of members of the governing board shall be increased to five to the voters of the elementary school district at the next regular governing board member election. At the same election two additional members shall be elected to take office if the number of governing board members is increased.

If, pursuant to either subdivision (a) or subdivision (b) of this section, two additional governing board members are authorized and elected, the one receiving the higher number of votes shall hold office for a term of two years from July 1st succeeding the election, and the other one shall hold office for a term of one year from July 1st succeeding the election. Thereafter the governing board shall be composed of five members elected in the same manner and for the same term as provided in Sections 931 to 974, inclusive, and Sections 1231 and 1232 for governing boards having five members.

Same Union or joint union elementary districts

1232. The governing board of any union or joint union elementary school district shall be composed of five members selected at large from the territory comprising the district.

Article 2. Vacancies and Resignations

Causes of vacancy

1241. Vacancies on elementary school district governing boards are caused by any of the events specified in Section 1770 of the Government Code, or by a failure to elect. A vacancy resulting from resignation occurs when the written resignation is filed with the county superintendent of schools having jurisdiction over the district.

Appointment to fill vacancy

1242. When such a vacancy occurs, the county superintendent of schools having jurisdiction with the approval of the county board of education shall appoint an eligible person to hold the office until the next regular election for governing board members, at which, in addition to filling the offices of members whose terms are expiring, an election shall be held to fill the vacancy.

1243. When vacancies exist in a majority of the positions on the governing board of an elementary school district the county superintendent of schools having jurisdiction, with the approval of the county board of education, may call a special election within the district at which election the vacancies shall be filled. Those elected shall fill out the unexpired terms to which they were respectively elected. If called, the election shall be held and conducted by the county superintendent of schools in as nearly the same manner as is practicable as are elections of governing boards. Special election

1244. If for any reason vacancies should occur in all of the offices on any elementary school district governing board, the county superintendent of schools having jurisdiction shall have all the powers and perform all the duties of the governing board until one or more members are appointed and qualified. Vacancies in all offices on board

1245. Whenever any of the offices on any elementary school district governing board is vacant, the remaining governing board member or members, if any, and any governing board member or members appointed to fill the vacancies or elected, who have qualified, shall have all the powers and perform all the duties of the governing board. Powers and duties

Article 3. Recall of Members

1261. Any elected or appointed member of any elective elementary school district governing board may be recalled pursuant to this article (commencing with Section 1261). Recall

1262. A petition demanding the recall of any governing board member shall be filed for verification of signatures with the county superintendent of schools having jurisdiction over the district. If more than one governing board member is sought to be recalled, separate petitions shall be filed for each member sought to be recalled. Petition

Before any signatures are obtained to a recall petition, a copy of the text of the petition shall be filed with the county superintendent of schools having jurisdiction, and the recall proceedings shall be deemed to be pending from the date of such filing.

1263. No recall petition shall be circulated or filed for verification of signatures against any governing board member until he has held his office for at least six months. Member in office for six months

1264. The recall petition shall not be circulated by any person other than a registered voter of the district. Circulation

1265. The recall petition shall contain a statement of not more than 200 words of the grounds on which the recall is sought, for the information of the voters. Any insufficiency of form or substance in this statement shall not affect the validity of the election and proceedings held thereunder. Statement of grounds

1266. The recall petition shall be signed by registered voters equal in number to at least 20 percent of the registered voters of the district as of the time of filing the petition for verification of signatures. Signatures required

Same: To recall petition

1267. The signatures to the recall petition need not all be appended to one paper. If the district is situated in more than one county, each paper of the recall petition shall designate one of the counties and, of the signatures appended to such paper, only the signatures of the voters of the county designated shall be valid. Each signer shall add to his signature his place of residence, giving street and number. If no street or number exists, then a designation of the place of residence shall be given which will enable the location to be readily ascertained.

The date on which each signature was placed on the petition shall be indicated thereon either by the signer or by the person circulating the petition.

Affidavit of circulator

1268. Each separate paper of each recall petition shall have attached to it an affidavit. The affidavit shall state that the affiant is a registered voter of the district; that the affiant circulated that particular paper and saw each signer write his signature and residence thereon; and that according to the best information and belief of the affiant:

(a) Each is the genuine signature of the person whose name it purports to be.

(b) Each signer is a registered voter of the district.

(c) Each signature was obtained on the date indicated on the petition.

Petition filed within six months

1269. No petition shall be valid for the purpose for which it was circulated unless it shall be filed for verification of signatures within six months after the date on which a copy of the text of the petition was filed.

Signature verification

1270. The signatures to the recall petition shall be verified as follows:

(a) If the school district is situated wholly in one county, the county superintendent of schools shall send the petition to the county clerk immediately upon the filing of the petition for verification of signatures. The county clerk shall examine the signatures and from the records of registration ascertain whether or not the petition is signed by the requisite number of registered voters. Within 10 days after the county clerk receives the petition, he shall attach to it his certificate showing the results of his examination and shall return the petition to the county superintendent.

(b) If the school district is situated in more than one county, the county superintendent shall, immediately upon the filing of the petition for verification of signatures, send each separate paper constituting the recall petition to the county clerk of the county designated on each paper. Each county clerk shall examine the signatures and from the records of registration ascertain the number of signatures of registered voters in the portion of the district lying in his county. The county clerk shall attach to the papers his certificate showing the results of his examination and also showing the total number of registered voters in the portion of the district lying in

his county. Within 10 days after each county clerk receives the papers he shall return them to the county superintendent.

Supplemental petition

1271. If the number of signatures is not sufficient, a supplemental petition, in form a duplicate of the original petition, but bearing additional signatures, may be filed with the county superintendent of schools having jurisdiction within 10 days from the date on which the county superintendent received the last of the county clerks' certificates. In the manner provided in Section 1270, the county superintendent shall send the supplemental petition to the county clerks of the counties in which the district is situated, and the county clerks shall examine, certify, and return the supplemental petition to the county superintendent. If the signatures to the petition are still insufficient, no action shall be taken thereon. The petition shall remain on file as a public record, and the failure to secure sufficient signatures shall not prejudice the filing later of an entirely new petition to the same effect.

Special recall election

1272. If the county superintendent of schools finds the petition, together with supplementary petitions, if any, sufficient he shall at once call a special election to be held in the district within not less than 35 nor more than 40 days after the date of the call, to determine whether the voters will recall the governing board member. If a regular election for the election of members of the governing board of the district is to occur not less than 35 nor more than 60 days from the date of the call for the special election, the county superintendent may, in his discretion, order the holding of the special election at the time the regular election is held.

Notice

1273. The county superintendent of schools shall call the recall election by posting election notices in three public places in the district at least 35 days before the election, and by publishing a notice of the election in the district pursuant to Section 6063 of the Government Code. If there is no newspaper of general circulation published in the district, notice need not be published.

Election conduct

1274. Except as provided in this article (commencing with Section 1261), the recall election shall be held and conducted by the county superintendent of schools having jurisdiction in substantially the same manner as elections held under Sections 935 to 974, inclusive.

Election consolidation

1275. The county superintendent of schools may consolidate recall elections of two or more governing board members.

Candidates

1276. Any registered voter of the district, except the governing board member whose recall is sought, may become a candidate for election at a recall election in the manner provided in Sections 935 to 974, inclusive.

Vacancy after recall

1277. If a vacancy occurs in the office of the member sought to be recalled after a recall petition is filed for verification of signatures, the election shall nevertheless proceed as provided in this article (commencing with Section 1261).

Statement on sample ballot

1278. The county superintendent of schools having jurisdiction shall mail to each registered voter within the district

a sample ballot on which there shall be printed in not more than 200 words the statement of the grounds on which the recall is sought set forth in the recall petition. Upon the same ballot there shall also be printed, in not more than 200 words, any statement submitted by the member sought to be recalled justifying his course in office.

Ballot: Contents

1279. There shall be printed on the recall ballot, as to every member whose recall is sought, the following question: "Shall (name of person against whom the recall petition has been filed) be recalled from the office of (title of the office)?" following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping or writing a cross (+), his vote for or against the recall.

Same

1280. On the recall ballots, under each question, there shall be printed the names of the candidates to succeed the incumbent if he is recalled. Following each list of candidates, the ballot shall provide one blank line with a blank square following, to allow the voter to write in a name not printed on the ballot.

Same

1281. On the recall ballots there shall be printed the same statements which were printed on the sample ballots.

Required recall vote for candidate vote

1282. No vote cast in the recall election shall be counted for any candidate for the office unless the voter also voted for or against the recall of the person sought to be recalled from that office.

Majority vote

1283. If a majority or exactly half of those voting on the question of the recall of any incumbent from office vote "No," the incumbent shall continue in office. If a majority vote "Yes," the incumbent shall be deemed recalled from office, upon the qualification of his successor.

Canvass of votes

1284. The inspector of the election shall deliver the returns to the county superintendent of schools having jurisdiction. At the time and place fixed in the notice of the election, the county superintendent shall publicly canvass the returns and declare the results. If a majority of the votes cast favor the recall of the member, the county superintendent shall declare the candidate who has received the highest number of votes for the office elected for the remainder of the term and shall issue a certificate of election to him. If the elected candidate fails to qualify within 10 days after receiving the certificate of election, the office shall become vacant and shall be filled as provided in Sections 1241 to 1245, inclusive.

Election costs

1285. All costs of any recall election held under this article (commencing with Section 1261) shall be a charge against the school district in which such election is held.

Article 4. Boards of Districts Including Military Stations

Governing board

1301. The governing board of an elementary school district formed pursuant to Sections 2131 to 2133, inclusive, shall consist of three members elected at large and serving for three years except as otherwise herein provided.

1302. Within 10 days after the formation of the district, the county superintendent of schools shall call an election for the election of the members of the governing board of the district. The election shall be called, held and conducted as provided in Sections 931 to 974, inclusive, Sections 1231 and 1232, insofar as said sections are not inconsistent or in conflict with this article (commencing with Section 1301). The members of the governing board elected at said election shall take office immediately following the canvass of the returns of the election. First election

The first members of the governing board of the district elected under this section shall determine by lot the term of each so that the term of one member will expire on June 30th of the following school year, the term of one member will expire on June 30th of the succeeding school year and the term of one member will expire on June 30th of the third succeeding school year.

1303. Annually, beginning with the school year following that in which the district was formed an election shall be held as provided in Sections 931 to 974, inclusive, and Sections 1231 and 1232 for the election of members to succeed those whose terms expire on June 30th of the school year in which the election is held. Annual election

CHAPTER 5. HIGH SCHOOL DISTRICT BOARDS

Article 1. Composition, Election and Appointment in Union or Joint Union Districts

1321. In every union or joint union high school district, the governing board shall be composed of five members selected at large from the territory comprising the district. Membership

1322. Except as provided in this article (commencing with Section 1321), when any union or joint union high school district is formed, it shall be governed by a high school board selected in the manner and for the terms provided in Sections 931 to 974, and Sections 1231 and 1232. Vacanies on governing boards of union or joint union high school districts shall be determined and filled, and governing board members may be recalled in the manner provided in Sections 1241 to 1285, inclusive, for elementary school district governing boards. Applicable provisions

1323. In any election for members of the governing board of a union or joint union high school district, including recall elections, at least one polling place in each of the elementary school districts composing the high school district shall be designated; provided, that, except when a consolidated election is being conducted in which the suspended district participates, a suspended elementary school district may be combined with a contiguous elementary school district for the purposes of the election and the voters of both shall vote at the polling place designated in the active school district. Polling places

1324. Within 20 days after the appointment of the interim governing board, the county superintendent of schools having First meeting and organization

jurisdiction shall call a meeting of the high school board, by giving at least 10 days' notice by registered mail to each member, for the purpose of organizing the board. At the meeting the high school board shall organize by electing a president from its members and a secretary, and may transact any other business relating to the affairs of the district.

Article 2. Composition, Election and Appointment in County Districts

County high school districts

1341. Any county high school district governing board shall be composed of five members elected in the same manner and for the same terms as governing board members of union and joint union high school districts. Vacancies on governing boards of county high school districts shall be determined and filled, and governing board members may be recalled in the manner provided for union and joint union high school districts.

Member from each district

1342. Whenever the boundaries of a county high school district are coterminous with the boundaries of a county, the board shall consist of one member from each supervisorial district in the county elected at large from the district.

On or before the first day of January preceding the expiration of the term of a member in office on the effective date of this section the board shall, by resolution adopted by the board, determine the supervisorial district from which his successor shall be elected.

Notice of meeting

1343. Within 20 days after the appointment of the high school board, the county superintendent of schools shall call a meeting of the board by giving at least five days notice by registered mail to each member, for the purpose of organizing the board.

Organization

1344. At the meeting, the high school board shall organize by electing a president from its members and a clerk, and may transact any other business relating to the affairs of the county high school.

Powers

1345. The high school board of a county high school district shall have the same powers and duties in regard to the county high school district as high school boards of other high school districts

Article 3. Meetings of Boards

First meeting and organization

1361. Each district, union, and joint union high school district governing board shall meet on the first day of July of each year at 12 o'clock noon, and organize by electing a president from its members and a clerk.

The governing board of any district, union, or joint union high school district may, at a meeting held between May 15th and June 15th, determine that the meeting on the next succeeding July 1st shall be held at some other time than at 12 o'clock noon. In case such action is taken, the clerk of the

board shall notify in writing all members and members-elect of the time of the July 1st meeting and shall also publish this action of the governing board.

Regular meetings

1362. Every high school board shall hold regular monthly meetings at such times as are provided in the rules and regulations adopted by them for their own government. In union or joint union high school districts the regular meetings may be quarterly.

Special meetings

1363. Special meetings may be held at the call of the president of the board. Upon the request, in writing, signed by a majority of the board, the president shall call a meeting. The members of the board shall have at least two days notice of all special meetings, issued and served by the clerk. At special meetings no business shall be transacted other than that specified in the call for the meeting

Open meetings

1364. All meetings of the high school board shall be open to the public.

Meeting place

1365. Meetings of the high school board shall be held in the high school building. If there is no high school building in the high school district, or if in the judgment of the board, the interests of the district may be better served by holding its meetings elsewhere, it may meet at such other place in the high school district as it may by resolution determine.

Article 4. Reorganization of Boards

New district

1381. Whenever a new school district becomes a part of any union or joint union high school district, the newly added school district shall be entitled to participate in all elections of members of the high school boards thereafter held.

Article 5. Powers and Duties

Powers

1391. Except as otherwise provided, high school boards have the same powers and duties as boards of education, or boards of school trustees in school districts.

High schools not supported by district taxes

1392. The duties, powers, purposes, responsibilities, and jurisdiction of the governing board of any high school district with respect to any high school established in the district prior to August 14, 1929, and not supported in whole or in part by any funds derived from the levy of any district tax may, with the approval of the State Board of Education, acting upon the recommendation of the Superintendent of Public Instruction, be transferred to the Chief of the Division of Vocational Education in the State Department of Education who may appoint any qualified person to exercise immediate supervision over the school.

CHAPTER 6. JUNIOR COLLEGE DISTRICT BOARDS

Article 1. Composition, Election and Appointment

Governing board. Management and control

1401. In any junior college district coterminous with a single high school district, of any type, the governing board of the high school district shall constitute the junior college board and after organizing as a junior college board shall have the management and control of the junior college in the district

Election by wards

1402. In every junior college district which was divided into five wards on or before September 7, 1955, one member of the board shall be elected from each ward by the registered voters of the ward. On or before January 1st of a fiscal year the governing board of the district may rearrange the boundaries of the wards to provide for representation in accordance with population and geographic factors or may abolish the wards.

Trustee areas

1403. The county committee on school district organization, upon petition of the governing board of any junior college district, may provide for trustee areas in junior college districts or the rearrangement of trustee areas in the same manner as trustee areas may be provided for in unified districts under Sections 3128 to 3134, inclusive. The governing board of a junior college district shall be composed of five or seven members elected for a four-year term when trustee areas are provided under this section.

Governing boards:

1404. In every junior college district formed pursuant to Section 814 and Sections 2551 to 2768, inclusive, there shall be a governing board of five members elected at large from the district to serve a term of four years, except that if trustee areas are formed the governing board shall consist of a member from each trustee area elected by the voters of the entire district.

Election

1405. Upon the formation of a junior college district the county superintendent of schools having jurisdiction shall call and set the date of an election for the purpose of electing the governing board of the district. Such call shall be issued not later than 30 days after the formation of the district. The election shall be called, held, and conducted as are elections for members of governing boards of elementary school districts.

Terms of office

1406. The first members of the governing board shall take office on the first day of the second month following their election. The term of office of subsequent members of the board shall begin on July 1st following their election.

Officers

1407. At the initial meeting of the governing board of a newly formed junior college district it shall elect one of its members as chairman, and shall designate a secretary.

When the number on the governing board is five (5) the term of office of each member of the first governing board shall be determined by lot. The term of one member shall expire on June 30th of the year following his election; the term of

one member shall expire on June 30th of the second year following his election; and the term of one member shall expire on June 30th of the third year following his election; and the terms of two members shall expire on June 30th of the fourth year following their election.

In the event that provision is made for a governing board of seven (7) members, the governing board shall determine by lot the term of office of each member of the first governing board. The term of one member shall expire on June 30th of the year following his election; the terms of two members shall expire on June 30th of the second year following their election; the terms of two members shall expire on June 30th of the third year following their election; and the terms of two members shall expire on June 30th of the fourth year following their election.

Vacancies

1408. Any vacancy on the governing board of a junior college district shall be filled by appointment of the remaining members of the board for the remainder of the unexpired term. If the remaining members of the board fail to agree, the county superintendent of schools shall appoint a person to fill the vacancy for the remainder of the unexpired term.

Recall

1409. Governing board members may be recalled in the manner provided in Sections 1241 to 1285, inclusive.

Polling places

1410. In any junior college board member election including recall elections, at least one polling place in each of the elementary and unified school districts located in the junior college district shall be designated; provided, that, except when a consolidated election is being conducted in which the suspended district participates, a suspended elementary school district may be combined with a contiguous elementary school district for the purpose of the election and the voters of both shall vote at the polling place designated in the active school district.

Article 2. Organization of Boards

First meeting

1421. Within 20 days after the appointment of the junior college board provided for by Section 1404, the county superintendent of schools having jurisdiction shall call a meeting of the board by giving at least 10 days' notice by registered mail to each member, for the purpose of organizing the junior college board.

Organization

1422. At the meeting the junior college board shall organize by electing a president from its members and a secretary, and may transact any other business relating to the affairs of the junior college district.

Annual organization

1423. Junior college boards shall meet on the first day in July of each year at 11 o'clock a.m., and organize by electing a president from its members, and a secretary.

Any junior college board may, at a meeting held between May 15th and June 15th, determine that the meeting on the next succeeding July 1st shall be held at some other time than

11 a.m. In case such action is taken, the clerk of the board shall notify in writing all members and members-elect of the time of the July 1st meeting and shall also publish this action of the governing board.

Article 3. Meetings of Boards

Regular meetings

1431. Every junior college board shall hold regular monthly meetings at such times as may be provided in the rules and regulations adopted by them for their own government, except that in junior college districts composed of two or more high school districts, the regular meetings may be quarterly.

Special meetings

1432. Special meetings may be held at the call of the president of the board or upon a call issued in writing and signed by a majority of the members of the board, except that by unanimous consent a special meeting may be convened at any time.

Date

1433. The date set for special meetings shall be at least two full days subsequent to the completion of the call.

Business

1434. No business shall be transacted at a special meeting other than that specified in the call, except that by unanimous consent any business matter may be transacted at any special meeting.

Meeting place

1435. All meetings of the junior college board shall be held at the junior college building. If no junior college building exists in the district, or if the junior college consists of a single high school district, the junior college board may meet at any place in the district as it may by resolution determine.

Article 4. Powers and Duties of Boards

Powers

1451. Except as otherwise provided in this code, the powers and duties of junior college boards are such as are assigned to high school boards.

Chapter 7. Unified District Boards

Government

1481. Any unified school district which is coterminous with or includes within its boundaries a chartered city or city and county shall be governed by the board of education provided for in the charter of the city or city and county. Sections 1483 to 1488, inclusive, shall not apply to such unified school districts, except as follows:

(a) As provided in the charter of the city or city and county.

(b) If the charter of the city or city and county fails to provide for a board of education or for any or all of the matters specified in Section 1210, Sections 1483 to 1488, inclusive, shall apply as to the matter not provided for in the charter.

Election of board members on failure of charter to provide

1482. If the charter of any city provides for or has within two years prior to January 1, 1955, provided for a board of education of five members of a unified school district, and said charter has been or is hereafter amended so that it fails to provide for a board of education, a new board of education composed of five members is created under this section immediately upon the effective date of such amendment; the positions thereto shall be filled by appointment of the county superintendent of schools. The terms of the members first so appointed shall expire the last day of June next following the effective date of such charter amendment, and an election shall be held for the members of such board at the time fixed by law for the regular election of members of governing boards of school districts, and the members so elected shall assume office on the first day of July following. If the effective date of such charter amendment is such that a legal election for board members cannot be held as aforesaid prior to the first day of July next following such charter amendment, then the county superintendent of schools shall again appoint the members of such board who shall assume office on the first day of July as aforesaid. The terms of the board members who take office on the first day of July as aforesaid and thereafter shall be for a period of four years except that of the members who take office the first day of July next succeeding such charter amendment, two shall be for a term of two years from such July 1st and three shall be for a term of four years therefrom thereby securing a rotation in membership, and the county superintendent of schools, upon the making of the appointments aforesaid or within 30 days after September 7, 1955, whichever is later, shall designate which positions are for the two-year and which for the four-year terms. Except as herein otherwise provided, the members of the board shall be elected at the last time fixed by law for the election of members of governing boards of school districts prior to the commencement of a new term of office. If a general municipal election is to be held within 60 days prior to the time when an election for board members would be held as aforesaid, the board of education may, by resolution filed with the governing body of such city at least 60 days prior to such municipal election, call the school district election to coincide with the municipal election and request the governing body of such city to consolidate such elections in that portion of the school district which lies within such city, and the governing body of such city shall order such elections to be consolidated and to be held as are consolidated elections under the provisions of the Elections Code relating to consolidated elections, in which event the school district shall simultaneously with the holding of such consolidated election conduct an election in any portion of the district not included within such municipality. In the event of the holding of such consolidated election, the school district shall reimburse the city for its proportionate share of the costs of conducting such consolidated election in an amount

to be agreed upon between the governing bodies of such school district and such city.

Members selected at large

1483. The governing board of any unified school district created under the provisions of Section 813, Sections 1481 to 1493, inclusive, Sections 2811 to 2931, inclusive, and Sections 13005, 13554, and 21802 shall be composed of five members selected at large from the territory comprising the district.

Election

1484. When any unified school district is created under the provisions of Section 813, Sections 1481 to 1493, inclusive, Sections 2811 to 2931, inclusive, and Sections 13005, 13554, and 21802, the county superintendent of schools having jurisdiction shall call and set the date for an election for the purpose of electing the governing board of the district. The call shall be issued not later than the fourth Friday of January next succeeding the creation of the district and the election shall be held not later than the third Friday in May next succeeding the call. The election shall be held and conducted by the county superintendent of schools having jurisdiction in substantially the same manner as elections held under Sections 931 to 974, inclusive, and Sections 1231 and 1232.

Terms

1485. The terms of the members elected at the initial election of governing board members in any new unified school district created under the provisions of Section 813, Sections 1481 to 1493, inclusive, Sections 2811 to 2931, inclusive, and Sections 13005, 13554, and 21802 shall begin on the first day of the second calendar month following their election. The term of the two members receiving the highest number of votes shall expire on June 30th of the fourth year following the election. The term of the member receiving the next highest number of votes shall expire on June 30th of the third year following the election. The term of the member receiving the next highest number of votes shall expire on June 30th of the second year following the election, and the term of the fifth member shall expire on June 30th of the year following the election.

Recall

1486. Any member of any unified school district governing board may be recalled in the manner provided in Sections 1261 to 1285, inclusive, for elementary school district governing boards.

Annual elections

1487. After the initial election of governing board members in any new unified school district created under the provisions of Sections 813, Sections 1481 to 1493, inclusive, Sections 2811 to 2931, inclusive, and Sections 13005, 13554 and 21802, a governing board member election shall be held annually at the time and in the manner provided in Sections 931 to 974, inclusive, and Sections 1231 and 1232 to fill the offices of members whose terms expire on June 30th next succeeding the election. Each person elected shall hold office for a term of four years from July 1st next succeeding his election.

Vacancies

1488. Vacancies on the governing board of any unified school district created under the provisions of Section 813, Sections 1481 to 1493, inclusive, Sections 2811 to 2931, in-

clusive, and Sections 13005, 13554, and 21802 shall be determined in accordance with the provisions of Sections 1241 to 1245, inclusive, and shall be filled by appointment by the remaining members of the board for the remainder of the unexpired term. If there are no remaining board members, or if the remaining board members fail to agree, the county superintendent of schools having jurisdiction, with the approval of the county board of education, shall appoint an eligible person to hold the office for the remainder of the unexpired term.

Powers and duties

1489. The governing board of each unified school district shall have the same powers and duties as are by law granted to the governing boards of the elementary school districts, the high school districts, and the junior college districts merged into, or otherwise included within, the unified school district.

Additional powers

1490. The governing board of a unified school district which has an average daily attendance of 3,500 or more pupils in grades 9 through 12 as shown by the last reports of the teachers in the district and a total assessed valuation of at least one hundred million dollars ($100,000,000), in addition to the powers conferred by Section 1489 may exercise such powers as are granted by law to governing boards of all junior college districts.

City board of education

1491. Whenever a unified school district has within its boundaries a chartered city or a city of the first to the fifth classes, inclusive, or whenever the average daily attendance of a unified school district is 1,500 or more, for all purposes the district shall be deemed a city school district governed by a city board of education and the governing board thereof shall be deemed a city board of education.

Powers outside district boundaries

1492. The governing board of a unified school district may acquire property, construct buildings, and maintain classes outside its boundaries on sites immediately adjacent to school sites of the district within its boundaries.

Contracts

1493. The governing board of any unified school district may enter into an agreement with the governing board or boards of one or more other school districts, for the joint employment of supervisors of instruction.

Chapter 8. Superintendents

Article 1. Appointment, Salary and Expenses

District superintendents

1531. The governing board of any school district, except a junior college district, may employ a district superintendent for one or more schools employing eight teachers or more. The governing board of a junior college district may employ a district superintendent regardless of the number of teachers employed.

Deputy or assistant district superintendent

1532. The governing board of any school district employing a district superintendent of schools and having an average daily attendance of 1,500 or more pupils may employ such deputy and assistant district superintendents of schools as the board deems necessary.

City superintendents

1533. In each city school district governed by a city board of education, the board may employ a city superintendent of schools and such associate superintendents of schools, and deputy or assistant city superintendents of schools as it deems necessary, and may fix and order paid their compensation, unless otherwise prescribed by law.

Terms

1534. A city superintendent of schools elected by a board of education shall be elected for a term of four years. Any district superintendent of schools, associate superintendent of schools, or deputy city or district superintendent of schools, or assistant city or district superintendent of schools may be elected for a term of four years.

Termination and re-employment

1535. The governing board of any school district, with the consent of the employee concerned, may at any time terminate, effective on the next succeeding first day of July, the term of employment of, and any contract of employment with, the superintendent of schools, or any associate, deputy, or assistant superintendent of schools of the district, and re-elect or re-employ the employee, on such terms and conditions as may be mutually agreed upon by the board and the employee, for a new term to commence on the effective date of the termination of the existing term of employment.

Notice of determination not to re-employ

1536. In the event the governing board of a school district determines the superintendent of schools of the district is not to be re-elected or re-employed as such superintendent upon the expiration of his term, the superintendent of schools shall be given written notice thereof by the governing board at least six months in advance of the expiration of his term. In the event the governing board of a district fails to re-elect or re-employ the superintendent of schools of the district as such superintendent and the written notice herein provided for has not been given, the superintendent of schools shall be deemed re-elected for a term of the same length as the one completed, and under the same terms and conditions and with the same compensation.

Qualifications

1537. No person shall be eligible to hold a position as city superintendent, district superintendent, deputy superintendent, associate superintendent, or assistant superintendent of schools unless he is the holder of both a valid school administration certificate and a valid teacher's certificate, but any person employed as a deputy, associate, or assistant superintendent in a purely clerical capacity shall not be required to hold an administration certificate.

Compensation

1538. Each deputy school superintendent of any city or city and county may receive such compensation as the board of education prescribes, payable in the same manner and out of the same fund as the superintendent of schools.

Article 2. Duties and Responsibilities

Powers and duties

1551. The superintendent of each school district shall, in addition to any other powers and duties granted to or imposed upon him:

(a) Be the chief executive officer of the governing board of the district.

(b) Excepting in districts where the governing board has appointed or designated an employee other than the superintendent, or a deputy, or assistant superintendent, to prepare and submit a budget, prepare and submit to the governing board of the district, at such time as it may direct, the budget of the district for the next ensuing school year, and revise and take such other action in connection with the budget as the board may desire.

(c) Subject to the approval of the governing board, assign all employees of the district employed in positions requiring certification qualifications, to the positions in which they are to serve.

(d) Enter into contracts for and on behalf of the district pursuant to Section 15961.

Unified district superintendents

1552. The superintendent of schools of a unified school district which is coterminous with the boundaries of a city and county shall have all the powers and duties set forth in this code for a superintendent of any school district of the class of school which is included within said unified school district; said superintendent shall have his compensation fixed and ordered paid by the board of education, anything in a city, county, or city and county charter to the contrary notwithstanding.

Same

1553. The superintendent of schools of a unified school district which is coterminous with the boundaries of a city and county shall also perform the duties of the county superintendent and shall be entitled to have such associate superintendents and assistant superintendents of schools as appointed by the board of education, and when appointed, they shall be designated as associate superintendents and assistant superintendents.

DIVISION 5. ORGANIZATION AND REORGANIZATION OF DISTRICTS

CHAPTER 1. GENERAL PROVISIONS

Article 1. Formation and Changes in Territory and Status of Districts

Effective dates of proceedings

1601. Any action undertaken to form a new school district of any type or class, to annex or unite any territory or school district to or with another school district, to withdraw or exclude territory from any school district, to unionize or merge two or more school districts, to disestablish or disincorporate any school district, or to change the boundaries of any school district, shall be effective as herein provided:

(a) Any such actions completed before February 1st of any school year shall be effective on the next succeeding first day of July, except as herein otherwise provided.

(b) Any such actions completed on or after February 1st of any school year shall become effective on the second succeeding first day of July, except as herein otherwise provided.

Effective date of attachment of lapsed districts

1602. An order of a board of supervisors attaching the territory of any lapsed elementary school district to one or more adjoining districts shall be effective as of the date of the order for all purposes.

Effective date of formation, etc., of school districts

1603. In the case of every other action referred to in Sections 1601 to 1620, inclusive, the action shall be effective as to any district in any way affected by the action on the date the action is completed for the following purposes:

(a) The determination of the assessed valuation of any district or districts affected by the action.

(b) The appointment or election of members of the governing boards of the school districts affected.

(c) The preparation and submission of school district budgets.

(d) The election or appointment of employees for the ensuing school year.

(e) The election or appointment of an executive officer and necessary clerical help for the governing board.

(f) The calling and conducting of elections for and the issuance and sale of school district bonds as to any district in any way affected by the action whether it be a newly formed district or one which territory has been added to or taken from by the action and including the calling and conducting of such elections only in that portion of the district remaining after territory has been excluded therefrom in any manner by such action.

(g) The exercise by the governing boards of the school districts affected of other powers and duties vested in governing boards of school districts of the same type or class and not inconsistent with other provisions of this code.

(h) The holding of an election to determine whether a newly formed elementary school district, or a district comprised within a newly formed union or joint union elementary school district shall become a part of a high school district.

(i) The calling and conducting of elections to increase the maximum rates of tax for district or districts affected.

(j) The calling and conducting of elections for the assumption of bonded indebtedness.

(k) The unionization or uniting of the district with one or more school districts, its annexation to another school district, the unification of the district, the changing of its boundaries, or other reorganization affecting it.

(*l*) The calling and conducting of elections for the acceptance and repayment of any allocation of state funds under any state school building aid law, as to any district in any way affected by the action, whether it be a newly formed district or one which territory has been added to or taken from by the action.

(m) To expend funds acquired from the sale of school district bonds or other sources for the acquisition of school sites and the construction of school facilities.

Effective date of unified school district

1604. The formation of a unified school district under Sections 1481 to 1493, inclusive, Sections 2811 to 2931, inclusive, and Sections 813, 13005, 13554 and 21802 shall be effective for the purposes set forth in Section 1603 upon the date upon which the boundaries of the component districts thereof became or become coterminous.

When territory may not be annexed

1605. Notwithstanding anything in this code to the contrary, no territory shall be taken from any school district having any outstanding bonded indebtedness and made a part of another district where the action, if taken, would so reduce the assessed valuation of the district from which the territory was taken that the outstanding bonded indebtedness of the district would exceed 5 percent of the assessed valuation remaining in the district. If the territory taken from any school district remains liable for the outstanding bonded indebtedness for which it would have been liable if it had not been taken from any school district, the provisions of this section shall not apply.

Annexation of two or more districts

1606. Whenever provision is made in this code for the annexation of one school district to another, two or more school districts adjoining each other may be annexed simultaneously to a school district contiguous to one or more of the adjoining districts. If one of the adjoining districts is not annexed to the contiguous school district and by reason of the failure to annex the district one or more of the adjoining districts is made noncontiguous to the district to which the district or districts were to be annexed, the annexation of such district or districts shall be void and of no effect.

Noncontiguous territory

1607. No territory which is not contiguous to a school district may be annexed, merged, united, or otherwise attached to, or made a part of, the district except in such cases as are specifically provided for.

School site contiguous to district

1608. The governing board of a school district may acquire a site for a school building contiguous to the boundaries of the district and upon the acquisition of such site it shall become a part of the district. No proceedings affecting school district boundaries, including annexation proceedings of any nature whatsoever, shall operate to exclude a school site from the school district owning the same if after such proceedings are complete the school site remains contiguous to the boundaries of the district. The school site remains contiguous for the purpose of this section although separated from the boundaries of the district by a road, street, stream, or other natural or artificial barrier or right-of-way. Notwithstanding such proceedings the site shall continue to be a part of the district owning or occupying the same, and the buildings and improvements thereon shall remain the property of such district.

Liability for bonded indebtedness

1609. When school districts are created or abolished, or the boundaries thereof changed, the liability to taxation for the

outstanding bonded indebtedness of the district is, when not otherwise prescribed by this code, as provided in Sections 1601 to 1620, inclusive. The authorities whose duty it is to levy taxes for the payment of principal and interest on the outstanding bonds, shall levy the taxes upon the districts affected in such proportions as are provided in or are determined under the authority of this article.

Same annexed district

1610 Notwithstanding any provision of this code to the contrary, no territory which comprises the whole or a part of a district and which is made a part of another district or of a new district through any proceeding involving any affirmative action taken by the residents of such territory shall be liable for any of the then outstanding bonded indebtedness of the district of which it is made a part unless such liability is specifically authorized by a vote of two-thirds of the electors of the territory or district voting at an election called for that purpose in accordance with applicable provisions of this code.

Election to assume debt

1611. The election provided for in Section 1610 shall be called by the governing board of the district having the outstanding bonded indebtedness, held and conducted in as nearly the same manner as are elections under Sections 21701 to 21801, inclusive, and Sections 21803 to 22152, inclusive, of this code, except that the ballots used at such election shall contain the words: "For assumption of liability for outstanding bonded indebtedness of _____ District ___ Yes" and "For assumption of liability for outstanding bonded indebtedness of _____ District ___ No." The name of the district having the outstanding bonded indebtedness shall be inserted in the blank spaces.

Effect of annexation election

1612. Whenever territory which comprises the whole or part of a district and which is made a part of a unified district because of annexation of such territory to the city in which is situated all or part of such unified district by means of an election, such election shall constitute affirmative action taken by the residents of such territory for the purposes of Section 1610. This section applies to any such annexation to a city which was completed on or after November 20, 1952.

Formation of single district

1613. When any school district is united or in any manner merged with one or more school districts so as to form a single district, the district so formed is liable for all the outstanding bonded indebtedness of the districts united or merged; provided, however, if the territory included in a school district which has been lapsed by the board of supervisors and attached to an adjoining district withdraws from said district to which it has been attached through a proceeding involving affirmative action by the residents of such territory within one year from the date of lapsation, such territory shall cease to be liable for any such bonded indebtedness unless such indebtedness was incurred during the period the territory is attached to the adjoining district.

Annexation to another district

1614. When territory is taken from one school district and annexed to another, the territory becomes liable to taxation

for the bonded indebtedness of the district to which it is annexed.

The board of supervisors of the county in which the territory is situated shall, by order entered on its minutes, within 60 days after the changes, determine what proportion of the outstanding bonded indebtedness of the district from which it was taken was incurred for the acquisition or improvement of school lots or buildings, or fixtures therein, situated in the territory transferred. The district to which the territory was annexed shall thereupon become liable for the proportion of the indebtedness so determined.

Annexation of original districts

1615. Notwithstanding any provisions of this code to the contrary, whenever a portion of a school district referred to in this section as the "original school district" is taken from such district and annexed, either by way of affirmative action taken by the residents within such portion of the original school district or by operation of law or otherwise, to any other school district referred to in this section as the "new school district," the new school district shall, on the date the portion of the original school district becomes a part of the new school district for all purposes, take possession of all real property and all fixtures therein or thereon of the original school district located in such territory, and shall pay the original school district for the use of such property as herein provided.

Within sixty (60) days after the annexation has been effected, the board of supervisors of the county in which the original school district and the new school district are situated shall, by order entered upon its minutes, determine what proportion of the then outstanding bonded indebtedness of the original school district was incurred for the acquisition or improvement of said real property and all fixtures therein or thereon. Commencing one (1) year after the date of such determination, the new school district shall pay annually to the original school district for the use of such property an amount equal to the annual amount required for the payment of interest and for redemption of such portion of the bonded indebtedness as was determined by said board of supervisors.

The rate of tax required to provide funds for the making of the payments required to be made by the annexing district shall be in addition to the maximum rate of tax for such district fixed or established by or under Sections 20751 and 20803.

New district's liability for bonded indebtedness

1616. When any new school district is formed from a portion of the territory of one or more existing districts, either by incorporation of a city, or otherwise, and the territory comprising the new district does not continue to be liable for taxation for the payment of the bonded indebtedness of the district or districts from which it was transferred, incurred before the transfer, the board of supervisors of the county shall, within 60 days after the formation of the new district, by order entered on its minutes, determine what proportion of the outstanding bonded indebtedness of the district or districts out of

which the new district is formed, was incurred for the acquisition or improvement of school lots or buildings, or fixtures or furniture or necessary apparatus of a permanent nature therein, situated in the new district. The new district shall thereupon become liable for the proportion of such indebtedness so determined.

In the case of joint districts, the board of supervisors of each county shall in the same manner determine the liability as to the territory in its county.

Withdrawal from existing district

1617. Whenever any territory withdraws from a union elementary or union high school district, the territory withdrawing shall continue to be liable for such portion of the bonded indebtedness of the union elementary school district or union high school district incurred before the withdrawal as it would have been liable for had it not withdrawn.

If territory is withdrawn from a union elementary or union high school district and is included in a unified school district, and if such unified district assumes, pursuant to Section 2890, a portion of the bonded indebtedness of the union elementary or union high school district and repays the principal and interest of such portion of bonded indebtedness as it falls due, such assumption and repayment shall be deemed to fulfill the obligation of such territory with respect to such liability.

Effect of repeal

1618. The repeal of Section 2.75 of the School Code shall not impose any liability upon, or affect the liability of, any territory of a lapsed elementary school district situated in one high school district, which during the period when Section 2.75 was effective was attached to an elementary school district lying in another high school district.

Uninhabited realty annexation

1619. Any uninhabited real property, which is purchased or leased for a period of one year or more by a junior college district, shall be automatically excluded from any other junior college district and become a part of the junior college district purchasing or leasing the property, if the property is:

(a) Contiguous to the boundaries of the district purchasing or leasing the same and included in another junior college district.

(b) Not included within the territorial boundary of any chartered city.

Such real property shall be automatically excluded from the high school district and the elementary school district of which it is a part, and shall be annexed to and become a part of any high school district and elementary school district included within the junior college district purchasing or leasing such property and to which such property is contiguous, and as designated by the county superintendent of schools.

Upon the filing with the county superintendent of schools of the county having jurisdiction over the districts affected of a certificate executed by the governing board of the junior college district describing the property concerned and certifying that such property is owned or leased for a period of one year or more by the junior college district, the changes of

boundaries provided for in this section shall be effective for all purposes.

Annexation or withdrawal

1620. When it is proposed to annex a portion of any school district to any other school district, or when a portion of a school district proposes to withdraw from a school district, and the area proposing to annex or withdraw contains a school building, such annexation or withdrawal shall not take place without the prior approval of both boards or of the county committee on school district reorganization, augmented in the same manner as provided in Section 3113.

Article 2. Change of Names of Districts

Petition

1641. Whenever a petition is presented to the board of supervisors, signed by at least 15 qualified electors of any school district, asking that the name of the district be changed, the board of supervisors shall designate a day upon which it will act upon the petition, which shall not be less than 10 days nor more than 40 days after the receipt of the petition.

Hearing

1642. The clerk of the board of supervisors shall give notice to all parties interested by sending by registered mail to each of the trustees of the school district a notice of the time for the hearing of the petition. Notices shall be mailed at least 10 days before the day set for hearing. At the hearing the board shall by resolution either grant or deny the petition, and, if granted, the clerk shall notify the county superintendent of the change of the name of the district.

Article 3. Boundaries of Districts

Ascertainment of boundaries

1651. Every county superintendent shall inquire and ascertain whether the boundaries of the school districts in his county are definitely and plainly described in the records of the board of supervisors and keep in his office a full and correct transcript of the boundaries.

If the boundaries of districts are conflicting or incorrectly described, or if, by reason of the resubdivision of land or other change of property lines, the location of the boundaries becomes indefinite or conflicts with lines of assessment, the board of supervisors may correct and relocate the boundaries to follow definite, established property lines, conforming as nearly as practicable to the general location of the former boundaries.

Where boundary lines are corrected or relocated, the relocation of the new lines shall be made in such a manner that the majority of the area of the parcel or property affected determines the district in which the parcel or property is located. Nothing herein contained authorizes the board of supervisors, in relocating the boundaries, to substantially alter the former boundaries of school districts.

Meaning of description

1652. Whenever the boundary line of any school district is described as being "to" or "from" the ocean shore, such

description means to or from a point three miles seaward from the shore.

Whenever the boundary line of any school district is described as being "along," "with," "by," or "on" the ocean shore, such description means on a line parallel with and three miles seaward from the shore.

Nothing contained in this section shall retroactively alter, enlarge, diminish or otherwise affect the powers, jurisdiction, rights, duties, responsibilities, obligations or liabilities of any such school district.

Article 4. Districts Partly Within a Chartered City

Control by charter provisions

1661. A school district, a portion of which is embraced within the limits of any city governed by a charter proposed and adopted as provided by Section 8 of Article XI of the Constitution, may be subject to, controlled, and governed by the provisions of the charter relating to and providing for the management of public schools pursuant to this article.

Election

1662. The board of trustees of such school districts may provide for the holding of an election at the time and in the form and manner for holding elections for school trustees, for the purpose of submitting to the electors the question of whether the district shall be governed by the provisions of the charter.

Ballots

1663. The ballots used at the election shall contain the words "Shall the (name of district) be governed by the charter of the City of _____?" and the words "Yes" and "No" so placed that the voters may clearly indicate their choice in this connection.

Election returns

1664. The board having charge of the election shall count the ballots cast on the proposition and make return thereof to the board of trustees of the school district. If it appears from the returns that a majority of the votes cast on the proposition is in favor of the proposal, then the board of trustees shall certify the result to the board of education, provided for in the charter of the city. From and after the date of the certificate the school district shall be governed by the provisions of the charter relating to the establishment, management, and control of the public schools.

Participation in subsequent election

1665. If any school district or portion of any school district is embraced within the corporate limits of a city having a charter, and the electors of the school district have participated in and voted at any school election held subsequent to the adoption of and under the provisions of the charter, they shall be deemed to have submitted to be governed in all matters relating to the management of public schools within the school district or high school district as fully and to all intents and purposes as though the electors of the school district or high school district had by their votes elected to be governed by the provisions of the charter.

Electors

1666. All qualified electors residing in a school district described in this article (commencing with Section 1661),

whether residing within or without the boundaries of the city, shall be entitled to vote for members of the board of education at any election held for that purpose.

Article 5. Districts in More Than One County

1681. When any school district is situated partly in two or more counties, all returns, reports, certificates, estimates, petitions, and other papers of any kind required to be filed with or presented to the board of supervisors by this code relating to schools and school districts, shall be filed with or presented to the supervisors of each county in which any portion of the district is situated. All actions required to be taken by the board of supervisors regarding such matters shall be taken by the concurrent action of the respective boards of supervisors of each county in which any portion of the district is situated. Concurrent action of boards of supervisors

1682. Whenever any school district is situated partly within two or more counties, jurisdiction over it is, unless otherwise provided in this code, in the county superintendent of schools of the county in which the schoolhouse of the district is located, or, if there be a schoolhouse of the district in each of two or more counties, jurisdiction over the district is in the county superintendent of schools of the county in which the greatest area of the district lies. Jurisdiction

CHAPTER 2. ELEMENTARY SCHOOL DISTRICT ORGANIZATION

Article 1. Names of Districts

1701. Every school district shall be designated by the name and style of "_____ District (using the name of the district), of _____ County" (using the name of the county in which the district is situated). Name

1702. In the name by which the district is designated the trustees may sue and be sued, and hold and convey property for the use and benefit of the school district. Suits and property

1703. A number shall not be used as a part of a designation of any school district. Number

1704. The word "elementary" shall not be used as a part of a designation of any school district. "Elementary" not to be used

Article 2. Formation of Districts Within Cities

1721. Except as provided in Section 1722 every city heretofore organized before September 11, 1957, except general law cities, unless otherwise prescribed in its original city charter, constitutes a separate school district, which shall be governed by the board of education or board of school trustees of the city. Every chartered city organized on and after September 11, 1957, unless otherwise provided in its original charter, Cities as school districts

constitutes a separate school district if approved by resolution of the State Board of Education after favorable recommendation of the county committee on school district organization and the county superintendent of schools of the county in which the city is situated; provided, that the provisions of Section 1722 shall apply to any annexation of territory to such a city constituting a separate school district. If the consent of the governing board of the district is first obtained, territory within the exterior boundaries of a city may be withdrawn from the school district of that city and annexed to an adjoining school district in the manner provided elsewhere in this code for the change of school district boundaries.

Annexed territory

1722. (a) Territory annexed to a city which is not contiguous to a school district within the city shall not become a part of any school district within such city pursuant to Section 1721.

(b) Territory annexed to a city which is part of a unified school district shall not become a part of any school district within the city pursuant to Section 1721 unless prior to the annexation, the governing boards of the affected districts agree in writing that the territory shall become part of the city school district. In order for the agreement to be effective, a certified copy thereof shall be filed with the city council prior to the adoption of the resolution specified in Section 35117 or Section 35306 of the Government Code, and such resolution shall contain a statement that the annexed territory shall become part of the city school district.

(c) Territory annexed to a city which is contiguous to a city school district within such city, except as otherwise provided in subdivision (b) of this section, shall not become part of any elementary, high school, junior college, or any other school district within said city as provided in Section 1721 unless proceedings are had and completed for the annexation or inclusion of such territory to the school district in the manner provided elsewhere in this code, or unless the resolution required by Section 35117 of the Government Code in the case of proceedings for the annexation of inhabited territory, or the resolution required by Section 35306 of the Government Code in proceedings for the annexation of uninhabited territory contains a statement that the annexed territory shall become part of the school district of the city.

The provisions of subdivision (a), (b), or (c) of this section, as the case may be, apply to territory proposed to be annexed to a city in which territory is situated any school district or part of any school district.

The provisions of subdivision (a), (b), or (c) of this section, as the case may be, apply to any proceedings to annex territory to a city which have not been completed on or before September 7, 1955, except proceedings in which the resolution provided for in Section 35117 of the Government Code has been adopted, or in which the city legislative body or the board of supervisors has approved the annexation by ordinance, or

resolution, as the case may be, for other city annexation proceedings.

The provisions of subdivision (a), (b), or (c) of this section, as the case may be, shall not apply to general law cities or to cities which have provided in their original charter that they shall not constitute a separate school district.

Incorporation of city and annexation of territory

1723. Whenever a city is incorporated, except a city of the sixth class, the board of supervisors of the county may annex to the city for school purposes only, the remainder, or any part of the remainder, of the district or districts from which the city was organized, whenever a majority of the electors residing therein petition for such annexation.

Annexation of additional territory

1724. The board of supervisors either when the district is formed or subsequently may include more territory than the remainder of the district or districts from which the city was organized, whenever a petition for this purpose is presented to them, signed by the majority of the electors residing in the additional territory.

The territory annexed may be in either the same or a different county than that of the school district to which it is annexed. If the territory annexed lies in a county other than the county in which the school district to which the territory is annexed lies, the school district shall not become a joint school district by reason of the annexation of such territory.

Elections

1725. When outside territory has been annexed to a city, it shall be deemed a part of the city for the purpose of holding the general municipal election, and shall form one or more election precincts, as may be determined by the legislative authority of the city. The qualified electors of the annexed territory shall vote only for the board of education or the board of school trustees.

Inclusion of outside territory

1726. The outside territory shall be deemed to be a part of the city for all matters connected with the school department of the city, for the annual levying and collecting of the property tax for the school fund of the city, and for all purposes specified in Sections 21701 to 21801, inclusive, and Sections 21803 to 22152, inclusive.

Assessment roll

1727. The last assessment roll made by the county assessor shall be the only basis of taxation for the school district on the property outside the corporate limits annexed for school purposes.

Article 3. Formation of Districts Outside Cities

Petition

1741. Except as provided in this article (commencing with Section 1741), no new school district shall be formed unless the parents or guardians of at least 15 children between the ages of 5 and 17 years as shown by the petition, residents of the proposed new district and residing at a greater distance than five miles by a state or county traveled road from the public schoolhouse in the district in which the parents or guardians reside, present a petition to the superintendent of

schools, setting forth the boundaries of the proposed new district.

Same

1742. When any number of children less than 15 in number, between the ages of 5 and 17 years, reside at a distance of seven miles or more by state or county traveled road, or five miles or more where there is no state or county traveled road, from a public school, or where the children are unable to attend the public school for reasons that are deemed good and sufficient by the superintendent of schools of the county or city and county in which the children reside, the parents or guardians of the children may present a petition to the superintendent of schools for the formation of a new school district, setting forth the boundaries thereof.

Same

1743. The provisions of this article (commencing at Section 1741) requiring that petitioners shall reside a distance of more than five miles by a state or county traveled road from a public schoolhouse may be dispensed with when the petition is signed by parents or guardians of 50 or more children between the ages of 5 and 17 years, residents of a district or districts containing an average daily attendance of 200 or more children in the elementary schools of the district, or districts, as shown by the report of the teacher or principal of the school or schools on file in the office of the county superintendent of schools for the school year immediately preceding.

Separate districts in cities

1744. No city shall be divided into separate school districts under the provisions of this article (commencing at Section 1741). In the event of the consolidation of territory with any city and county pursuant to the provisions of Subdivisions 6 and 7 of Section 8½ of Article XI of the Constitution, the territory within the territory consolidated with the city and county may be divided into separate school districts. Any school districts within the consolidated territory at the time of consolidation shall continue as separate districts until otherwise changed by law.

Examination

1745. When a petition for a new district is presented to the county superintendent of schools, he shall examine it. If he finds the petition sufficient, and signed as required by this article (commencing at Section 1741), he shall set the petition for hearing by the board of supervisors of his county at a regular meeting of the board and shall immediately forward the petition to the Superintendent of Public Instruction for investigation.

Notice of hearing for formation of new district

1746. The Superintendent of Public Instruction shall set the petition for hearing and at least 30 days prior thereto shall send by registered mail to the superintendent of each school district which will be affected by the formation of the new district a notice containing a general statement of the purpose of the petition and the time and place when and where the petition will be heard by the Superintendent of Public Instruction.

Approval

1747. If the Superintendent of Public Instruction finds that a new district is necessary, he shall attach his certificate

to the petition approving it and immediately return it to the county superintendent of schools.

Disapproval

1748. If the Superintendent of Public Instruction finds that a new district is not necessary, he shall disapprove the formation of the district, and shall return the petition, together with a statement of his reasons for disapproval, to the county superintendent of schools.

Filing

1749. On receiving the petition with the approval or disapproval of the Superintendent of Public Instruction, the county superintendent of schools shall forthwith file the petition with the board of supervisors of his county, accompanied by his recommendations and the approval or disapproval of the Superintendent of Public Instruction, and a notice containing a general statement of the purpose of the petition and of the boundaries of the proposed new district, and the time and place when and where the petition will be heard.

Appeal

1750. If the Superintendent of Public Instruction does not approve the petition, the county superintendent of schools, or the board of supervisors may appeal to the State Board of Control for a hearing on the matter. The State Board of Control shall review the evidence as presented to it and approve or disapprove the formation of the district. Thereupon the board of supervisors may establish or refuse to establish the new district as provided in this article (commencing at Section 1741).

Effect of disapproval

1751. No state moneys shall be apportioned to a district established under the provisions of this article (commencing at Section 1741), unless its establishment has been approved by the Superintendent of Public Instruction, or, upon appeal, by the State Board of Control.

Opening of school

1752. After the board of supervisors has made an order creating a new district, the school shall be opened in the district not later than the second Monday of November following. Otherwise the order shall become null and void.

New district joining union district

1753. When any newly created district becomes a part of a union school district prior to the second Monday of November following the date on which the order creating the district was made, the district shall be exempt from the provisions of Section 1752.

New district from territory of existing parts

1754. A new elementary school district may be formed in whole or in part from territory lying within either an elementary school district, a union elementary school district, or a joint union elementary school district. Territory lying within an elementary school district, or a union elementary school district, or a joint union elementary school district when formed in whole or in part into a new elementary school district ceases to be a part of the district in which it was formerly included.

Article 4. Annexation of Districts to City Districts

Petition

1771. The board of supervisors of a county may annex, or may order an election held to determine whether or not the

elementary school district wishes to be annexed, to an elementary school district situated in whole or in part in any city in the county, other than a city of the sixth class, any contiguous elementary school district situated in the same county lying within or without a high school district, regardless of whether the elementary school district lies in whole or in part in any other city whenever a majority of the electors residing in the district to be annexed petition the board of supervisors in writing for annexation. The governing board of the district annexed ceases to exist upon the effective date of the annexation.

If an election is held, it shall be called and conducted in accordance with the provisions of Sections 1854 and 1855 of the Education Code.

Article 5. Annexation of Territory to Elementary District

Recommendation re annexation

1781. Whenever any territory within a county is listed in the Annual Report of Assessed Valuation and Tax Rates as territory not in any elementary or high school district, the Committee on School District Organization shall recommend to the board of supervisors of the county in which such territory is located between July 1st and August 31st, that such territory be annexed to one or more adjoining school districts as the board of supervisors considers most convenient and proper.

Notice of hearing

1782. Upon receipt of the recommendation of the report of the Committee on School District Organization, the board of supervisors shall set a date of hearing and shall give notice thereof as provided in Sections 1811 to 1816, inclusive.

Hearing

1783. The board of supervisors shall at the time and place fixed in the notice hear all persons interested in the matter and may continue the hearing from time to time but for not more than two weeks in all. After the hearing the board may make an order entered upon its minutes annexing the territory to such district as it deems proper and most convenient.

Article 6. Change of Boundaries

Petition

1791. The boundaries of a school district may be changed only when at least 25 percent of the registered electors, residing in the territory to be transferred from one district to another district by the proposed change of boundaries, present to the superintendent of schools a petition setting forth the changes of boundaries desired, and the reasons for the changes, except that territory in which no registered electors reside may be transferred from one school district to another upon the petition of 10 electors residing in the districts which would be affected by the proposed change of boundaries.

Same

1792. When a petition for a change of boundaries is presented, the county superintendent of schools shall examine the petition. If he finds it sufficient and signed as required

by law, he shall transmit a copy of the petition to the governing board of each district affected by the proposed change of boundaries. He shall file the petition with the board of supervisors accompanied by his recommendation, which shall include a statement of his belief as to whether the electors residing in the districts which would be affected are substantially divided in opinion with respect to the desirability of such change.

Determination by board of supervisors

1793. The board of supervisors may determine that it will hold a hearing of the petition or it may order that an election be held.

Same: Hearing

1794. In the event the board of supervisors determines that a hearing of the petition shall be had, the county superintendent of schools shall set the petition for hearing by the board of supervisors at a regular meeting of the board, but the hearing shall be more than 60 days after receipt of a copy of the petition by the governing board of each district which would be affected by the proposed change of boundaries. The county superintendent of schools shall file with the board a notice containing a general statement of the purpose of the petition, and of the proposed change of boundaries, and the time and place when and where the petition will be heard. The provisions of Sections 1811 to 1816, inclusive, shall then be applicable to the proceedings which shall then be taken.

Election

1795. In the event the board of supervisors orders that an election be held, the election shall be called, held, and conducted by the county superintendent of schools in the territory proposed to be transferred.

Except as provided in this section, the election shall be called, held, and conducted in as nearly the same manner as is practicable as are elections for governing boards and the county superintendent of schools shall have all the applicable powers and duties with respect to the election which school district governing boards have in elections for such governing boards.

The election shall be called by posting notices in at least three public places in the territory proposed to be transferred at least 30 days before the election. Notices may, in the discretion of the county superintendent of schools, be published in the territory pursuant to Section 6066 of the Government Code. Notices shall specify the time and place of election and the proposition to be voted on by the electors, shall describe the territory proposed to be transferred, and shall specify the location of the polls, the hours during which the polls will be kept open, and the hour when the returns of the election will be canvassed.

The ballots used in the election shall contain substantially the words "Shall the territory in which this election is held be transferred from the _____ School District(s) to the _____ School District?" Opposite such words, in separate lines, the words "yes" and "no" shall be printed, with a voting square opposite each such word.

The costs of the election shall be paid in equal shares out of the funds of the school districts to be affected by the proposed change of boundaries.

The county superintendent of schools shall certify the results of the election to the board of supervisors. If a majority of the votes cast were in favor of the proposed change of boundaries, the board of supervisors shall, by an order placed on its minutes, order the change of boundaries. A copy of the order shall be recorded as provided in Section 1815. The provisions of Section 1816 shall apply to the effect of the order.

Article 7. Hearing of Petition for New District or Change of Boundaries

Notice

1811. At least 10 days prior to the date of hearing of a petition for a new district, or for change of boundaries, the county superintendent of schools shall send by registered mail a copy of the notice required to be filed with the board of supervisors to each of the trustees of each school district which will be affected by the proposed change, and shall post or cause to be posted for the same period copies of the notice in at least three public places in the territory proposed to be included in the new district, and in at least three public places in each of the districts affected thereby. One copy of the notice shall be posted at the door of a schoolhouse, if any, of each of the districts. He shall attach to the original notice and submit to the board of supervisors having jurisdiction an affidavit of mailing and posting of the copies.

Jurisdiction

1812. Upon the filing with it of the petition, the recommendations, notice, and affidavit, the board of supervisors has jurisdiction to hear and determine the petition.

Hearing

1813. The board of supervisors shall at the time and place fixed in the notice, hear all persons interested in the petition and may continue the hearing from time to time, but for not more than two weeks in all. If it approves the petition it shall, by an order entered upon its minutes, establish the district and define its boundaries, or, order the change of boundaries, as the case may be.

Inclusion of territory

1814. Territory not included in the petition shall not be included in any district until a notice and hearing has been given as required by this article (commencing at Section 1811).

Recordation of order

1815. A copy of the order of the board of supervisors, certified by the clerk of the board, shall be recorded in the office of the county recorder of each county in which the new district is situated, or in each county where the district whose boundaries are changed is situated.

Conclusiveness of order

1816. After the expiration of one year from the date of the recording of the order, the order shall be conclusive evidence that the district has been legally organized, or the boundaries legally changed, as the case may be, and no suit shall be maintained which questions the validity of the organization or change of boundaries.

Article 8. Uniting of Districts

1831. Two or more contiguous elementary school districts may be united to constitute but one district, whenever a petition, signed by a majority of the registered electors residing in each of the districts who have children attending the schools of the district as shown by the teachers' registers or other records of the district for the current or next preceding school year, is presented to the county superintendent of schools. The petition shall be acted upon in the same manner as in the case of the formation of new school districts, except that Section 1746 shall not apply. Petition

1832. The persons securing the signatures to the petition shall attach an affidavit thereto that all persons who sign the petition did so in the presence of the affiant and that each signature is a genuine signature of the person whose name it purports to be. Affidavits re signatures

1833. When it appears from the records of the county clerk or registrar of voters that there are fewer than six registered electors residing in an elementary school district, the county superintendent of schools shall, not later than December 15th of that year, make a written recommendation to the board of supervisors concerning such elementary school district. The board of supervisors may, at its discretion, continue such district in effect or order it annexed to any adjoining elementary school district. Continuation or annexation of small districts

1834. When the schoolhouse in any school district is within three miles by traveled road from the schoolhouse in an adjoining district, the board of supervisors may, upon recommendation of the superintendent of schools and the supervisor or supervisors in whose district or districts the school districts are located, unite the school districts to constitute one school district. Uniting

1835. Whenever two or more elementary school districts are united to constitute but one school district, all funds, property, and obligations of the districts united shall become the funds, property, and obligations of the district formed. The bonded indebtedness of any elementary school district incurred prior to its uniting with any other elementary school district or districts shall remain the sole obligation of the territory within the elementary school district as it existed prior to its being united with the other elementary school district or districts. Property and indebtedness

Article 9. Annexation of Districts to Elementary Districts

1851. A single elementary school district may be annexed to another single elementary school district which during the last preceding fiscal year had an average daily attendance in excess of the district to be annexed pursuant to this article (commencing at Section 1851), and upon such terms as may Annexation

be agreed upon between the governing boards of the school districts.

Districts not wholly in same county

1852. If the petitioning school district and the school district to which annexation is sought are not wholly situated in the same county, then the petition shall be presented in duplicate to the county superintendent of schools of each county in which any part of either of the districts is situated.

Petition

1853. A majority of the registered electors residing in the district and who have children enrolled in any elementary school, whether in the district of residence or another district, as shown by the teachers' registers for the current or next preceding term, shall present to the county superintendent of schools a petition for annexation. The petition shall be accompanied by an agreement to the annexation, signed by a majority of the members comprising the board of trustees of the district to which annexation is desired.

Election

1854. Upon presentation of the petition, the county superintendent of schools, or each of them, shall, within 20 days, call an election in the petitioning district in his county for determination of the question and shall appoint three qualified electors in the petitioning district, to conduct the election.

Same

1855. The election shall be called and conducted in all respects as specified in Sections 1941 to 1948, inclusive, except that the form of the ballot shall be: "For the annexation to the _____ School District, Yes _____, No _____." Each elector voting at the election shall mark a cross with pencil, ink, or rubber stamp after the answer he desires to give. If a majority of the votes cast is in favor of the annexation, the annexation is complete. The result of the election shall be reported by the election officers in each district to the superintendent of the county in which the district is situated within five days after the election.

Funds etc. of annexed district

1856. Whenever a district is annexed to another district, pursuant to this article (commencing at Section 1851), all funds, property, and obligations of the districts shall become funds, property, and obligations of the enlarged district. The bonded indebtedness of any district incurred prior to an annexation action, pursuant to this article (commencing at Section 1851), shall remain the sole obligation of the territory of the district as it existed prior to the annexation.

Governing board of annexed district

1857. Upon the effective date of the annexation of the district, for all purposes, to another district the governing board of the district annexed ceases to exist.

Article 10. Suspension and Lapsation of Districts

Recommendation of county superintendent

1871. If in any elementary school district there has been an average daily attendance of only five or less during the whole school year, the county superintendent of schools having jurisdiction shall report the fact to the board of supervisors at its first meeting in July or August with his recommendation that the district be suspended or lapsed.

1872. The average daily attendance of pupils residing in an elementary school district and attending the seventh and eighth grades of a junior high school, and credited to the elementary school district, constitutes average daily attendance in the elementary school district for all the purposes of this article (commencing at Section 1871). Average daily attendance

1873. The board of supervisors shall at the meeting at which the report and recommendation of the county superintendent of schools is received suspend or lapse the district as he may recommend. Suspension or lapsation

1874. The governing board of a suspended district shall have, among other powers possessed by said board, power to repair and insure the school property of the district and to contract for the transportation of the children eligible to attend the school of and resident in the district to the adjoining school district or districts where they are attending public schools, and for these purposes the board may expend any money available for such purposes and credited to the district. The insurance shall be written in any admitted insurer. Powers of governing board of suspended district

1875. A suspended district may be merged with one or more adjoining districts, including an elementary school district within a union elementary school district, joint union elementary school district or a unified school district, whenever a petition signed by the majority of electors residing in the suspended district is presented to the board of supervisors. The petition shall be filed with the county superintendent and by him presented to the board of supervisors with such suggestion as he thinks best. Merger with adjoining districts

1876. After a district has been declared lapsed, the territory of the district shall be attached by the board of supervisors to one or more of the adjoining districts, including an elementary school district within a union elementary school district, joint union elementary school district or a unified school district, in such manner as the board considers most convenient for the residents of the lapsed district. Attachment to adjoining district

1877. When all the area of a county is located within three union or joint union high school districts, one of which contains more than three-fourths of the area of the county and four times the average daily attendance, and seven times the assessed valuation, of any other high school district located in whole or in part in the county, the board of supervisors of such county may not annex the territory of any suspended or lapsed elementary school district to an elementary school district in a high school district other than that in which such elementary school district is located except by the unanimous vote of all the members of the board of supervisors. Conditions requiring unanimous vote

1878. When any district has been declared lapsed, the board of supervisors shall, in such manner and upon such terms and conditions as it shall by resolution prescribe, sell or otherwise dispose of the property belonging to the district. All necessary instruments shall be executed in the name of the district by the chairman and clerk of the board of supervisors, Property

and the consideration for the sale or other disposition shall be placed in the county treasury to the credit of the district.

Indebtedness

1879. After the sale of the property, the superintendent shall determine all outstanding indebtedness of the lapsed district, and shall draw his requisition upon the county auditor in payment of the indebtedness.

Balance of moneys

1880. Any balance of moneys remaining to the credit of the lapsed district after all indebtedness has been paid shall be transferred by the superintendent to the credit of the district into which the lapsed district has been merged.

Same

1881. If the lapsed district has been attached to more than one of the adjoining districts, the superintendent shall apportion the moneys remaining to the credit of the lapsed district to the several districts in proportion to the number of pupils in average daily attendance in the respective districts, as shown by the teacher's report for the preceding school year.

Insufficient funds

1882. If there are not sufficient funds to the credit of the lapsed district to liquidate all of the outstanding indebtedness, the superintendent shall draw his requisition upon the county auditor pro rata for the several claims.

Joint union districts

1883. In the case of a joint union elementary school district, the county superintendent of schools and the county board of supervisors of each county in which a district comprising a part of the joint union elementary school district is wholly situated, shall for the purposes of this article (commencing at Section 1871) be the county superintendent of schools and county board of supervisors having jurisdiction over the district comprising a part of the joint union elementary school district.

Re-establishment

1884. At any regular meeting between July 1st and November 20th of any year, the board of supervisors may re-establish a suspended school district upon proper showing of the residents, or board of school trustees of the district, that there are eight or more pupils of the district ready to attend school.

Lapsation

1885. If a district is not re-established within two years after having been suspended the board of supervisors shall declare the district lapsed.

Article 11. Inclusion of Territory in Indian Reservation

Territory in Indian reservation

1901. The territory in any Indian reservation of the United States Government may be formed into an elementary school district in the manner provided for the formation of new elementary school districts, or may be included in whole or in part as a part of any new elementary school district hereafter formed in the same manner as other territory may be included in a new elementary school district.

Article 12. Inclusion in District of Land Owned by United States of America

1911. Any land owned by the United States and lying within the boundaries of any school district is a part of the school district and has been continuously a part of the school district from the time the land first lay within the boundaries of the school district. Land owned by United States

CHAPTER 3. ELEMENTARY UNION AND JOINT UNION DISTRICT ORGANIZATION

Article 1. Formation of Union Districts

1941. (a) A majority of the registered electors who reside in two or more contiguous elementary school districts of any kind or class, lying in the same county, and who have children attending school as shown by the teachers' registers or other records of the districts for the current or next preceding year or, (b) if any of such districts has an average daily attendance of 300 or more, a majority of the members of the governing board of such district may unite in a petition to the county superintendent of schools for the formation of a union elementary school district to comprise the districts petitioning. The superintendent of schools shall within 20 days after receiving the petition, call an election for the determination of the question and shall appoint three qualified electors in each of the districts petitioning to conduct the election. The county superintendent of schools may divide any school district in which the election is held into precincts for such election and, in such case, shall appoint three qualified electors in each precinct to conduct the election. Petition

1942. The persons securing the signatures to the petition shall attach an affidavit thereto that all persons who sign the petition did so in the presence of the affiant and that each signature is a genuine signature of the person whose name it purports to be. Affidavits re signatures

1943. The election shall be called by posting notices in three of the most public places in each district, one of which shall be a public schoolhouse in each district, if there is one, at least 10 days before the election. Notice of election

1944. The election shall be held separately and simultaneously in each of the districts petitioning. The election shall be conducted by the officers appointed for that purpose in the manner provided for conducting elections for members of governing boards of elementary school districts. Election

1945. Ballots at the election, in each district, shall contain the words, "For the Union School District." After the words shall be printed the words "Yes_____, No_____." Each elector voting at the election shall mark a cross with pencil, ink, or rubber stamp after the answer he desires to give. Ballots and voting

Canvass and report of election

1946. The election officers in each district shall canvass the vote at the election and report the result to the county superintendent of schools within five days after the election.

Formation of district

1947. If a majority of the votes cast at the election in each of any two or more of the school districts is in favor of the union school district, the union school district is formed but if a majority of the votes cast in any district are against the formation of the union school district, that district shall not be included in the union school district and the union school district shall be formed to include only those districts which are contiguous to each other and in which a majority of the votes cast favored the formation of the union school district. The county superintendent shall, within 15 days after receiving the returns of the election, notify the county assessor, the county clerk, and the county auditor of the formation of the union school district.

Name

1948. The trustees shall name the union school district.

Article 2. Formation of Joint Union Districts

Petition

1961. (a) A majority of the registered electors residing in two or more contiguous school districts of any kind or class, not all in the same county, and who have children attending the schools in the district as shown by the teachers' registers or other records of the district for the current or next preceding school year or, (b) if any of such districts has an average daily attendance of 300 or more, a majority of the members of the governing board of such district, may unite in a petition to the county superintendents of their respective counties for the formation of a joint union school district, to comprise the districts petitioning. Each of the superintendents shall, within 20 days after receiving the petition, call an election in the district or districts in his county petitioning, for the determination of the question and shall appoint three qualified electors in each of the petitioning districts, to conduct the election. The county superintendent of schools may divide any school district in which the election is held into precincts for such election and in such case, shall appoint three qualified electors in each precinct to conduct the election.

Affidavits to signatures

1962. The persons securing the signatures to the petition shall attach an affidavit thereto that all persons who sign the petition did so in the presence of the affiant and that each signature is a genuine signature of the person whose name it purports to be. No petition shall be accepted by the superintendent of schools after December 15th of any fiscal year.

Election

1963. The election shall be called and conducted in all respects as specified in Sections 1941 to 1948, inclusive, except that the form of the ballot shall be: "for the Joint Union School District." The result of the election shall be reported by the election officers in each district to the superintendent of the county in which the district is situated within five days after the election.

1964. The trustees shall meet at a time and place to be agreed upon among themselves, and name the joint union school district. Name

Article 3. Districts Composing Union or Joint Union Districts as Separate Entities

1971. For the purposes of teachers' reports, the several districts uniting to form a union or joint union elementary school district and the several districts of the union elementary school districts uniting to form a union elementary school district shall continue their separate existence. Teachers' reports

1972. The enrollment and attendance of each component district shall be kept separate from that of the other component districts composing the union or joint union elementary school district. Attendance reports

The Superintendent of Public Instruction may, on the request of the governing board of a district, exempt the district from the requirements of this section whenever compliance by such district with such requirements is in his judgment unnecessary to the administration of the laws relating to the apportionment of the State School Fund, and may withdraw such exemption when compliance with such requirements in his judgment becomes necessary to the administration of such laws.

1973. Elementary school districts uniting to form a union or joint union elementary school district, and union elementary school districts uniting to form a union elementary school district, under the provisions of Section 44, and Sections 1941 to 2056, inclusive, shall remain under the control of their respective boards of trustees until the first day of July next succeeding the formation of the union or joint union district and the location of the union or joint union school, or schools. Governing board

1974. After the time set forth in Section 1973 the districts uniting to form the union or joint union district shall cease to exist, except for the purposes specified in Section 44, and Sections 1941 to 1956, inclusive, and the terms of office of the school trustees of the districts shall expire. Effect of formation

1975. When the districts uniting to form the union or joint union school district cease to exist, the district property of each district uniting shall vest in the union or joint union school district and pass to the control of the board of trustees of the district to be held and disposed of by them pursuant to the provisions of this code relating to the powers and duties of boards of school trustees. Property

1976. The proceeds of any sale by the board of trustees of the union or joint union school district of school property that originally belonged to any of the original districts shall first be applied to the discharge of any bonded or other indebtedness of the original district Indebtedness

1977. Any balance on hand in any fund remaining to the credit of the elementary districts uniting to form a union or joint union school district shall be transferred to the credit of the union school district. Balance of funds

Assumption of bonded indebtedness

1978. Upon petition of 10 percent of the qualified electors residing in any elementary school district which has been included in or annexed to a union or joint union school district requesting him to do so, or by resolution adopted by the governing board of the union or joint union district, the county superintendent of schools having jurisdiction of the district shall call an election in the union or joint union district for the purpose of permitting the qualified electors to vote upon the question of whether or not the union or joint union district shall assume the bonded indebtedness of the elementary district. The election shall be called, held, and conducted as are elections for the issuance of school district bonds, except as provided in this section. The notice for the election shall contain the following:

(a) The time and place or places of holding the election.

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

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

(d) The amount of the bonded indebtedness and the interest rate thereon proposed to be assumed by the union or joint union district.

The ballot at the election shall contain the words "Assumption of Bonded Indebtedness—Yes" and "Assumption of Bonded Indebtedness—No" or words of similar import.

No bonded indebtedness shall be assumed by a union or joint union school district unless two-thirds of the qualified electors voting at the election vote in favor of the assumption.

Article 4. Annexation of Districts

Union or joint union districts

2001. Any single school district or any union or joint union school district, hereinafter in this article (commencing at Section 2001) called the petitioning district, may be admitted to a union or joint union school district, hereinafter in this article (commencing at Section 2001) called the admitting district, pursuant to this article (commencing at Section 2001), and upon such terms as may be agreed upon between the governing board of the petitioning district and the governing board of the admitting district.

Petition

2002. If the petitioning school district and the admitting district are not wholly situated in the same county, then the petition shall be presented in duplicate to the county superintendent of schools of each county in which any part of either of the districts is situated.

Same

2003. A majority of the registered voters who reside in the petitioning district and who have children enrolled in any elementary school, whether in the district of residence or another district, as shown by the teachers' register for the current or next preceding term, shall present to the county superintendent of schools a petition for annexation. The petition shall be accompanied by an agreement to the annexation,

signed by a majority of the members composing the governing board of the admitting district.

Election call

2004. Upon presentation of the petition, the county superintendent of schools, or each of them, shall, within 20 days, call an election in the petitioning district in his county for determination of the question and shall appoint three qualified electors in the petitioning district, to conduct the election.

Conduct of election

2005. The election shall be called and conducted in all respects as specified in Sections 1941 to 1948, inclusive, except that the form of ballot shall be: "For annexation to the _____ Union or Joint Union School District." If a majority of the votes cast in the entire petitioning district is in favor of the annexation, the annexation is complete. The result of the election shall be reported by the election officers in each district to the superintendent of the county in which the district is situated within five days after the election.

Change of boundaries part of union or joint union district

2006. The boundaries of a district which is part of a union or joint union district may be changed pursuant to the provisions of Sections 1791 to 1816, inclusive, and said district continues its separate existence for the purpose of being the subject of said change of boundaries proceedings; provided, that: (1) In said proceedings the governing board of the district shall mean the governing board of the union or joint union district governing said district and the schoolhouse of the district shall mean the schoolhouse of the union or joint union district serving the pupils, if any, resident of said district; and (2) the final order, if any, in said proceedings changing the boundaries of said district shall also show the necessary change effected of the boundaries of the union or joint union district of which said district is a part.

Assumption of indebtedness

2007. Whenever it appears that the terms agreed upon by the trustees of the district seeking to be annexed and the union or joint union board include the assumption by the district to be annexed of its pro rata portion of any bonded indebtedness existing against the union or joint union school district, the board of supervisors shall call an election in the district proposing to assume the indebtedness for the purpose of determining whether the indebtedness shall be authorized and assumed.

Conduct of election

2008. The election for the assumption by the district of its pro rata portion of any bonded indebtedness existing against the union or joint union school district shall be held in the same manner as are school district bond elections, except that the returns shall be made to the board of supervisors.

Two-thirds vote

2009. Notwithstanding any provisions of this article (commencing at Section 2001) to the contrary, unless it appears from the returns of the election held pursuant to Section 2008 that two-thirds of the votes cast at such election are in favor of the assumption by the district seeking to be annexed of its pro rata portion of the bonds, the district shall not be annexed to the union or joint union school district.

Tax levy

2010. If the bonded indebtedness is assumed by the annexed district, all levies of taxes made for the payment of the bonds and interest thereon, shall be upon the property of the annexed district at the same rate as levied upon the property of the original union or joint union school district.

Article 5. Withdrawal of Districts

Procedure

2021. Any school district contained in a union or joint union school district may withdraw from the union or joint union district by action of the board or boards of supervisors of the county, or counties, in which the union or joint union district is located. A district may withdraw in the same manner as provided in Sections 2001 to 2010, inclusive, for annexation to union or joint union school districts.

Petition

2022. Before the board or boards of supervisors may act, a majority of the electors residing in the union or joint union district, including two-thirds of the electors who reside in the district wishing to withdraw and who have children attending the school as shown by the teacher's register, shall present to the board or boards of supervisors a petition for withdrawal. The petition shall be accompanied by a written consent to the withdrawal, signed by a majority of the members composing the board of trustees of the union or joint union district and setting forth the terms for the withdrawal of the district agreed upon by a majority of the electors of the district wishing to withdraw and by the board of school trustees of the union or joint union school district.

Article 6. Lapsation and Suspension of Districts

Average daily attendance 5 or less

2031. If the average daily attendance from any one of the school districts composing a union or joint union school district falls to five or less for the entire year, the county superintendent shall report the fact to the board of supervisors, as provided in Sections 1871 to 1885, inclusive, and the board of supervisors shall lapse or suspend the district.

Article 7. Dissolution of Districts

Procedure

2041. Any union or joint union school district formed under Section 44 and Sections 1941 to 2056, inclusive, and which has been in existence three years or more, may be dissolved in the manner prescribed by this article (commencing with Section 2041)

Petition

2042. A petition signed by two-thirds of the electors residing in the district and who have children attending the school as shown by the teacher's register, or as may be shown by a census of the district ordered by the board of school trustees, shall be presented to the county superintendent of schools of the county in which the district is situated, setting forth briefly the reasons for dissolution and praying that the question be submitted to the voters in the district.

2043. If the petitioning district is not wholly situated within the same county, the petition shall be presented in duplicate to the superintendent of each county having territory within the district. Districts in more than one county

2044. Where the petitioning district is wholly situated within one county, the superintendent upon receiving the petition shall, within 20 days, call an election in the district, submitting to the voters of the district the question of dissolution. Election

2045. Where the district is not wholly situated within the same county, each superintendent petitioned shall, within 20 days after receiving the petition, call an election in the territory within his county and forming part of the district. He shall appoint three electors, resident within the territory, to conduct the election. Same

2046. The election shall be held throughout the district on the same day and during the same hours. Notice of the election shall be given by posting the written or printed notices in at least three of the most public places in the district for at least 12 days next before the day set for the election. If the district is not wholly situated in the same county, the notice shall be posted for the prescribed time in three of the most public places in the portion of the district in each county. Notice

2047. The election shall be conducted in the manner provided for conducting school elections. Conduct of election

2048. The ballots shall have printed on them the words, "For dissolution." The voters shall write or print after the words on the ballot, the word "yes" or the word "no." Ballots and voting

2049. The election officers shall report the result of the election within five days after the election to the county superintendent of schools of the county of which they are residents. Report of results

2050. If a majority of all the votes cast at the election is opposed to dissolution, no further petition shall be entertained or election ordered for a similar purpose within three years following the election. Unfavorable vote

2051. If the district in which the election is held is wholly situated in one county, and if two-thirds of all the votes cast at the election are in favor of dissolution the county superintendent of the county shall forthwith certify the result of the election to the board of supervisors of the county, and the board shall, at its first regular meeting after the election, make an order declaring the union district dissolved. The order shall take effect at the end of the current school year, except as provided in this article (commencing at Section 2041). Order of dissolution

2052. If the district in which the election is held is not wholly situated in one county, each of the county superintendents of the counties having territory in the district, shall immediately certify to the others the result of the election in his county. If two-thirds of all the votes cast at the election are in favor of dissolution all of the county superintendents Districts in more than one county

shall jointly forthwith certify the result of the election to the board of supervisors in each of the counties. The boards of supervisors shall, at the first regular meetings after the election, make an order declaring the joint union district dissolved. The order shall take effect at the end of the current school year, except as provided in this article (commencing at Section 2041).

Property

2053. When a union or joint union school district has been dissolved, the property of the district shall be sold by the board of supervisors of the county in which the property is situated. The proceeds of the sale, together with any moneys in the treasury to the credit of the dissolved district, shall be apportioned to and placed to the credit of the school districts that compose the dissolved district in proportion to the value of property of each of the school districts as determined by the last previous assessment in the district for school purposes. The board or boards of supervisors of the county or counties in which the dissolved district is situated shall make such orders, and such transfers from county to county, as may be necessary or proper to effect the apportionment.

Revival of original districts

2054. From and after the time of making of the order or orders provided for in this article (commencing at Section 2041), declaring a union or joint union school district dissolved, the original school districts composing the district, with such additional territory as has been annexed to them, shall be considered to be in existence again as separate districts and subject to the provisions of this code relating to elections of school trustees. The first elections in each of the districts shall be held as in the case of a newly formed district.

Effect of dissolution

2055. The order or orders declaring a union or joint union district dissolved shall not affect the continuance of the union or joint union board of trustees or the maintenance of the union or joint union school, until the end of the current school year. At the expiration of the current school year, the board and school shall cease to exist.

Same

2056. Whenever the number of districts comprising a union or joint union elementary school district has been reduced to one, the union or joint union elementary school district shall cease to be a union or joint union elementary school district and the district comprising the union or joint union elementary school district shall revert to the status possessed by it prior to the time it became a part of the union or joint union elementary school district.

The governing board of the union or joint union elementary district shall cease to exist when the union or joint union elementary school district ceases to exist. The county superintendent of schools having jurisdiction over the district comprising the union or joint union elementary school district prior to the cessation of its existence shall appoint the governing board of the surviving district to serve until the next succeeding first day of July.

CHAPTER 4. ELEMENTARY JOINT DISTRICT ORGANIZATION

Petition

2091. To form a joint district a petition signed by the parents or guardians of at least 15 children between the ages of five and 17 years as shown by the petition, residents of the proposed joint district, and residing at a greater distance than five miles by state or county traveled road from any public schoolhouse, shall be presented to the superintendent of schools of each county affected by the proposed formation of the joint district.

Same: Waiver of distance requirement

2092. The provisions of Section 2091 requiring that the petitioners shall reside a distance of more than five miles by a state or county traveled road from a public schoolhouse may be dispensed with when the petition is signed by the parents or guardians of 50 or more children, between the ages of five and 17 years as shown by the petition, residents of a school district or of school districts containing an average daily attendance of 200 or more in the elementary schools of the district or districts, as shown by the reports on file in the office of the superintendent of schools for the school year immediately preceding.

Formation of district

2093. Excepting as otherwise provided in this chapter (commencing at Section 2091), joint elementary school districts shall be formed in the same manner as is prescribed by Sections 1741 to 1754, inclusive, for the formation of elementary school districts.

Concurrent action

2094. All actions pursuant to this chapter (commencing at Section 2091) relative to the formation of joint districts shall be by concurrent action of the superintendent of schools and the board of supervisors of each county affected. By concurrent action of the board of supervisors and the county superintendents of schools, contiguous school districts or parts of contiguous school districts lying in different counties may, on proper petitions and approval be united to form a joint school district.

Formation of new county

2095. Whenever any school district has been or is hereafter intersected by any county boundary line in the formation of any new county, or in changing the boundary of any county, and portions of the district then lie in different counties, the district shall, by operation of law, constitute and become established as a joint school district, at the time of the intersection, unless otherwise provided.

School property

2096. All school property within territory united pursuant to this chapter (commencing at Section 2091) shall become the property of the newly formed joint school district.

Textbooks and rules

2097. The textbooks to be used, and the rules governing the school in a joint district, shall be those adopted by the board of education of the county in which the schoolhouse in the joint district is located.

Reports of trustees

2098. The trustees of a joint district shall make to the superintendents of each county in which the district is located, reports which other trustees shall make.

Terms of trustees

2099. The terms of the trustees in the districts uniting to form the joint district shall expire on the formation of the district.

CHAPTER 5. ELEMENTARY SCHOOL DISTRICTS INCLUDING MILITARY STATIONS

Article 1. Formation

Elementary school district at military station

2131. Whenever during the school year 1944-1945 the commanding officer of a military station comprising an area of not less than 650 square miles on which reside not less than 5,000 persons employed or stationed at such station, and on which permanent school buildings for the accommodation of the children of such persons are to be constructed, file with the county clerk of the county in which the greater part of the population of the station is located, a verified statement setting forth the fact of the existence of such station and describing by metes and bounds the boundaries thereof and stating the formation of an elementary school district to include all territory within such area or station is desirable, such territory shall upon the filing of the statement become an elementary school district.

Uniting with contiguous district

2132. At any time following the formation of the elementary school district, the governing board of any contiguous elementary school district or the governing boards of one or more elementary school districts contiguous to each other and one of which is contiguous to the elementary school district formed under Sections 1301 to 1303, inclusive, and Sections 2131 to 2173, inclusive, may petition the governing board of such elementary school district to unite with it. If the petition is granted, the districts are united and become a union elemenary school district.

Same Election

2133. At any time following the formation of the elementary school district, the governing board of any contiguous elementary school district lying wholly within the county in which the greater part of the population of the district formed under Sections 1301 to 1303, inclusive, and Sections 2131 to 2173, inclusive, is located may call an election in the contiguous elementary school district for the purpose of submitting to the electors of such contiguous elementary school district the question of whether such contiguous elementary school district shall become a part of the elementary school district formed under Sections 1301 to 1303, inclusive, and Sections 2131 to 2173, inclusive. Such election shall be called, held and conducted substantially in the manner provided for in Sections 935 to 974, inclusive, except that the ballot shall contain the words: "Shall the (_____) School District be-
Insert name
come a part of the (_____) School District?"
Insert name

The voter shall write or print after the words on his ballot the word "yes" or the word "no."

If a majority of the votes cast at such election is in the affirmative, such contiguous elementary school district shall thereafter become a part of the elementary school district formed under Sections 1301 to 1303, inclusive, and Sections 2131 to 2173, inclusive.

Article 2. Annexation to a High School District

Petition for annexation

2141. Upon the formation of an elementary school district under Sections 1301 to 1303, inclusive, and Sections 2131 to 2173, inclusive, the governing board thereof may file with the governing board of any contiguous high school district lying wholly within the county in which the greater part of the population of military station is located, a petition requesting the annexation of the elementary school district to said high school district. If the governing board of the high school district grants the petition, the elementary district is annexed to the high school district.

High school facilities, etc.

2142. Upon such annexation the governing board of the high school district shall maintain in the elementary school district and within the military station in quarters made available and maintained by the commanding officer of the military station adequate high school facilities and instruction.

Withdrawal from high school district

2143. After the first full school year following the annexation of the elementary school district to a high school district under this article (commencing at Section 2141), the elementary school district may withdraw from the high school district at the end of any succeeding school year by filing a written statement of such withdrawal with the county superintendent of schools having jurisdiction over the district; provided, the governing board of the elementary school district shall have given the governing board of the high school district written notice one school year prior to such withdrawal.

Article 3. Employment of Supervising Principal

Supervising principal

2151. The governing board of the elementary district and the governing board of the high school district may jointly employ a supervising principal for the elementary schools and high schools maintained within the elementary district.

Article 4. Crediting of Attendance

Report of average daily attendance

2161. The county superintendent of schools having jurisdiction over an elementary school district created hereunder shall, if such district be formed prior to July 1, 1945, calculate the units of average daily attendance resulting from the attendance of elementary school pupils residing in the territory comprising the elementary school district and attending school

during the school year 1944-1945 in the district in which such territory was situated or in a contiguous school district and shall in making his report to the Superintendent of Public Instruction pursuant to Section 804 credit such attendance to the elementary school district formed hereunder.

Article 5. Miscellaneous Provisions

Exclusion from high school district

2171. Upon the formation of an elementary school district under Sections 1301 to 1303, inclusive, and Sections 2131 to 2173, inclusive, the elementary school district shall cease to be a part of any high school district formed during the school year 1944-1945 of which the elementary school district may be a part.

Inapplicable sections

2172. Sections 1601 and 1602 of this code are not applicable in the case of the formation or establishment of a school district or the annexation thereof to, or the withdrawal thereof from, a high school district, pursuant to Sections 1301 to 1303, inclusive, and Sections 2131 to 2173, inclusive.

Attendance by pupils of other districts

2173. The governing board of an elementary school district formed under Sections 1301 to 1303, inclusive, and Sections 2131 to 2173, inclusive, shall permit the attendance, without discrimination, upon the school or schools of such district of pupils residing in contiguous school districts to the full extent of the ability of the school or schools of the district to accommodate them.

Chapter 6. High School District Organization

Article 1. General Provisions

Formation and government

2201. High school districts may be formed, organized, and maintained pursuant to this code.

Affidavit

2202. The superintendent of schools may require an affidavit from one or more of the petitioners as to the correctness of the facts given in the petition.

Conclusiveness of certificate

2203. The certificate of the county superintendent relating to the formation or organization and establishment of high school districts, when filed with the county clerk, shall after the expiration of one year from the date of filing be conclusive evidence that the high school district has been legally formed, when the result of the election, as declared in the certificate, is in favor of the formation of the district.

Separation of territory

2204. Whenever, by reason of any action taken in accordance with law, territory is removed from a high school district, and the high school district is separated into two or more noncontiguous parts, the validity of the high school district shall not be affected by the withdrawal of the territory, and the rights, powers, duties, responsibilities, and jurisdiction of the high school district shall not be affected by reason of the separation of the high school district into two or more noncontiguous parts.

Article 2. Formation of High School Districts and Annexation of Elementary Districts to Existing High School Districts

2221. The Legislature hereby declares as its policy that all elementary school districts shall be included in a high school district or in a unified school district. In order to permit school districts to conform voluntarily to this policy, the provisions of this article (commencing at Section 2221) shall not become operative until February 1, 1957. Declaration of policy

2222. The county committee established under Section 3101 of each county in which there is any elementary school district not included within a high school district shall formulate plans and recommendations to be submitted to the State Board of Education for one of the following: County committee Plans and recommendations

(a) The formation of high school districts or unified school districts comprising one or more of such elementary school districts and the annexation of any such elementary school districts not included therein to the existing high school district or unified school district whose high school is most easily accessible to the pupils of the elementary school district.

(b) The annexation of each of the elementary districts to the existing high school district or unified school district whose high school is most easily accessible to the pupils of the elementary school district.

2223. The county committee established under Section 3101 of each county in which there is a portion of any elementary school district not included within a high school district shall formulate plans and recommendations to be submitted to the State Board of Education for the annexation of such portion of such elementary school district to the existing high school district or unified school district whose high school is most easily accessible to the pupils of the elementary school district. Same

2224. Plans and recommendations submitted to the State Board of Education which include the territory of two or more counties shall be concurred in by the county committee of each such county. Same

2225. When territory has been selected for the tentative preparation of plans and recommendations, the county committee shall hold one or more public hearings in the territory at which any interested person may be heard. If the territory selected includes territory in two or more counties, the public hearings herein provided for shall be held jointly by the county committees of such counties. Any public hearing may be continued from time to time. Hearing

2226. At least 20 days prior to the date of a public hearing by a county committee, the county superintendent of schools of the county in which the greater part of such territory is located shall give notice of the hearing by each of the following means: Notice

(a) By mail to the governing board of each school district affected;

(b) By posting in at least three public places in each school district affected; and

(c) By publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation published in the territory, or if there is none, then in a newspaper of general circulation published in the county. The first publication in a newspaper shall be at least 20 days prior to the date of the public hearing.

Contents of notice

2227. The notice of a public hearing by a county committee shall contain a general statement of the purpose of the hearing and the time and place thereof.

Submission of plans, etc.

2228. Plans and recommendations required by this article (commencing at Section 2221) shall be formulated and submitted by county committees to the State Board of Education on or before December 1, 1957.

Approval or rejection of plans, etc

2229. (a) The State Board of Education shall consider plans and recommendations submitted to it by a county committee and shall either approve or reject them, or in the event the plans and recommendations submitted by a county committee provide for the inclusion of an elementary district which is coterminous with the boundaries of the county in a high school district or a unified district the State Board of Education may postpone any action until such time as they deem it appropriate for action to be taken.

(b) If the State Board of Education approves plans and recommendations submitted to it by a county committee, it shall enter an order of such approval in its minutes. The order shall describe the boundaries of a new high school district or unified school district and the boundaries as changed in an existing high school district or unified school district.

(c) If the State Board of Education rejects plans and recommendations submitted to it by a county committee, it shall order the county committee to formulate and submit, in the manner provided in this article (commencing at Section 2221), new plans and recommendations to the board within such time as may be determined by the board.

(d) The State Board of Education may, when it deems advisable, refer the recommendation of a county committee relating to a single elementary school district to a board of review consisting of three county superintendents of schools of counties not contiguous to the county in which the school district is located. Such board of review shall be appointed by the Superintendent of Public Instruction. The board of review shall investigate and hear the matter in the same manner as prescribed in Sections 2409 through 2413, except that the hearing shall be held in the school building maintained by the district in question and the recommendation of the review board shall be filed with the State Board of Education. The recommendation shall be either to approve or to reject the plans and recommendations of the county committee.

(e) If a petition signed by two-thirds of the registered voters residing in any elementary school district, is filed with the State Board of Education within 60 days of the receipt of the plans and recommendations of the county committee affecting such district, protesting the plans and recommendations, the State Board of Education shall reject the plans and recommendations. Prior to being filed with the State Board of Education the signatures on the petition shall be verified by the county superintendent of schools who shall attach his affidavit that the signatures have been verified and that the petition is sufficient.

Order

2230. (a) Upon approval of plans and recommendations submitted to it by a county committee, the State Board of Education shall notify all school districts affected and the county board of supervisors, the county superintendent of schools, and the county clerk of each county in which any part of the territory affected is situated. The county clerk of each county shall thereupon make an appropriate entry in his record of high school districts or unified school districts, as the case may be.

(b) A certified copy of the order of the State Board of Education shall be recorded in the office of the county recorder of each county in which any portion of a new high school district or unified school district is situated and in each county in which any portion of a high school district or unified school district whose boundaries are changed is situated.

When action deemed complete

2231. The action to form a high school district or unified school district or to annex all or a portion of an elementary school district to a high school district or unified school district under this article (commencing at Section 2221) shall be deemed to be complete upon compliance by the State Board of Education with Section 2230. The action, regardless of when commenced, shall become effective on the next succeeding first day of July if completed prior to February 1st of a school year, but if not so completed, the action shall become effective on the second next succeeding first day of July, except that for the purposes enumerated in Section 1604 the action shall be effective on the date the action is completed.

Order conclusive evidence of legal boundaries

2232 After the expiration of one year from the date of the recording of the order of the State Board of Education, as provided in Section 2230, the order shall be conclusive evidence that the high school district has been legally organized or the boundaries of the high school district or unified school district legally changed, as the case may be, and no suit shall be maintained which questions the validity thereof.

Article 3. Formation of Countywide Union High School District Including a Unified School District

Procedure

2241. The formation of a union high school district to include all the territory within a county, exclusive of the territory lying in any unified school district lying partly in said

county and partly in one or more other counties, is hereby authorized but may be effected only as a reorganization under Sections 3001 to 3451, inclusive.

Effect

2242. Upon the formation of a union high school district under the provisions of this article (commencing at Section 2241), all high school districts and all unified school districts comprising only elementary school districts and high school districts included therein shall cease to exist and the elementary school district or districts theretofore merged into each such unified school district shall be and become a single elementary school district.

Property funds, etc.

2243. The property, funds, and obligations of each high school district included within a union high school district formed under Sections 46 to 48, inclusive, and Sections 2201 to 2512 shall become the property, funds, and obligations of said union high school district. The property, funds, and obligations of each unified school district included within a union high school district formed under this article (commencing at Section 2241) used, received by, or incurred, respectively, for high school purposes shall become the property, funds, and obligations of the union high school district.

Election

2244. After the approval by the State Board of Education of plans and recommendations of a county committee for the reorganization of school districts calling for the formation of a union high school district pursuant to this article (commencing at Section 2241), an election for the formation of such district shall be called, held, and conducted pursuant to Article 3 of this chapter, except that the formation shall not be effected unless a majority of all votes cast in each unified school district included in the proposed union high school district are cast for the formation of the union high school district.

Article 4. Formation of Union High School District Including a Unified School District

Procedure

2261. The formation of a union high school district to include the territory of a unified school district formed pursuant to Sections 1481 to 1493, inclusive, Sections 2811 to 2931, inclusive, and Sections 813, 13005, 13554 and 21802 and the territory of a contiguous union high school district within the same county is hereby authorized but may be effected only as a reorganization under Sections 3001 to 3451, inclusive.

Effect

2262. Upon the formation of a union high school district pursuant to this article (commencing at Section 2261), any union high school district and any unified school district comprising only elementary school districts and high school districts included therein shall cease to exist and the elementary school district or districts theretofore merged into such unified school district shall be and become a single elementary school district.

2263. The property, funds, and obligations of each union high school district included within a union high school district formed under this article (commencing at Section 2261) shall become the property, funds, and obligations of such union high school district formed under this article (commencing at Section 2261). The property, funds, and obligations of any unified school district included within the union high school district formed pursuant to this article (commencing at Section 2261) used, received by, or incurred, respectively, for high school purposes shall become the property, funds, and obligations of the union high school district. Property, funds etc

2264. After the approval by the State Board of Education of plans and recommendations of a county committee for the reorganization of school districts calling for the formation of a union high school district pursuant to this article (commencing at Section 2261), and election for the formation of such district shall be called, held, and conducted pursuant to Article 3 of this chapter, except that the formation shall not be effected unless a majority of all votes cast in each unified district included in the proposed union high school district are cast for the formation of the union high school district. Election

Article 5. Formation of Union High School Districts From Territory in County High School Districts

2281. Whenever one or more city, district, or union high school districts, have been organized in any county maintaining one or more county high schools, all elementary school districts not included in any city, district, union, or joint union high school district shall constitute a union high school district, and shall be governed by a high school board elected in the same manner as are boards of trustees of union and joint union high school districts. Elementary schools

2282. All funds standing to the credit of the county high school district at the time of the reorganization, or that may be credited to the district during the current fiscal year, shall be apportioned by the county superintendent of schools to the union high school district or districts in the manner provided in this article (commencing at Section 2281). Apportionment of funds

2283. If only one union high school district is formed out of the territory not included in any city, district, union, or joint union high school district, the county superintendent shall apportion the entire amount to the union high school district. Same

2284. If two or more union high school districts are formed out of the territory, the county superintendent shall apportion one-third of the entire amount among the union high school districts, irrespective of the number of pupils enrolled or in average daily attendance in the districts. He shall apportion the remaining two-thirds among the schools pro rata upon the basis of average daily attendance during the preceding school year as shown by the last official annual reports of the prin- Same

cipals on file in the office of the county superintendent of schools.

Property

2285. After the organization of the first high school board in any union high school district formed under this article (commencing at Section 2281), all property belonging to the county high school district and located in the union high school district, shall be the property of the union high school district.

Article 6. Formation of High School Districts From Territory in Existing High School Districts

Authorization

2301. The formation of a high school district to include all the territory of one or more elementary school districts which are a part of an existing union high school district maintaining five or more high schools, each of which high schools is separated by a distance of eight or more miles by the nearest traveled road, is hereby authorized but may be effected only in the manner prescribed by this article (commencing at Section 2301).

Petition

2302. A petition signed by not less than 10 percent of the registered electors residing in any elementary school district which is a part of the existing high school district and in which there is located one of the high schools maintained by the high school district, shall be presented to the county superintendent of schools having jurisdiction over the districts, setting forth the name of the elementary school district or districts to be included in the proposed high school district and specifying the name of the proposed district The person securing the signatures to any such petition shall attach an affidavit thereto that all persons who signed the petition did so in the presence of the affiant and that each signature is the genuine signature of the person whose name it purports to be.

Proposal

2303. The petition may propose the formation of a high school district to include all the territory of two or more contiguous elementary school districts which are a part of the existing high school district if there is situated in one or more of the contiguous elementary school districts one or more of the high schools maintained by the existing high school district.

Rejection

2304. The county superintendent of schools shall reject the petition and take no further action under such petition if at the time the petition is presented to him the assessed valuation of the territory to be included in the proposed high school district is less than seventeen million dollars ($17,000,000) as shown by the last equalized assessment roll. Within 20 days after receiving the petition the county superintendent of schools shall, if he finds its sufficient and signed as required, call an election in the territory proposed to be included in the high school district. Except as otherwise provided in this article (commencing at Section 2301), the election shall be

conducted as elections for governing boards and the county superintendent of schools shall have all the powers and duties with respect to the election as governing boards of school districts have in elections for members of school boards.

Election

2305. The election shall be called by posting notices in three public places in each elementary school district proposed to be included in the high school district, one of which shall be a public schoolhouse, at least two weeks before the election, and by publishing the notice at least once a week for two successive weeks in a newspaper of general circulation published at least as often as once a week in the proposed high school district, if there is such a newspaper. The first publication shall be not less than two weeks before the election.

Polling places

2306. The election shall be held separately and simultaneously at a public schoolhouse in each of the districts proposed to be included in the high school district.

Ballots

2307. The ballots used at the election in each district shall contain the words "High School District—Yes" and "High School District—No." The electors voting at the election shall make a cross with pencil, ink, or rubber stamp after the answer they desire to give.

Canvass of votes

2308. The election officers in each district shall canvass the vote as soon as the polls are closed, and report the result to the county superintendent of schools within five days after the election.

Election result

2309. Within 10 days after receiving the returns of the election, the county superintendent of schools shall combine the votes "for" and "against" the formation of the high school district, declare the result, and record it, with the details of the vote in each district, in a book kept by him for that purpose.

Certificate of votes cast

2310. If a majority of the votes cast at the election is in favor of the formation of the high school district, he shall file with the county clerk of the county, a certificate showing the total number of votes cast in each district in favor of the high school district, the total number of votes in each district against the high school district, the aggregate result of the election, and the boundaries of the proposed district.

Formation

2311. If it appears from the certificate filed by the county superintendent of schools that a majority of the votes cast at the election is in favor of the formation of the district, the new high school district is formed.

Recordation

2312. The county clerk shall record the certificate in full in his record of high school districts.

Property

2313. Whenever any high school district is formed pursuant to this article (commencing at Section 2301), all real property of the union high school district which is situated within the boundaries of the newly formed high school district shall become the property of the newly formed district. Within 30 days after the newly formed high school district becomes effective for all purposes, the county auditor shall determine the balance of the funds standing to the credit of

the general fund of the union high school district from which the new district was formed as of the effective date of the formation of the new district. Thereupon he shall transfer from the general fund of the union high school district to the credit of the general fund of the newly formed district an amount which is in the same proportion as the ratio of the assessed valuation of the territory included in the newly formed district bears to the total assessed valuation of the union high school district immediately prior to the formation of the new district for all purposes.

Funds

2314. During the first fiscal year after the formation of a high school district pursuant to this article (commencing at Section 2301), the new high school district shall receive from the union high school district from which the new district was formed a sum equal to all apportionments of the State School Fund which it would have received had it been formed on July 1st of the year preceding its formation for all purposes, as such apportionments are received by the union high school district. During such first fiscal year the county superintendent of schools having jurisdiction over the districts shall draw his requisition upon the county auditor to the credit of the newly formed high school district in the amount necessary to accomplish the transfer of funds required by this section.

Article 7. Uniting of High School Districts

Procedure

2331. Two or more contiguous high school districts in the same county or in adjoining counties may be united to form a single union or joint union high school district pursuant to this article (commencing at Section 2331).

Petition

2332. A petition, signed by two-thirds of the high school board or a majority of the registered voters in each of two or more contiguous high school districts, asking that the high school districts be united to form a single union or joint union high school district under a name stated in the petition may be presented to the county superintendent of schools who would have jurisdiction of an original petition for the formation of a high school district out of the territory comprised in the high school district proposed to be formed. The county superintendent of schools shall, within 20 days after receiving the petition, call an election for the determination of the question.

Separate elections

2333. The election shall be held separately in each of the school districts composing the high school districts petitioning.

Conduct of election

2334. The election shall be called and held as in the case of the formation of a union high school district, except that the ballots shall contain the words "For the union of high school districts—Yes" and "For the union of high school districts—No."

Canvass and certificate of result

2335. The superintendent of schools shall canvass the returns and file a certificate of result in the same manner as

provided in the case of an election for the formation of a union high school district.

2336. If a majority of the votes cast at the election in each of the high school districts is in favor of the union of the high school districts, the high school districts, from the time of filing the certificate, are united to form a single union or joint union high school district under the name stated in the petition. Date of formation

2337. The new high school district shall be liable for the outstanding bonded indebtedness of any of the high school districts united. Bonded indebtedness

Article 8. Uniting of Elementary Districts to Form Union or Joint Union High School Districts

2351. (a) A majority of the registered voters residing in each of one or more elementary, union elementary, or joint union elementary school districts which are part of one or more high school districts, may present to the county superintendent of schools who has jurisdiction over the elementary school districts or a majority thereof, a petition asking for the organization of a union or joint union high school district, as the case may be, to include all of the elementary school districts represented in the petition; provided, the following conditions exist: Petition

(1) There are resident in the districts 1,000 or more pupils enrolled in grades 9 through 12 as shown by the last reports of the teachers of the school districts attended, and

(2) The assessed valuation of the districts totals twenty million dollars ($20,000,000) or more.

The petition shall specify the name of the proposed union or joint union high school district. The person securing the signatures to any such petition shall attach an affidavit thereto that all persons who signed the petition did so in the presence of the affiant and that each signature is the genuine signature of the person whose name it purports to be. The county superintendent of schools shall, within 20 days after receiving the petition, verify the signatures and, if he finds them sufficient, submit the petition to the State Board of Education for approval.

(b) A high school district may be formed to comprise one or more elementary school districts meeting the conditions set forth in subsection (a) except having in the aggregate less than 1,000 pupils resident therein enrolled in grades 9 through 12, but may be effected only as a reorganization under Sections 3001 to 3451, inclusive.

2352. The State Board of Education shall set the petition for hearing and at least 30 days prior thereto shall send by registered mail to the superintendent of each school district which will be affected by the proposed organization of the union high school or joint union high school district a notice containing a general statement of the purpose of the petition and the time and place when and where the petition will be Hearing on petitions, election

heard. Should the State Board of Education approve the petition, the county superintendent of schools shall within 20 days after receiving notice from the State Board of Education of its approval of the petition, call an election for the determination of the question and shall appoint three qualified electors in each of the districts petitioning, to conduct the election therein.

Same Approval

2353. The petition shall not be approved by the State Board of Education (a) unless it appears from a certified statement of the county assessor of the county or counties within which the high school districts are situated from which the elementary, union elementary, or joint union elementary school districts are withdrawing, that the assessed valuation of the territory remaining in each high school district after the withdrawal of the elementary, union elementary, or joint union elementary school districts will be in excess of twenty million dollars ($20,000,000), and (b) unless it appears from a certified statement of the county superintendent of schools having jurisdiction over the high school districts that the average daily attendance in the high schools of each high school district after the withdrawal of the elementary, union elementary, or joint union elementary school districts will be in excess of 1,000.

Limitation on election

2354. The State Board of Education may determine that the election shall be held only in the districts petitioning. In the event the board makes such determination and notifies the county superintendent of schools whose duty it is to call the election, prior to the date he calls the election, the county superintendent of schools shall call the election only in the districts petitioning.

Statement of arguments

2355. The county superintendent of schools calling such election shall cause to be prepared and distributed at least 10 days before the election to each qualified elector in each such district or portion of a district, as the case may be, in which the election is to be held, a statement of the arguments in favor of, and of the arguments against, the formation of the proposed new district.

Notice of election

2356. The election shall be called by posting notices in three public places in each elementary school district in the high school district in which the election is to be held, one of which shall be a public schoolhouse of the district, at least two weeks before the election, and by publishing the notice at least once a week for two successive weeks in a newspaper of general circulation published within the high school district, if there is such a newspaper. The first publication shall be not less than two weeks before the election.

Separate election

2357. The election shall be held separately and simultaneously at a public schoolhouse in each of the elementary school districts in the high school district, or if the State Board of Education has so determined under Section 2354, in each of the districts petitioning.

Election officers

2358. The election shall be conducted by the officers appointed for that purpose in the manner provided for conducting elections of school trustees.

2359. The ballots used in the election in each district shall contain the words "New Union High School District—Yes" and "New Union High School District—No"; or "New Joint Union High School District—Yes" and "New Joint Union High School District—No" as the case may be. The electors voting at the election shall make a cross with pencil, ink, or rubber stamp after the answer they desire to give. Ballots and methods of voting

2360. The election officers in each district shall canvass the vote of the election as soon as the polls are closed, and report the result to the superintendent of schools within five days after the election. Canvass

2361. Within 10 days after receiving the returns of the election, the superintendent of schools of the county, or, in the case of a joint union high school district, the superintendent of the county who will have jurisdiction over the proposed district if formed, shall combine the votes "for" and "against" the formation of the union or joint union high school district and declare and record the result, with the details of the vote in each district, in a book kept by him for that purpose. Declaration of result

2362. If a majority of the votes cast at the election is in favor of the formation of the union or joint union high school districts, the superintendent of schools shall file with the county clerk of the county, or of each county in which any part of the elementary school districts is situated, a certificate showing the total number of votes cast in each district in favor of the union or joint union high school district, the total number of votes in each district against the union or joint union high school district, the aggregate result of the election, and the boundaries of the proposed district. Certificate of result

2363. If it appears from the certificate filed by the superintendent of schools that a majority of the votes cast at the election is in favor of the formation of the district, the board of supervisors shall make an order excluding any elementary school district in its county, taking part in the election, from the high school district of which it is a part. Order of exclusion

2364. No order excluding territory from any union or joint union high school district shall be made if the exclusion of the territory will reduce the assessed valuation of the union or joint union high school district to three million five hundred thousand dollars ($3,500,000) or less. Denial of exclusion

2365. Any elementary or union elementary school district electing to withdraw from a high school district shall continue to be liable for the same proportion of the bonded indebtedness of the high school district incurred before the withdrawal, as it would have been liable for had it not withdrawn. Liability of withdrawing district for bonded indebtedness

2366. The order of the board of supervisors excluding the elementary school districts from a joint or joint union high school district shall be entered by the clerk of the board of supervisors in his record of high school districts. He shall send a copy of the order to the county clerk of each county in which any part of the high school district is situated, who shall enter it in his record of high school districts. Entry of order

Establishment of district

2367. The board of supervisors, after making the order of exclusion, shall make an order establishing the union or joint union high school district asked for in the petition, and the county clerk shall record the certificate of the county superintendent of schools and the orders of the board of supervisors in full in his record of high school districts.

Article 9. Annexation of a High School District to Another High School District

Procedure

2381. A high school district, hereinafter in this article (commencing at Section 2381) called the petitioning district, of any kind or class may be annexed to another contiguous high school district of any kind or class, hereinafter in this article (commencing at Section 2381) called the admitting district, as provided in this article (commencing at Section 2381), upon such terms and conditions as may be agreed upon between the governing board of the petitioning district and the governing board of the admitting district.

Petition

2382. A majority of the registered electors residing in any high school district may present to the superintendent of schools of the county a petition asking for the annexation of the high school district to a contiguous high school district. The petition shall be accompanied by an agreement signed by a majority of the members of the governing board of the admitting district, consenting and agreeing to the annexation and setting forth the terms and conditions upon which the annexation shall be made.

Duplicate petitions

2383. If the petitioning school district and the admitting district are not wholly situated in the same county, then the petition shall be presented in duplicate to the county superintendent of schools of each county in which any part of either of the districts is situated.

Election

2384. Upon presentation of the petition, the county superintendent or superintendents of schools, as the case may be, shall, after verifying the signatures and finding them sufficient, within 20 days, call an election in the petitioning district in his county for determination of the question and shall appoint three qualified electors in each component elementary school district of the petitioning district to conduct the election.

Election procedure

2385. The election shall be called and conducted in all respects as specified in Sections 1941 to 1948, inclusive, except that the form of ballot shall be: "For annexation to the _____ High School District—Yes" and "For annexation to the _____ High School District—No" or words of similar import. If a majority of the votes cast in the entire petitioning district is in favor of the annexation, the annexation is complete. The result of the election shall be reported by the election officers in each district to the superintendent of the county in which the district is situated within five days after the election.

2386. Whenever a district is annexed to another district, pursuant to this article (commencing at Section 2381), all funds, property, and obligations of the petitioning district shall become the funds, property, and obligations of the admitting district. The bonded indebtedness of any district incurred prior to the annexation shall remain the sole obligation of the territory of the district as it existed prior to the annexation. Transfer of funds, etc

2387. Upon the effective date of the annexation of the district, for all purposes, to another district the governing board of the district annexed ceases to exist. Cessation of board of annexed district

Article 10. Transfer of Elementary Districts From One High School District to Another

2401. Two-thirds of the electors residing in any elementary school district which is part of any high school district, and the nearest part of which is more than six miles by traveled road from the high school building of the high school district, as shown by the affidavit of one or more of the petitioners, may present to the county superintendent of schools having jurisdiction over the high school district, a petition asking that the elementary school district be excluded from the high school district and annexed to a contiguous high school district. The petition shall be accompanied by an agreement signed by the high school board of the high school district to which annexation is sought, agreeing to the annexation. The superintendent of schools shall verify the signatures If he finds them sufficient, he shall transmit the petition and agreement, with or without his recommendation, to the board of supervisors of the county in which the elementary school district is situated. Petition

2402. (a) If, by the exclusion of the elementary school district, the assessed valuation of the property of the high school district would be less than ten million dollars ($10,000,000), except where an elementary school district has become severed from the other districts comprising the high school district, or, (b) if by the exclusion of the elementary school district the outstanding bonded indebtedness of the district would exceed 5 percent of the value of the taxable property remaining in the district, the board of supervisors shall refuse to call an election for the purpose of determining whether the elementary school district shall be excluded. Denial of exclusion

2403. If the calling of an election is not prohibited, the board of supervisors may, within 30 days after the receipt of the petition and agreement, call an election in the district petitioning, and shall appoint three qualified electors of the district to conduct the election. Election call

2404. The election shall be called by posting notices at least 15 days before the election in three public places in the district, one of which shall be at the public schoolhouse, if there is one in the district. The board of supervisors shall Notice

also publish the notice once a week for two weeks in a newspaper published in the district, or, if there is none, in a newspaper in general circulation in the district.

Conduct of election

2405. The election shall be held at the public schoolhouse of the district petitioning, and shall be conducted by officers appointed for that purpose in the manner provided for conducting school elections.

Ballots and method of voting

2406. The ballots at the election shall contain the words "For exclusion from _____ high school district and annexation to _____ high school district." The name of the high school district from which exclusion is sought, and the name of the high school district to which annexation is desired shall be printed on the ballot. The elector shall stamp or make a cross after the word "yes" or the word "no," also printed on the ballot.

Canvass

2407. The election officers shall canvass the vote of the election and report the result to the board of supervisors within five days after the election.

Notification and protest

2408. If two-thirds of the votes cast at the election are in favor of the exclusion and annexation, the board of supervisors shall, within 15 days after receiving the notice, notify the governing board of the high school district of the result of the election. If the high school board does not protest the exclusion of the district from the high school district within 30 days after receiving the notice, the board of supervisors shall exclude the territory from the high school district and annex it to the contiguous high school district.

Board of review

2409. If the governing board of the high school district protests the exclusion and annexation, the board of supervisors shall notify the Superintendent of Public Instruction of the election and its result, and of the protest of the high school board. Upon receipt of the notice the Superintendent of Public Instruction shall create a board of review composed of three county superintendents of schools of counties not contiguous to the county or counties in which is located the high school district from which the elementary school district desires separation.

Survey and hearing

2410. The board of review shall, upon a date set by the Superintendent of Public Instruction, survey the situation and conduct a public hearing on the question as to whether or not the elementary school district shall be excluded from the local high school district and annexed to a contiguous high school district.

Notice

2411. The Superintendent of Public Instruction shall notify the county superintendents concerned and the county superintendents shall notify the interested high school and elementary school boards of the date of the inspection and the date and place of the public hearing, and shall give publicity to the meeting by printing an announcement of the hearing in a newspaper published in the high school district, or, if there is none, in a newspaper in general circulation in the district.

2412. The hearing shall be held at the high school building of the high school district to which the territory desiring exclusion at the time belongs. The hearing shall be conducted under such rules of procedure as may be prescribed by the board of review, which may require any or all evidence and information to be submitted under oath administered by a member of the board. The board shall receive evidence and information on the date set for the hearing and may continue the hearing from time to time within the next succeeding 30 days for the purpose of receiving further evidence or giving further consideration to the question. If the hearing is continued, the date to which the hearing is continued shall be publicly announced at the meeting set by the Superintendent of Public Instruction or, if the hearing is continued more than one time, the continuance shall be publicly announced at the meeting preceding the date to which the hearing is continued. Conduct of hearing

2413. In arriving at its conclusion, the board of review shall take into consideration the present and future effect on the public welfare only. The board shall, not later than 30 days after the date set by the Superintendent of Public Instruction for the hearing, recommend in writing to the board of supervisors either that the petition of the elementary school district be granted or denied. Recommendations

2414. The board of supervisors shall within 15 days after the hearing, act in accordance with the recommendations of the board of review, entering upon its minutes an order excluding the territory of the elementary school district from the high school district and annexing it to the contiguous high school district, or denying exclusion and annexation of the elementary school district. Order

2415. A certified copy of the order of the board of supervisors shall be entered by its clerk in his record of high school districts. He shall send copies of the order to the county clerks of each county in which any part of the elementary school district or high school district is situated who shall enter it in their records of high school districts. Entry of order

2416. Any district withdrawing pursuant to this article (commencing at Section 2401) shall not be released from responsibility for any of the bonded indebtedness incurred while it was a part of the high school district from which it has withdrawn. Bonded indebtedness

2417. Superintendents of schools shall perform the duties prescribed in this article (commencing at Section 2401). Superintendent of schools

2418. The governing board of any high school district in which the Superintendent of Public Instruction has ordered a review of the petition of an elementary school district to be excluded from a high school district and annexed to a contiguous high school district, shall pay the actual and necessary traveling expenses of the members of the board of review. Traveling expenses

Article 11. Transfer of Elementary Districts From One High School District to Another on Petition of the Governing Boards of the High School Districts

Petition

2431. The governing boards of two high school districts contiguous to an elementary school district may present to the county superintendent of schools a petition signed by a majority of the members of the governing board of each of the high school districts and of the elementary school district asking that the boundaries of the high school districts be changed by the exclusion of the elementary school district from one of the high school districts and its annexation to the other high school district. If all of the districts are not under the jurisdiction of the same county superintendent of schools, then the petition shall be presented in duplicate to the county superintendent of schools of each county in which any part of any of the districts is situated. The county superintendent, or each of the county superintendents, of schools shall verify the signatures of the governing boards of the district, or districts, under his jurisdiction.

If the county superintendent of schools having jurisdiction of the elementary district finds that the signatures are sufficient, the petition shall be acted upon in the same manner as a petition for a change of boundaries of school districts presented to him under Sections 1791 to 1795, inclusive, and the board of supervisors of the county of which he is superintendent of schools shall act thereon. The transfer, however, shall not be made by the board of supervisors until the proposed transfer first has been submitted to the voters of the elementary district and approved by them by a majority vote. Such election shall be held in the same manner as are high school district bond elections, except that the election shall be called by, and the returns shall be made to, the county superintendent of schools having jurisdiction of the elementary district.

Change of boundaries: Prohibitions

2432. The board of supervisors shall not make any order changing the boundaries of the high school districts if by reason of the exclusion of the elementary school district the assessed valuation of the high school district from which the elementary school district would be excluded would be reduced by such exclusion to less than ten million dollars ($10,000,000), or if the outstanding bonded indebtedness of such high school district would exceed 5 percent of the assessed valuation of the high school district.

Article 12. Transfer of Portion of Union Elementary District From One High School District to Another

Petition

2451. Whenever a union or joint union elementary school district is comprised of territory situated in two high school districts, the governing boards of the high school districts and the governing board of the union or joint union elementary

school district may present to the county superintendent of schools a petition signed by a majority of the members of the governing boards of each of said districts asking that the boundaries of the high school districts be changed by the exclusion of the union or joint union school district from one of the high school districts and the inclusion of the entire district in the other high school district. If all of the districts are not under the jurisdiction of the same county superintendent of schools, then duplicate copies of the petition shall be presented to the county superintendent of schools of each county in which any part of any of the districts is situated. The county superintendent of schools shall verify the signatures of the governing boards of the district, or districts, under his jurisdiction. If all of the districts are not under the jurisdiction of the same county superintendent of schools, the county superintendents having jurisdiction of the high school districts shall certify to the county superintendent having jurisdiction of the union or joint union elementary school district their findings concerning the signatures of the governing boards of the high school districts under their jurisdiction.

If the county superintendent of schools having jurisdiction of the union or joint union elementary school district finds that the signatures are sufficient, the petition shall be acted upon in the same manner as a petition for a change of boundaries of school districts presented to him under Sections 1791 to 1795, inclusive, and the board of supervisors of the county of which he is superintendent of schools shall act thereon. Any order of the board of supervisors directing the change of boundaries shall not become effective nor shall it be recorded unless and until it is approved by the county committee on school district organization of the county having jurisdiction of the union or joint union elementary school districts.

Article 13. Change of Boundaries

Date of change

2461. The boundaries of a high school district shall not be changed subsequent to the first day of February in any school year.

Inclusion in high school district

2462. Except as otherwise provided in this code, a school district shall not lie partly within a high school district and partly without.

Added territory

2463. In all cases where the boundaries of a school district comprised within any high school district are for any cause changed to include territory not previously in the school district, the territory added to the school district shall become and constitute a part of the high school district.

Excluded territory

2464. In all cases where the boundaries of the school district comprised within any high school district are changed so as to exclude territory from the district, the excluded territory shall, except as provided in this article (commencing at Section 2461), be excluded from the high school district.

Continuance in high school districts

2465. Where a new school district is formed from territory situated wholly within one high school district, the new school district shall continue to be a part of the high school district.

Choice of districts

2466. Where a new elementary school district, other than a union or joint union elementary school district, is formed from territory situated in two or more high school districts, the registered voters of the new school district shall decide by a majority vote to which high school district the new school district shall belong. The election shall be held within 30 days after the formation of the school district, and called by the superintendent of schools of the county in which the school district is situated in the manner provided for the election of the governing board of an elementary school district. The result of the election shall be certified by the superintendent of schools to the county clerk of the county in which the school district is situated, and to the clerk of every other county in which any part of the high school district, selected by the registered voters, is situated, and entered in the clerk's record of high school districts.

Choice of districts

2467. Where a new union or joint union elementary school district is formed from territory situated in two or more high school districts, the boundaries of the high school districts involved are not changed; provided, however, that prior to the first day of February next succeeding the formation of the union or joint union, or within one year of the date of the election to form the union or joint union, the component districts of such union or joint union school district shall elect to become a part of one high school district, a portion of the territory of which is embraced within the union or joint union school district.

The component districts of a union or joint union school district shall become a part of the high school district which receives the largest number of votes cast at said election.

The election shall be called and conducted by the county superintendent of schools having jurisdiction in the manner provided for the election of the governing board of an elementary school district. The result thereof shall be certified by the superintendent of schools to the county clerks of the counties in which the union or joint union school district is situated and to the clerk of every other county in which any part of the high school district selected by the registered voters is situated, and shall be entered in the clerk's record of high school districts.

Annexation to district in another high school district

2468. Whenever an elementary school district situated in a high school district is annexed or admitted, to a union elementary school district situated in another high school district, the boundaries of the high school districts are not changed.

Article 14. Change of Name

Petition

2491. A petition may be presented to the superintendent of schools having jurisdiction of any high school district signed

by at least two-thirds of the members of the high school board asking that the name of the district be changed and stating the new name desired. The superintendent of schools shall transmit the petition to the board of supervisors of his county. The board of supervisors shall designate a day upon which they will act upon the petition which shall be not less than 10 nor more than 40 days after the receipt of the petition.

District maintaining junior college

2492. The governing board of any high school district maintaining a junior college may request that the name of the district be changed to include the words "high school district and junior college."

Notice

2493. The clerk of the board of supervisors shall give notice to all persons interested, by publication in a newspaper published within the high school district, or, if there is none, then in any newspaper published in the county, of the time set for the hearing of the petition. The notice shall be published at least twice before the day set for hearing.

Hearing

2494. On the day set for the hearing of the petition the board of supervisors shall, by resolution, either grant or deny the petition. If the petition is granted, the clerk of the board of supervisors shall notify the county superintendent of schools of the change of name of the district.

Entry of order

2495. The change shall be certified to the county clerk of each county in which any part of the high school district is situated and entered by him in his record of high school districts.

Article 15. Suspension and Lapsation

Suspension and report

2511. When the average daily attendance of pupils in any high school district during the whole of any school year, after the first school year, is 10 or less, the county superintendent of schools having jurisdiction over the high school district shall suspend the high school in the district except that if any high school of the district is more than 50 miles by traveled road from any other public high school in California, the suspension of the district shall be at the discretion of the county superintendent of schools. If he suspends the district he shall report the fact of the suspension of the district to the board of supervisors of his county.

Lapsation

2512. Upon receiving the report from the county superintendent of schools the board of supervisors shall declare the high school district lapsed. The board of supervisors shall attach the territory of the lapsed high school district to a contiguous high school district or unified school district. The property and obligations of the lapsed district shall become the property and obligations of the high school district or unified school district to which the territory is attached.

CHAPTER 7. JUNIOR COLLEGE DISTRICT ORGANIZATION

Article 1. Formation

Formation

2551. Junior college districts shall be formed pursuant to this article (commencing at Section 2551).

"High school district"

2552. "High school district," as used in this chapter Section 814 and Sections 2551 to 2668, inclusive, means high school district or unified school district.

Territory

2553. A junior college district shall include all the territory in one high school district or in two or more contiguous high school districts.

Other territory permitted

2554. A junior college district may also include all the territory in one or more high school districts and one or more unified school districts if all such districts are contiguous.

Same

2555. A junior college district may be formed to include all the territory of an existing junior college district and one or more high school districts if all such districts are contiguous.

Standards

2556. The State Board of Education shall establish minimum standards for the formation of junior college districts. The standards shall include, in addition to such others as the board may establish, a requirement that the assessed valuation of the area proposed to be included in a junior college district shall be an amount which, upon the levy of a district tax, when added to the available state financial aid for junior college education, will be deemed adequate for a junior college in the proposed area.

Petition

2557. The governing board of any high school district or the governing boards of two or more contiguous high school districts, or the governing board of an existing junior college district and the governing board of one or more contiguous high school districts, may present to the State Board of Education a petition in the form prescribed by the Superintendent of Public Instruction, asking permission to call an election for the formation of a junior college district to include all the territory in the high school district or districts, as the case may be. The petition may include a proposal to form trustee areas in the proposed junior college district, and shall state whether five or seven members shall constitute the governing board of the district if formed. The Superintendent of Public Instruction shall make or cause to be made a survey of the proposed junior college district and of high school districts contiguous to the proposed junior college district, which may appropriately be included in the proposed district and the proposal to form trustee areas.

Cost of survey

2558. The cost of the survey shall be borne by the high school district, the governing board of which signed the petition, or, if there are two or more high school districts petitioning the cost shall be borne by the high school districts in proportion to their assessed valuation. The cost of the survey to a high school district is a proper charge against the maintenance fund of the district.

2559. Upon the completion of the survey the Superintendent of Public Instruction shall report the findings to the State Board of Education together with his recommendations as to the action to be taken on the petition. Findings and recommendations

2560. If the State Board of Education approves the petition, it shall within 30 days after approval notify the superintendent of schools of the county in which the greatest area of the proposed junior college district lies Approval

2561. Within 30 days after receiving the notice the superintendent of schools of the county within which the greatest area of the proposed junior college district lies, shall call an election to be held in every elementary district in the proposed junior college district. He shall appoint three qualified electors in each elementary district to conduct the election. Election

2562. In city school districts the county superintendent of schools shall divide the city school district into precincts and appoint three qualified electors in each precinct to conduct the election. Precincts

2563. The election shall be called by posting notices in three public places in each district, one of which shall be a public schoolhouse of the district, at least two weeks before the election, and by publishing the notice at least once a week for two successive weeks in a newspaper having a general circulation in the proposed junior college district. The first publication shall be not less than two weeks before the election. The notice shall specify the polling places, and, in cities, the precinct lines. Notice

2564. The expenses of printing notices and ballots and other necessary expenses incurred in the calling, holding, and conducting of the election shall be paid by the board of supervisors out of the county general fund. Expense

2565. The election shall be held separately and simultaneously at a public schoolhouse in each elementary school district or in each precinct, and shall be conducted in the manner provided for conducting elections of governing boards of elementary school districts. Conduct of election

2566. The ballots used at the election in each district shall contain the words "Junior college district—Yes" and "Junior college district—No." Each elector voting at the election shall make a cross with a pencil, ink, or rubber stamp after the answer he desires to give. Ballots and method of voting

2567. The election officers in each district or precinct shall canvass the vote of the election as soon as the polls are closed. They shall report the result to the superintendent of schools who called the election within five days after the election. Canvass

2568. Within 10 days after receiving the returns of the election, the superintendent of schools shall combine the votes "for" and the votes "against" the formation of the junior college district and declare and record the result, with the details of the vote in each district, in a book kept by him for that purpose. Declaration of result

Certificate of result

2569. If a majority of the votes cast at the election is in favor of the formation of the junior college district, he shall file with the county clerk of the county or of each of the counties in which the proposed junior college district lies, a certificate showing the total number of votes cast in each district in favor of the junior college district, the total number of votes in each district against the junior college district, the aggregate result of the election, and the boundaries of the proposed district.

Formation of district

2570. If it appears from the certificate filed by the superintendent of schools that a majority of the votes cast at the election is in favor of the formation of the junior college district, the junior college district is formed from and after the first day of July next succeeding the election. The county clerk shall record the certificate in full in his record of school districts.

Article 2. Uniting of Junior College Districts

Procedure

2601. Two or more contiguous junior colleges may be united to form a single junior college district in the same manner as provided in this code for the uniting of two or more contiguous elementary school districts.

Article 3. Annexation of High School Districts Upon Petition of Electors

Petition

2621. A majority of the electors residing in any high school district contiguous to a junior college district, in the same or adjoining counties, as shown by the affidavits of one or more of the petitioners, may present to the superintendent of schools who has jurisdiction over the junior college district, a petition for the annexation of the high school district to the junior college district. The petition shall be accompanied by an agreement, signed by a majority of the members of the governing board of the junior college district to which annexation is desired, and by a majority of the trustees of the high school district, consenting to the annexation and setting forth the terms of the annexation. The superintendent of schools shall, after verifying the signatures and finding them sufficient, transmit the petition and agreement to the board of supervisors of his county with his recommendations.

Order

2622. The board of supervisors, after receiving the petition and agreement, and the recommendation of the superintendent, may make an order annexing the high school district to the junior college district upon the terms agreed on.

Assumption of bonded indebtedness

2623. Whenever it appears that the terms agreed upon by the trustees of the high school district seeking to be annexed and the junior college board include the assumption by the high school district of its pro rata portion of any bonded indebtedness existing against the junior college district, the board of supervisors shall call an election in the high school

district proposing to assume the indebtedness for the purpose of determining whether the indebtedness shall be authorized and assumed.

Election

2624. The election shall be held in the same manner as are elections for the issuance of high school district bonds, except that the returns shall be made to the board of supervisors.

Annexation

2625. If it appears from the returns of the election that two-thirds of the votes cast at the election are in favor of the assumption by the district seeking to be annexed of its pro rata portion of the bonds, the high school district shall be annexed to the junior college district.

Tax levy

2626. If the bonded indebtedness is assumed by the annexed high school district, all levies of taxes made for the payment of the bonds and interest thereon, shall be upon the property of the annexed high school district at the same rate as levied upon the property of the original junior college district.

Recordation of order

2627. The order of the board of supervisors annexing the high school district to a junior college district shall be entered by the clerk of the board in his record of junior college districts. He shall send a copy of the order to the county clerk of each county in which any part of the junior college district is situated, who shall enter it in his record of junior college districts.

Article 4. Annexation of High School Districts Upon Petition of Junior College Boards

Petition

2641. Whenever a principal of a junior college in any junior college district presents to the governing board of the junior college district a statement made under oath that the average daily attendance in the junior college, of pupils whose parents reside in a high school district not maintaining a junior college and which is contiguous to the junior college district, was an average of three or more for the two school years next preceding, setting forth the names of the pupils, the governing board of the junior college district may petition the board of supervisors of the county, the superintendent of schools of which has jurisdiction over the high school district, to annex the high school district to the junior college district.

Where a junior college was maintained by a high school district which has been formed as a junior college district or portion thereof, the governing board of the junior college district so formed may petition the board of supervisors of the county, the superintendent of schools of which has jurisdiction over another high school district, to annex such other high school district if it does not maintain its own junior college and if it is contiguous to the junior college district and the principal of the junior college presents to the governing board of the junior college district a statement, made under oath, that the average daily attendance in the junior college of pupils whose parents reside in such other high school district was three or more for

the two school years next preceding, setting forth the names of the pupils.

Notice of hearing

2642. Upon presentation of the petition, accompanied by the sworn statement of the principal of the junior college concerning the attendance and residence of the pupils, and the verification of the facts by the county superintendent of schools having jurisdiction over the junior college district, the board of supervisors shall set the petition for hearing at a regular meeting of the board and shall publish in a newspaper of general circulation in the county once each week for at least two weeks prior to the hearing a notice containing a general statement of the purpose of the petition and the time and place when and where the petition will be heard. The clerk of the board of supervisors shall mail a copy of the notice to each of the trustees of the high school district at least 10 days prior to the hearing.

Protests

2643. The board of supervisors shall at the time and place named in the notice meet to receive any protest which interested persons may present. If no protest is filed it shall make an order annexing the high school district to the junior college district.

Election

2644. If a petition protesting against the annexation, signed by 20 percent or more of the qualified electors of the high school district, as shown by the affidavit of one of the petitioners, is filed at the meeting, the board of supervisors shall order an election to be held in the high school district within 30 days after the making of the order, to determine the question. The election shall be called and held in the same manner as the elections for high school district bonds, except that the words to appear upon the ballot shall be "For annexation to (insert name of) junior college district—Yes" and "For annexation to (insert name of) junior college district—No," and except that the returns shall be made to the board of supervisors.

Order of annexation

2645. If it appears that a majority of the votes cast at the election is in favor of the annexation, the board of supervisors shall make an order annexing the high school district to the junior college district. The order shall be entered by the clerk of the board in his record of high school districts. He shall send a copy of the order to the county clerk of each county in which any part of the junior college district is situated, who shall enter it in his record of junior college districts.

Refusal of annexation

2646. If it appears that a majority of the votes cast at the election is against the annexation, no other election shall be called on the question of annexation until one year from the date of the filing of the original petition.

Determination between districts

2647. Whenever the governing board of each of two or more junior college districts, under the provisions of this article (commencing at Section 2641), petitions the board of supervisors having jurisdiction for the annexation of the same high school district, the board shall refer the matter to the county

superintendent of schools having jurisdiction over the high school district. The county superintendent shall make a recommendation on the matter, after which the board of supervisors shall make an order stating to which of the junior college districts the high school district may be annexed.

Bonded indebtedness

2648. Whenever a high school district is annexed to a junior college district pursuant to this article (commencing at Section 2641), the territory annexed to the junior college district shall not be liable for the payment of any part of the interest on, or principal of any bonded indebtedness of the junior college district theretofore incurred, unless a pro rata portion of the indebtedness is assumed pursuant to this article (commencing at Section 2641). Whenever a high school district is annexed to any junior college district, the junior college district shall constitute the same type of junior college district as if the district were newly formed and shall be governed and administered as such.

Property

2649. After the annexation of a high school district pursuant to this article (commencing at Section 2641), all property belonging to the original junior college district, is the property of the new junior college district so formed.

Article 5. Annexation of High School Districts Upon Election

Petition

2671. The governing board of a high school district in which reside persons attending a regular day junior college in a contiguous junior college district may petition the board of supervisors of the county having jurisdiction over the high school district to annex the high school district to the junior college district.

Election call

2672. Upon presentation of the petition accompanied by a verified copy of a resolution adopted by the governing board of the junior college district named in the petition consenting to the annexation thereto of the high school district, the board of supervisors shall call an election to be held in each elementary school district in the high school district named in the petition for the purpose of determining whether the high school district shall be annexed to the junior college district.

Conduct of election

2673. The election shall be called, held, and conducted in the same manner as are the elections of governing boards of elementary school districts, except that the words to appear upon the ballot shall be "For annexation to _____ junior
(insert name)
college district—Yes" and "For annexation to _____ junior
(insert name)
college district—No," and except that the returns shall be made to the board of supervisors.

Order of annexation

2674. If it appears that a majority of all votes cast at the election were cast in favor of the annexation, the board of supervisors shall make an order annexing the high school

district to the junior college district. Upon the making of the order the annexation shall be deemed to have been made.

Liability for existing bonded indebtedness

2675. Whenever a high school district is annexed to a junior college district pursuant to this article (commencing at Section 2671), the territory annexed to the junior college district shall not be liable for any bonded indebtedness theretofore existing against the junior college district.

Article 6. Change of Boundaries

Effect

2701. The boundaries of every junior college district shall be coextensive with the boundaries of the high school district or districts included in the junior college district. If the boundary of any high school district included in a junior college district is changed by annexation, withdrawal, operation of law or in any other manner, such change shall automatically effect a corresponding change in the junior college district boundary, and any such change in junior college district boundaries shall be effective at the same time as the change in high school district boundaries is effective, except that if a new high school district is formed from territory entirely within an existing junior college district, the new high school district shall continue to be part of the junior college district.

Validation

2702. The boundaries of every junior college district as the same were established for the purpose of the levy and collection of taxes for the Fiscal Year 1947-48, are hereby confirmed, validated, and declared legally effective for all purposes.

Article 7. Exclusion of High School Districts

Petition

2721. On or before the first day of February in any school year a majority of the electors residing in a junior college district, and two-thirds of the electors residing in any high school district which is a part of the junior college district, as shown by the affidavit of one or more of the petitioners, may present to the superintendent of schools who has jurisdiction over the junior college district, petitions asking for the exclusion of the high school district from the junior college district for the purpose of permitting the territory in the high school district to be formed into a junior college district or to become a part of another junior college district. The petitions shall be accompanied by an agreement signed by a majority of the governing board of the junior college district, and a majority of the trustees of the high school district consenting to the exclusion and setting forth the terms of the agreement. The superintendent of schools shall, after verifying the signatures to the petitions and agreements and finding them sufficient, transmit the petitions and agreement to the board of supervisors of his county with his recommendations.

2722. The board of supervisors, after the receipt of the petitions and agreements, together with the recommendations of the superintendent of schools, may make an order excluding the high school district from the junior college district upon the terms agreed on. The order withdrawing the high school district from the junior college district shall not become effective until the high school district becomes a junior college district or becomes a part of a junior college district. Order of exclusion

2723. Any high school district excluded from a junior college district shall continue to bear its proportionate share of the bonded indebtedness of the junior college district incurred prior to the exclusion of the high school district, as though the exclusion had not taken place. Bonded indebtedness

2724. The order of the board of supervisors excluding a high school district from a junior college district shall be entered by the clerk of the board in his record of junior college districts. He shall send a copy of the order to the county clerk of each county in which any part of the junior college district is situated, who shall enter it in his record of junior college districts. Recordation of order

Article 8. Formation From Unified Districts

2741. A junior college district may be formed to comprise two or more unified school districts in the same manner as the formation of other junior college districts, except that a majority vote in favor of the formation of the district in each unified school district is required. Procedure

2742. Each junior college district comprising two or more unified school districts shall be governed by a board of five members who shall be elected in the same manner, for the same terms, and at the same time as are members of governing boards of other junior college districts Governing board

Within 15 days after the formation of a junior college district comprising two or more unified school districts, the county superintendent of schools having jurisdiction over the junior college district shall appoint a board of five members to govern the district until the next succeeding election.

2743. Each unified school district created under Sections 1481 to 1493, inclusive, Sections 2811 to 2931, inclusive, and Sections 813, 13005, 13554 and 21802 which includes a junior college district shall be considered as a junior college district for purposes of the apportionment of State junior college funds and for purposes of nonresident county junior college tuition. Apportionment of state funds

2744. A junior college district may be formed to comprise a single unified school district in the same manner as the formation of other junior college districts, except that a majority vote in favor of the formation of the district is required. Formation from single district

2745. A junior college district formed to comprise a single unified school district shall be considered a junior college dis- Effect of formation

trict only for the purposes of State apportionments and nonresident county junior college tuition. For all other purposes it shall be considered an integral part of the unified school district and shall be governed by the governing board of the unified school district.

Article 9. Withdrawal of Joint Union High School Districts

Procedure

2761. Any joint union high school district which is a part of a junior college district as a result of proceedings initiated by petition presented to the State Board of Education, and which petition was signed by an interim governing board of the joint union high school district, may withdraw from the junior college district in the manner prescribed by this article (commencing at Section 2761).

Petition

2762. A petition signed by a majority of the registered electors residing in the joint union high school district shall be presented to the county board of supervisors of the county in which the greatest portion of the assessed valuation of the joint union high school district is situated asking for the exclusion of such district from the junior college district.

Affidavit

2763. The persons securing the signatures to the petition shall attach an affidavit thereto that all persons who signed the petition did so in the presence of the affiant and that each signature is a genuine signature of the person whose name it purports to be.

Jurisdiction

2764. Upon the filing with it of the petition, the board of supervisors shall have jurisdiction to hear and determine the petition.

Hearing

2765. The board of supervisors shall at the next regular meeting of the board, hear all persons interested in the petition and may continue the hearing from time to time but not for more than two weeks in all. If it approves the petition it shall, by an order entered upon its minutes, exclude the joint union high school district from the junior college district.

Indebtedness

2766. No high school district shall be excluded from a junior college district pursuant to this article (commencing at Section 2761) if the junior college district has any outstanding bonded indebtedness on the date of the hearing of the petition.

Board order

2767. The order of the board of supervisors excluding a joint union high school district from a junior college district shall be entered by the clerk of the board in his record of junior college districts. He shall send a copy of the order to the governing board of the junior college district and to the county clerk of each county in which any part of the junior college district is situated, who shall enter it in his record of junior college districts.

Filing

2768. Before any signatures are obtained to the petition asking for the exclusion of the joint union high school district from the junior college district, a copy of the text of the peti-

tion may be filed with the board of supervisors of the county whose county superintendent of schools has jurisdiction over the junior college district, and the withdrawal proceedings shall be deemed to be pending from the date of such filing.

During the first 90 days that the proceedings are pending for the withdrawal of a joint union high school district from a junior college district, no election shall be called, held, or conducted in the junior college district for the purpose of authorizing the issuance of bonds of the junior college district.

CHAPTER 8. UNIFICATION OF DISTRICTS

Article 1. General Provisions

Name

2811. Every school district created under the provisions of Sections 1481 to 1493, inclusive, Sections 2811 to 2931, inclusive, and Sections 813, 13005, 13554, and 21802 shall be given the name selected for it by the governing board of the district and shall be designated as the "_____ (using the name of the district) Unified School District." In the name by which the district is designated the governing board of the district may sue and be sued, and hold and convey property for the use and benefit of the school district A number shall not be used as a part of the designation of any school district.

Code applicability

2812. All provisions of this code applicable to the government, maintenance, support, functions, and administration of elementary, high school, and junior college districts are applicable to the government, maintenance, support, and administration of unified school districts, excepting insofar as such provisions are in conflict with, or inconsistent with Sections 1481 to 1493, inclusive, Sections 2811 to 2931, inclusive, and Sections 813, 13005, 13554, and 21802.

Inclusion of districts

2813. The provisions of Section 11 of an act entitled "An act to provide for the replacement and/or the reconstruction in whole or in part of all city, county, school district, or other special district buildings wholly or partially destroyed by earthquakes since January, 1933, declaring the urgency thereof and providing that this act shall take effect immediately," approved May 26, 1933, shall not operate to prevent the inclusion of any elementary school district, high school district, or junior college district, in whole or in part, in any unified school district created under the provisions of Sections 1481 to 1493, inclusive, Sections 2811 to 2931, inclusive, and Sections 813, 13005, 13554, and 21802.

Separation of district Effect

2814. Whenever, by reason of any action taken in accordance with law, territory is removed from a unified school district, and the unified school district is separated into two or more noncontiguous parts, the validity of the unified school district shall not be affected by the withdrawal of the territory, and the rights, powers, duties, responsibilities, and jurisdiction of the unified school district shall not be affected by

reason of the separation of the unified school district into two or more noncontiguous parts.

Article 2. Formation of Unified Districts

Merger of coterminous districts

2841. On the first day of July succeeding the date upon which the boundaries of an elementary district, high school district, and junior college district become coterminous, the districts shall be merged into a new district to be known as the "_____ Unified School District" and the elementary district, high school district, and junior college district shall cease to exist except for such purposes as are set forth in Sections 1481 to 1493, inclusive, Sections 2811 to 2931, inclusive, and Sections 813, 13005, 13554, and 21802.

Same

2842. On the first day of July next succeeding the date upon which the boundaries of an elementary school district and high school district become coterminous, the districts shall be merged into a new district to be known as the "_____ Unified School District" and the elementary school district and high school district shall cease to exist except for such purposes as are set forth in Sections 1481 to 1493, inclusive, Sections 2811 to 2931, inclusive, and Sections 813, 13005, 13554, and 21802.

Tax rate

2843. If prior to the date when the boundaries of an elementary district and a high school district become coterminous, the voters of the elementary or high school district at an election had voted a district tax rate in excess of the maximum tax rate prescribed by Section 20751, such excess tax rate in either or both districts shall be continued at the option of the governing board of the newly formed unified school district for a period not to exceed the remaining number of years for which the tax was previously authorized. This section shall apply to unified districts in existence for all purposes on and after July 1, 1954.

Article 3. Change of Boundaries. Merger and Annexation of Districts

Date of change

2881. The boundaries of a unified school district may be changed not later than February 1st of any school year in the same manner as boundaries of elementary school districts. Change of boundaries shall not become effective until the first day of July next succeeding, except that, for the purpose of assessing the property contained in the territory or school districts affected by the change of boundaries for determining the rate of school district tax to be levied, the change of boundaries shall become effective on the first Monday in March next succeeding the change of boundaries.

Effect of merger

2882. Two or more adjoining unified school districts may merge at any time during a school year, but not later than the first day of February, to form a single unified school district in the same manner as elementary school districts may be

united. Whenever a unified school district is merged with another unified school district, the resulting district is a single unified school district. The merger shall become effective on the first day of July next succeeding, except that for the purpose of assessing the property contained in the territory or school districts affected by the merger for determining the rate of school district tax to be levied, the merger shall become effective on the first Monday in March next succeeding the merger.

Annexation

2883. A unified school district may be annexed to another unified school district in the same manner as a single elementary school district may be annexed to another single elementary school district pursuant to Sections 1851 to 1857, inclusive.

Same

2884. One or more contiguous elementary or high school districts, one of which is contiguous to a unified school district, may be annexed to the unified school district not later than the first day of February in any school year by the board of supervisors of the county having jurisdiction over the unified school district whenever a majority of the registered voters in each of the elementary or high school districts voting at an election held for that purpose vote in favor of the annexation and the governing board of the unified school district has filed its approval of the annexation, in writing, with the board of supervisors. The election shall be called by the county superintendent of schools having jurisdiction over the unified school district whenever a majority of the registered voters residing in each of the elementary or high school districts petition the county superintendent of schools to call the election or whenever the State Board of Education notifies the county superintendent of schools of its approval of plans and recommendations of a county committee pursuant to Section 3152.

Election

2885. When an election is called for the annexation of one or more contiguous elementary or high school districts, one of which is contiguous to a unified school district, after the approval by the State Board of Education of plans and recommendations of a county committee for the reorganization of school districts, the election shall be held and conducted in accordance with the provisions of this article (commencing at Section 2881) and the annexation of such elementary or high school districts to a unified school district may be effected without such elementary or high school districts first withdrawing from any school district.

Notice

2886. An election for the annexation of an elementary school district or high school district to a unified school district shall be called by posting notices in three public places in the elementary school district or high school district not less than 15 days before the election and by publishing the notice at least once a week for two consecutive calendar weeks before the election in a newspaper having general circulation in the elementary or high school district. The notice shall contain:

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

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

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

(d) The purposes for which the election is to be held.

The election shall be conducted in the same manner as are elections of school trustees, except that the returns of the election shall be made to the county superintendent of schools calling the election.

Certification of result

2887. The county superintendent of schools shall record the result of the election in a book kept by him for that purpose. If a majority of the votes cast at the election is in favor of the annexation, he shall make and file with the county clerk of every county in which any part of the unified school district and the district annexed lies, a certificate declaring the results of the election. Each county clerk shall record the certificate in a book to be kept by him for that purpose.

Effect of annexation

2888. If it appears from the certificate filed by the county superintendent of schools that a majority of the votes is cast in favor of the annexation, the annexation shall become effective on the first day of July next succeeding, except that for the purpose of assessing the property contained in the territory or school districts affected by the annexation for determining the rate of school district tax to be levied, the annexation shall become effective on the first Monday in March next succeeding the annexation. Elementary and high school districts which have been annexed to a unified school district shall cease to exist except for such purposes as are specified in Sections 1481 to 1493, inclusive, Sections 2811 to 2931, inclusive, and Sections 813, 13005, 13554, and 21802.

Bonded indebtedness

2889. The bonded indebtedness of any elementary, high school, or junior college district incurred prior to the inclusion of all or any part of the district in a unified school district shall continue to be an obligation of the territory within the elementary, high school, or junior college district as it existed prior to the inclusion of all or any part thereof in a unified school district.

Assumption of bonded indebtedness

2890. Upon petition of 10 percent of the qualified electors residing in any elementary school district, high school district, or junior college district which has been included in a unified school district requesting him to do so, or by resolution adopted by the governing board of the unified school district, the county superintendent of schools having jurisdiction of the district shall call an election in the unified school district for the purpose of permitting the qualified electors to vote upon the question of whether or not the unified school district shall assume the bonded indebtedness of the elementary school district, high school district, or junior college district, as the case may be.

When a portion of a union elementary or union high school district has been included in a unified district and the territory

comprising such portion is liable, under Section 1617, for a portion of the bonded indebtedness of the union elementary or union high school district, the county superintendent of schools having jurisdiction over the unified district shall, upon petition of 10 percent of the qualified electors residing in the portion of the union elementary or union high school district which has been included in the unified district requesting him to do so, or by resolution adopted by the governing body of the unified district, call an election in the unified district for the purpose of permitting the qualified electors to vote upon the question of whether or not the unified district shall assume the portion of the bonded indebtedness of the union elementary or union high school district for which the territory is liable under Section 1617.

The election shall be called, held, and conducted as are elections for the issuance of school district bonds excepting that the notice for the election shall contain the following:

(a) The time and place, or places of holding the election.

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

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

(d) The amount of the bonded indebtedness and the interest rate thereon proposed to be assumed by the unified school district.

The ballot at the election shall contain the words "Assumption of Bonded Indebtedness—Yes" and "Assumption of Bonded Indebtedness—No," or words of similar import.

No bonded indebtedness shall be assumed by a unified school district unless two-thirds of the qualified electors voting at the election vote in favor of the assumption.

Property

2891. Whenever any unified school district is created, all funds, property, and obligations of the elementary, high school, or junior college districts lying wholly within the unified school district shall become the funds, property, and obligations of the unified school district except as provided in Sections 2889 and 2890.

Same

2892. Whenever any elementary school district is annexed to a unified school district, all property, funds, and obligations of the elementary school district shall become the property, funds, and obligations of the unified school district.

Same

2893. Whenever any portion of an elementary school district is annexed to a unified school district, all property of the elementary school district situated in the portion annexed shall become the property of the unified school district.

Same

2894. Whenever the entire territory of an elementary school district is annexed to two or more unified school districts, all property of the elementary district situated in the portion annexed to any unified school district shall become the property of the unified school district, and a portion of the funds to the credit of the elementary school district shall be transferred to the credit of each unified school district after any outstanding

obligations of the elementary school district have been discharged which bears the same ratio to the total amount of the funds to the credit of the elementary school district as the assessed valuation of the portion of the district made a part of the unified school district bears to the total assessed valuation of the entire elementary school district.

Same

2895. Whenever by reason of the annexation of the elementary school district or districts composing a high school district to a unified school district the high school district ceases to exist, all property, funds, and obligations, except as otherwise provided, of the high school district shall become the property, funds, and obligations of the unified school district.

Same

2896. Whenever an elementary school district or portion of an elementary school district lying within a high school district is annexed to a unified school district, all property of the high school district which is located in the annexed territory shall become the property of the unified school district.

Same

2897. Whenever all territory in an elementary school district lying within a high school district is annexed to two or more unified school districts, all property of the high school district which is located in any portion of the elementary school district shall become the property of the unified school district to which the portion is annexed, and a portion of the funds to the credit of the high school district shall be transferred to the credit of each unified school district after any outstanding obligations of the high school district have been discharged, which bears the same ratio to the total amount of the funds to the credit of the high school district as the assessed valuation of the portion of the high school district merged or annexed to each unified school district bears to the total assessed valuation of the entire high school district.

Article 4. Schools Maintained

Elementary and high schools

2901. Each unified school district shall maintain at least one elementary school and one four-year high school, or in lieu of one four-year high school, one junior high school and one senior high school.

Kindergartens

2902. Kindergartens may be maintained by the governing board of a unified school district. The kindergartens maintained by an elementary school district at the time it became a part of the unified school district shall be continued, except that the kindergartens may be discontinued or additional kindergartens may be established as prescribed in this code. In any elementary school district or portion of elementary school district included in a unified school district, in which a kindergarten was not maintained at the time of the merger of the elementary school district or portion of elementary school district into a unified school district, a kindergarten may be established by the governing board of the unified school district as provided in this code.

2903. The governing board of a unified school district coterminous with the boundaries of a city and county, may conduct classes for wards of the juvenile court of said city and county, and acquire the necessary property and erect the necessary buildings therefor, outside of the boundaries of the said school district. Schools for wards of juvenile courts

Article 5. Suspension and Lapsation of Elementary Districts in Unified Districts

2931. The individual elementary school districts, or portions of districts, composing a unified school district shall be subject to suspension and lapsation in the same manner as provided for the suspension and lapsation of the individual elementary school districts composing a union elementary school district, except that any elementary school district so lapsed shall be attached to another elementary school district in the unified school district for computing teacher units. Procedure

CHAPTER 9. OPTIONAL REORGANIZATION OF SCHOOL DISTRICTS BY ELECTORS

Article 1. General Provisions

3001. "Unified school district" means a unified school district formed under this chapter (commencing at Section 3001). "Unified school district"

3002. "Component district" means any district included in whole or in part in a unified school district formed under this chapter (commencing at Section 3001). "Component district"

3003. "Reorganization" means the formation, annexation, uniting, unification, unionization, merger, division or change of boundaries of school districts authorized by this code. "Reorganization"

3004. "County committee" means the county committee on school district organization. "County committee"

Article 2. Powers and Duties of State Board of Education

3051. The State Board of Education shall: Powers and duties

(a) Determine policies for, direct, and govern a statewide survey of all local school districts for purposes of effecting feasible unifications or other reorganization of school districts.

(b) Approve plans for the unification or other reorganization of school districts which have been formulated by the county committees hereinafter provided for prior to the submission of such plans to the people of the areas affected for approval.

(c) Establish standards which shall be applied in approving plans for the unification or other reorganization of school districts.

(d) Utilize the resources, records, and personnel of the State Department of Education, whenever advantageous in

carrying out the provisions of this chapter (commencing at Section 3001).

Article 3. County Committees on School District Organization

County committee on school district organization

3101. There is hereby created in each county, with the exception of a county which is also a city and county, a committee which shall be known as the county committee on school district organization, which committee shall be composed of not less than five (5) nor more than eleven (11) qualified electors of the county, the number in each county to be determined by the representatives of the governing boards of all school districts of the county or the county superintendent of schools, as hereinafter provided. In the event the representatives of the governing boards fail to elect a county committee as provided in this article (commencing at Section 3101), the county superintendent of schools of such county shall determine the number of members to constitute the county committee within the limitation above prescribed and shall appoint such members.

Same: Vacancies

3102. Neither the county superintendent of schools nor any member of his staff nor any employee of a school district shall be a member of the county committee. At least one (1) member of the county committee shall be elected from among the qualified electors of each county supervisorial district in the county. Vacancies in the membership of the county committee are caused by the happening of any of the events specified in Section 1770 of the Government Code and shall be filled by the remaining members of the committee, or by the county superintendent of schools having jurisdiction over the county in the event the remaining members of the committee fail to fill such vacancies with qualified electors within 60 days, or in the event the vacancies occur in a county having less than six (6) school districts.

Election by governing boards

3103. (a) Every county having six (6) or more elementary school districts shall elect a county committee composed of the number of members as shall be determined by a majority of the representatives of the governing boards at a meeting called by the county superintendent of schools having jurisdiction over the county. Notice of such meeting shall be deemed sufficient and complete when deposited in the United States mail with postage prepaid, addressed to the clerk or secretary of the governing board of each school district.

(b) The governing board of each school district of every kind or class shall annually at its first meeting in the fiscal year select one of its members as its representative who shall have one vote in determining the number of members, and one vote for each member to be elected to the county committee. The county superintendent of schools shall be furnished with a certificate from the secretary or clerk of each governing board which shall name the representative selected by the

board. An annual meeting for the purpose of electing members to the county committee shall thereafter be called by the county superintendent of schools which shall be held between the first day of October and the first day of December. The qualified electors of the county receiving the highest number of votes cast by the representatives of the governing boards shall be declared elected to membership of the county committee if a quorum of the representatives are present.

Appointment by county superintendent

3104. (a) The members of the county committee for a county which has less than six (6) elementary school districts shall be appointed by the county superintendent of schools except as provided in subsection (b) hereof.

(b) Where all of the territory of a county is included in one unified school district, except such portions as may be in joint districts under the jurisdiction of county superintendents of other counties, the governing board of the unified school district shall constitute the county committee.

Change in district organization

3105. In the event a county district organization changes from a county with six (6) or more districts to a county with less than six (6) districts, then Section 3104 shall apply or if the district organization changes from a county with less than six (6) districts to a county with six (6) or more districts Section 3103 shall apply; provided, however, that each member of the county committee shall serve out his term of office.

Term

3106. The term of office of each member of the county committee shall begin upon election or appointment and shall be for four (4) years and until his successor is elected, or appointed by the county superintendent of schools, as the case may be, and qualified; provided that the terms of the members first selected shall be determined by lot to the end that as nearly as possible thereafter one-fourth ($\frac{1}{4}$) of the members shall be elected annually.

Organization

3107. The county committee shall organize by electing from its membership a chairman and a vice chairman. The county superintendent of schools shall act as the secretary of the committee Meetings of the committee shall be held upon call of the chairman or of a majority of the members thereof; provided, however, that the first meeting of said committee shall be held within thirty (30) days after election or appointment on a call issued by the county superintendent of schools. A majority of the committee shall constitute a quorum.

Plans and recommendation

3108. Each county committee shall study the school district organization of the county and shall, under the direction of the State Board of Education, formulate plans and recommendations for the unification or other reorganization of the school districts in the county or any portion thereof including, if necessary, a portion of one (1) or more adjacent counties. It shall transmit the plans and recommendations to the State Board of Education. If any proposed reorganization affects the territory of any adjacent county, the county committee or county committees, as the case may be, of any such adjacent county or counties shall be requested in writing to concur in

the plans and recommendations of the county committee. If the county committee or committees of the adjacent county or counties, as the case may be, concur in the plans and recommendations, such concurrence shall accompany the recommendations transmitted to the State Board of Education. If the county committee of any adjacent county fails to respond to the request of the county committee of another county within 90 days of the date of such request, such failure shall be deemed to be a concurrence in the plans and recommendations. If the county committee of any adjacent county does not concur in the plans and recommendations as formulated by another county committee, it shall notify the other county committee in writing of its failure to concur and accompany such notification with plans and recommendations for the unification or other reorganization of the school districts of its county which includes the territory that would be affected by the plans and recommendations of the other county committee.

Board of review

3109. The county committee of any county which has formulated plans and recommendations for the unification or other reorganization of the school districts of the county and in which the county committee of an adjacent county fails to concur, may request the Superintendent of Public Instruction to appoint a board of review to consider the plans and recommendations of the county committee and the alternate plans and recommendations of the nonconcurring county committee. Upon receipt of the request the Superintendent of Public Instruction shall create a board of review composed of the chairmen of the county committees of five counties other than the counties in which any territory included in the proposed reorganization is located.

The members of the board of review shall receive their actual and necessary traveling expenses. The board of supervisors of each county, the school districts of which would be affected by the plans and recommendations to be considered by the board of review, shall allow to each member an equally proportionate part of his expenses, which amount shall be paid out of the county general fund.

Hearing, notice

3110. The board of review shall, upon a date set by the Superintendent of Public Instruction, survey the situation and conduct a public hearing on the question as to whether or not the plans and recommendations of the county committees, or either of them, shall be transmitted to the State Board of Education for approval.

The Superintendent of Public Instruction shall notify the county superintendents concerned and the county superintendents shall notify the interested school districts and members of the county committees of the date, time, and place of the public hearing. The hearing shall be held at one of the school buildings located in the area of the proposed reorganization.

Procedure

3111. The hearing shall be conducted under such rules of procedure as may be prescribed by the board of review,

which may require any or all evidence and information to be submitted under oath administered by a member of the board. The board shall receive evidence and information on the date set for the hearing and may continue the hearing from time to time within the next succeeding 30 days for the purpose of receiving further evidence or giving further consideration to the question. If the hearing is continued, the date to which the hearing is continued shall be publicly announced at the meeting set by the Superintendent of Public Instruction or, if the hearing is continued more than one time, the continuance shall be publicly announced at the meeting preceding the date to which the hearing is continued.

Deliberation and conclusion

3112. In arriving at its conclusion, the board of review shall take into consideration the standards established by the State Board of Education pursuant to Section 3051 of this code, and to be applied in the approving of plans and recommendations of county committees, as they appear in Article 15 7 (commencing at Section 135.1) of Subchapter 1 of Chapter 1 of Title 5 of the California Administrative Code, and such other factors as the board of review deems pertinent. The board shall, not later than 30 days after the date set by the Superintendent of Public Instruction for the hearing, recommend in writing to the county committee which requested the appointment of the board of review, either that the plans and recommendations be or not be transmitted to the State Board of Education. If the recommendation of the board of review is in the affirmative, the State Board of Education may approve such plans and recommendations without concurrence of any other county committee.

Notice re recommendations

3113. (a) When the county committee has selected all or any portion of the county for possible recommendation for reorganization other than for the formation of a junior college district, or when the county committee has changed the territory so selected as provided in subparagraph (c), each member of the governing board of each school district included in whole or in part within the territory to be considered shall be included in the membership of the committee and shall be so notified by letter sent by the county superintendent of schools.

(b) When the county committee has selected all or any portion of the county for possible recommendation for the organization of a junior college district, or when the county committee has changed the territory so selected as provided in subparagraph (c), each member of the governing board of each high school district and unified district included in whole or in part within the territory to be considered shall be included in the membership of the committee and shall be so notified by letter sent by the county superintendent of schools.

(c) At any time, and from time to time, after the county committee has selected all or any part of the county for possible recommendation for reorganization and prior to the adoption by the augmented county committee of plans and recommendations for unification or other reorganization, a

majority of the county committee as established in Section 3101 may change the territory selected for possible recommendation for reorganization. For purposes of membership on the augmented county committee, the change shall be effective immediately thereafter. Each member of the governing board of each school district, if the action is pursuant to subparagraph (a), or of each high school district and each unified district, if the action is pursuant to subparagraph (b), which, as a result of the change, is included in whole or in part within the area to be considered, shall be included in the membership of the committee and shall be so notified by letter sent by the county superintendent of schools. Members of the governing board of any school district which, as a result of the change, is no longer included in whole or in part within the territory as so changed, shall cease to be members of the committee, and shall be notified of the termination of membership by letter sent by the county superintendent of schools.

(d) For the purposes of constituting a quorum at the committee meetings, all of the members of the governing board of one school district attending the meeting shall count only as one member of the committee. For the purposes of voting upon a recommendation, each school district so represented on the committee shall have only one vote and shall be entitled to vote only if the recommendation would affect that district. The district vote shall represent the decision of a majority of the members of the governing board of that district.

(e) No recommendation for reorganization pursuant to Section 3108 shall be made until the augmented county committee established by this section has adopted the recommendation by a majority of all entitled to vote and no such action shall be taken prior to the third meeting following the date when the governing boards of all districts included in the recommendation have been members of the augmented committee.

Same

3114. When a county committee selects an area for possible recommendation for reorganization which includes territory of another county, it shall so notify the members of the county committee of such other county. Thereafter the members of the county committee of such other county shall be notified by mail of each public hearing or meeting of the county committee, or augmented county committee, at which the proposed reorganization will be considered at least 10 days prior to the day of such hearing or meeting.

Notice of meetings

3115. Notice of each meeting of the augmented committee established in Section 3113 shall be mailed to all members appointed pursuant to Section 3113 by the county superintendent of schools at least 10 days prior to the date of such meeting.

Augmentation of committee

3116 The county committee as established in Section 3101 shall be augmented pursuant to Section 3113 for the purposes of action taken under Sections 3128 and 3132.

Public hearings

3117. The county committee or committees, as the case may be, shall hold one (1) or more public hearings in the area proposed for reorganization at a place or places designated by

the county committee or committees at least thirty (30) days prior to the submission of a recommendation for unification or other reorganization to the State Board of Education.

Petition

3118. On receipt of a petition signed by at least five (5) qualified electors residing in any district for a consideration of unification or other reorganization the county committee shall hold a public hearing, as described in this chapter (commencing at Section 3001), and determine whether the committee shall study further the matter petitioned in the manner herein described in this chapter (commencing at Section 3001).

Reorganization recommendations for assumption of bonded indebtedness

3119. The plans and recommendations formulated by the county committee pursuant to Section 3108 may include recommendations for the assumption by any new school district the formation of which is recommended by the county committee of all or any part of the bonded indebtedness of any existing school district included in whole or in part in the new school district.

Same Location of school buildings

3120. The plans and recommendations formulated by the county committee may include recommendations with reference to the location of school building or buildings after reorganization is accomplished.

Same Use or division of school property

3121. The county committee may propose plans and recommendations which include either one or both of the following provisions: (a) Plans for the use of the school property of the component districts as provided in Sections 3122, 3354, 3355, 3356, and 3357; (b) plans for dividing the property, other than real property, of any school district proposed to be divided between two or more unified school districts or between one or more unified school districts and any other type of district, or proposed to be partially included in one or more unified school districts or one or more unified school districts and any other type of district.

Same Use of school property

3122. When the county committee includes in its plans and recommendations proposals for the use of the school property of the component districts as provided in Sections 3121 and 3354, such proposal shall be deemed to be an integral part of the plans and recommendations, and a favorable vote on the question of reorganization, as provided in Sections 3151 to 3169, inclusive, shall be deemed to be a favorable vote upon the plans and recommendations as a whole.

Same Division of school property

3123. When all or a portion of the territory of any school district is divided between two or more unified school districts, or between one or more unified school districts and any other type of district, the county committee, in the formulation of plans, may provide for the division of school property, except real property, of such district. In providing for the division, the county committee shall consider the equalized assessed valuation of each portion of the existing district, the number of children of school age residing in each portion of such district, the value and location of the school property of such district, and such other matters as the members of the county committee deem important and pertinent.

Same

3124. When the county committee includes in its plans and recommendations proposals for the division of the school property of an existing district under Sections 3121 and 3123, such proposal shall be deemed to be an integral part of the plans and recommendations and a favorable vote by a majority of the voters on the question of reorganization, as provided in Sections 3151 to 3169, inclusive, shall be deemed to be a favorable vote upon the plans and recommendations as a whole; provided, however, that if the plans and recommendations require the incurring of a bonded indebtedness in any district or portion of a district remaining upon the unification or other reorganization in order to provide funds to equalize the division of the school property among the newly organized districts, then the proposition for the incurring of such bonded indebtedness shall be submitted as a separate proposition to the electors of the district or portion thereof which is to incur such indebtedness at the same election at which the proposition of approving the plans and recommendations is submitted to vote of the electors of the proposed unified or otherwise reorganized districts. The plans and recommendations shall not be deemed to have been approved unless the proposition of incurring such indebtedness is approved by two-thirds ($\frac{2}{3}$) vote of the voters of the district or portion thereof which is to incur such indebtedness voting on such proposition at said election. The proceedings for the issuance and sale of said bonds shall be taken in substantial conformity with the provisions of Sections 21701 to 21801, inclusive, and Sections 21803 to 22152, inclusive, of this code except that said bond election shall be called and canvassed by the county superintendent of schools and the proposition submitted thereat shall be

> "Shall _____ district incur a bonded indebtedness in the aggregate principal amount of $_____ for the purpose of paying its share of the equitable adjustment resulting from the reorganization of said school district?"

The county superintendent of schools shall certify to the board of supervisors of the county whose superintendent of schools has jurisdiction over the district, all proceedings had in the premises and said board of supervisors shall cause said bonds to be issued and sold as provided in Sections 21701 to 21801, inclusive, and Sections 21803 to 22152, inclusive, of this code except that the proceeds of sale of said bonds shall be deposited to the credit of the reorganized district entitled to such proceeds pursuant to said plans and recommendations.

Division of school property

3125. When the county committee includes in its plans and recommendations proposals for the division of the school property of an existing district under Sections 3121, 3123, and 3124, the total amount of bonds required may be in excess of the limitation provided in Sections 21801 and 21803.

Assistance, etc

3126. It shall be the duty of each county superintendent of schools, every other county officer, and officers or employees of any presently organized school district in any county to fur-

nish to the county committee any records, reports, documents, maps or other data pertaining to the survey of the area by the county committee and to confer with the county committee concerning the problems of such county or portion thereof, when requested to do so by the county committee.

Compensation

3127. The members of the county committee shall serve without pay, but they shall receive their actual and necessary travel expenses incurred in the performance of their duties. The expenses shall be allowed by the board of supervisors, and be paid out of the county general fund.

Trustee areas

3128. A unified school district established pursuant to this chapter (commencing at Section 3001) subsequent to October 1, 1949, may be divided into trustee areas by the county committee. In establishing trustee areas each county committee shall provide for representation in accordance with population and geographic factors of the entire area of the unified school district. As many trustee areas as needed, not to exceed seven (7), may be established. The county committee shall designate the number of members of the governing board to be elected from among the registered voters of each trustee area so that a governing board of either five (5) or seven (7) members is provided, but the members of the governing board shall be elected by the registered voters of the entire school district. The county superintendent of schools having jurisdiction shall call an election for the purpose of electing the new governing board of the district not later than the fourth Friday of January next succeeding the formation of the trustee areas. The election shall be called and conducted as are elections for members of governing boards of elementary school districts and the term of office and organization of the new board shall be pursuant to Sections 3257 and 3258, respectively. This section does not supersede or modify the provisions of Sections 3252 and 3253.

Same

3129. In any proposal for unification recommended by a county committee such committee may include a provision for trustee areas and such provision shall be considered as an inherent part of the proposal and not be construed as a separate proposition; provided, that such provision shall indicate the boundaries of the proposed trustee areas.

Maximum tax rate

3130. In any proposal for unification recommended by a county committee, the committee may include a provision for the authorization of a maximum tax rate for the proposed unified district, and such provision shall be considered an inherent part of the proposal, and not be construed as a separate proposition. If the unification is approved by the registered voters of the area, such tax rate shall be the maximum tax rate for the unified district in lieu of any rate specified in Section 20751 until changed by the registered voters of the district in the manner prescribed in Section 20803. Such tax rate established by the county committee shall not be less than the tax rates for a unified district provided in Section 20751 nor more than a rate which would produce revenue for the

proposed unified district equal to the sum of the revenue of each of the component districts had the maximum allowable tax rate been in effect in each component district during the school year immediately preceding the date upon which the unification would be effective for all purposes.

Map of boundaries

3131. The county superintendent of schools shall prepare and keep in his office (a) a map showing the boundaries of the trustee areas of all school districts in or belonging to his county that are so divided, and (b) a record of the action taken by the county committee in establishing such boundaries.

Rearrangement of boundaries, etc.

3132. The county committee shall have power to establish trustee areas, rearrange the boundaries of any trustee areas and abolish trustee areas in any unified school district formed under the provisions of this chapter (commencing at Section 3001) at any time the committee deems such action advisable. Any such proposal may also be made by a petition signed by at least five (5) qualified electors residing in the school district concerned. The petition shall be presented to the committee which shall hold at least one (1) public hearing thereon. The hearing shall be called and conducted in the manner prescribed herein for calling and conducting other public hearings except that notice thereof shall be posted at some public place in each trustee area of the school district concerned, on a prominent place in each schoolhouse, and at the place of holding the hearing.

Election

3133. (a) Any such proposal resulting from committee action or from a petition acted upon favorably by the county committee, pursuant to Section 3132, shall be presented to the electors of the district at the next succeeding election for members of the governing board. The election provided for in this section shall be called by the governing board of the district and shall be held and conducted in as nearly the same manner as may be practical as are elections for members of boards of school trustees. The words to appear on the ballot shall be: "For the establishment of trustee areas in _____ Unified
(Insert name)
School District—Yes" and "For the establishment of trustee areas in _____ Unified School District—No."
(Insert name)

(b) In the event the election is called for the purpose of rearranging the boundaries of trustee areas, then there shall appear upon the ballot the words "rearranging the boundaries" in lieu of the word "establishment."

(c) In the event the election is called for the purpose of abolishing trustee areas, then there shall appear upon the ballot the word "abolishment" in lieu of the word "establishment."

Governing boards

3134. (a) If a proposal for the establishment of trustee areas is approved by a majority of the electors voting at such election, any affected incumbent board member shall serve out his term of office and succeeding board members shall be nominated and elected in accordance with Section 3128. In the

event two or more trustee areas are established at such election which are not represented in the membership of the governing board of the unified school district, the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by the electors, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his term of office and succeeding board members shall be nominated and elected in accordance with Section 3128.

(c) If a proposal for abolishing trustee areas is approved by the electors, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

Report and recommendations re facilities

3135. The county committee shall prepare and submit to the Superintendent of Public Instruction, upon request of said officer, a report and recommendations respecting the urgency of need for school plant facilities, the kind and extent of the facilities required, and the development of improved local school administrative units and attendance areas in the case of school districts that seek state assistance in providing school plant facilities.

Article 4. Approval of Recommendations

Notification of approval

3151. After the State Board of Education has approved the plans and recommendations for the unification or other reorganization of the school districts in any area, the State Board of Education shall notify the county superintendent of schools of each county in which any part of such local area is located, of such approval.

Reorganization other than unification

3152. In the event the county committee transmits plans and recommendations to the State Board of Education, pursuant to Section 3108, for the reorganization of the school districts in the county other than the formation of a unified school district, the proposed reorganization, if approved by the State Board of Education, shall be deemed to be the filing of a petition with the State Board of Education, the appropriate board of supervisors, or with the county superintendent of schools, as the case may be. The State Board of Education shall notify the board of supervisors and the county superintendent of schools having jurisdiction over the school districts affected thereby of its action, and the proposed reorganization of the school districts, other than the formation of a unified school district, shall then be held and conducted in accordance with the applicable provisions of other chapters of this code as though the petition required by the other chapters had been originally filed with such board of supervisors or with the county superintendent of schools, except that no action required by any other provision of this code shall be necessary

to give the board of supervisors or county superintendent of schools jurisdiction in the matter.

Special election

3153 Except as otherwise provided in Section 3155, the county superintendent of schools of the county in which the greater part of such area is located shall cause to be held a special election in the elementary school district or unified school district, or districts included in whole or in part in the plans and recommendations of the county committee or committees for the formation of a unified school district for the purpose of adopting or rejecting the plans and recommendations. The county committee or committees shall hold, following the approval by the State Board of Education of the recommendations of the county committee, one (1) or more public hearings at least ten (10) days prior to such election within the area included in a proposal for unification. The county committee or committees may designate any member to hold and conduct any public hearing required to be held. Such election shall be held between July 1st and June 30th of the school year in which the county superintendent of schools was given notice by the State Board of Education under Section 3151, except that if such notice is not received on or before May 1st, the election may be held between July 1st and June 30th of the following school year.

Notice of hearing

3154 The county superintendent of schools shall cause to be posted, at least twenty (20) days prior to the date set for any such hearing, a written or printed notice thereof (a) in at least three (3) places, other than schoolhouses, in each such district or portion of a district, as the case may be, affected thereby; (b) on each schoolhouse door of each district or portion of district, as the case may be, involved or affected by any proposed change; and, (c) at the place or places of holding the hearing if any of these places be other than the public schools.

Plans providing for exclusion

3155. In the event the plans and recommendations of a county committee for an area provide for the exclusion of territory from a school district, the county committee shall determine if as to said district the election shall be held only in said territory. The county superintendent of schools shall call the election in the district or portion thereof in accordance with this section.

Qualified voters

3156. Every qualified elector residing within the boundaries of each elementary school district or unified school district, or portion of district, as the case may be, in which the election is called shall be eligible to vote at such election.

Notice of election

3157. The election shall be called by posting notices thereof at least twenty (20) days before the election (a) in at least three (3) public places, other than schoolhouses, in each such district or portion of a district, as the case may be, affected thereby; (b) on each schoolhouse door of each such district or portion of district, as the case may be, involved or affected by any proposed change; and, (c) at the place or places of holding the election if any of these places be other than the public

schools. If there is a newspaper of general circulation published in any county in which any part of the district is situated, the notice and a statement of the recommendation of the county committee must be published therein at least once in each calendar week for three successive calendar weeks prior to the election.

Copies of recommendations

3158. The county superintendent of schools calling such election shall cause to be prepared and distributed to each registered voter in each such district or portion of a district, as the case may be, in which the election is to be held at least ten (10) days prior to such election a copy of the recommendations of the county committee. The copy of the recommendations shall include any proposal made in accordance with Section 3129.

Arguments for and against recommendations

3159. The county superintendent of schools of the county in which the largest portion of the area affected is located shall cause to be prepared and distributed a statement setting forth arguments for and against the recommendations of the county committee. Such arguments shall not exceed 500 words. The argument in favor of the recommendations shall be prepared by the chairman of the county committee, or by a proponent of the recommendations designated by the chairman. The argument against the recommendations shall be prepared by a member of the county committee who voted against the recommendations, or, if there be none, by an elector designated by the county superintendent of schools who has appeared before the committee or at a public hearing in opposition to the recommendations.

Costs

3160. The cost of preparation and distribution of the statement setting forth the arguments in favor of, and those opposed to, the recommendations of county committees and the cost of any election held hereunder shall be a charge against the general fund of the county in which the elementary school district or unified district is situated. If such district is situated in more than one county, the cost shall be prorated against each county in the same proportion as the area of the district lying in such county bears to the total area of the district.

Notice of recommendation for unification

3161. The county committee shall prior to submitting a recommendation to the State Board of Education for the unification of any school district or school districts notify, in writing, the board of supervisors of each county affected. If such notice is not given on or before April 1st of the school year preceding notice by the State Board of Education under Section 3151, and if funds are not available for the conduct of the election, the board of supervisors of any such county may require the county superintendent of schools charged with the duty of holding the election on such plans and recommendations to postpone the holding of such election until on or after July 1st of the school year following such notice.

Contents of notice

3162. The said notice must contain:

(a) The time and place or places of holding the election;

(b) The hours during the day in which the polls will be open;

(c) The purpose for which the election is to be held.

Conduct of election

3163. The election shall be conducted as elections for members of governing boards of elementary school districts are conducted, except as may be otherwise provided in this chapter (commencing at Section 3001). The county superintendent of schools may divide the district or districts into election precincts for the holding of the election and shall appoint one inspector and two judges of election in each precinct. If none are appointed, or if those appointed are not present at the time for opening the polls, the registered voters present may appoint them, and they shall conduct the election. The polls shall be open at 7 o'clock a.m. and closed at 7 o'clock p.m.

Special election

3164. If the proposal for reorganization involves a question as to whether a countywide unified school district shall be established, the proposal may be submitted at a special election or at an election consolidated with a general, county or state election. If so consolidated, the polling places shall be those used in the general election.

Ballot

3165. If the recommendations of the county committee include a recommendation made pursuant to Section 3119, two forms of ballots shall be used at the election and each form shall be of a different color.

Contents of ballots

3166. The words to appear upon the ballots used for voting upon the adoption or rejection of the plans and recommendations of the county committee with respect to the unification of school districts shall be "Unification of school districts—Yes," and "Unification of school districts—No," or words of similar import. If the county committee made a proposal in accordance with Section 3129 such proposal shall be considered a part of the reorganization proposition to be voted upon and the ballot shall include wording to that effect. Suggestions made in accordance with Section 3120 shall not be considered a part of the reorganization proposition to be voted upon.

The words to appear upon the ballots used for voting upon the adoption or rejection of the plans and recommendations of the county committee made pursuant to Section 3119 with respect to the assumption of bonded indebtedness by any school district created as a result of the unification of school districts recommended by the county committee shall contain the words "Assumption of bonded indebtedness—Yes" and "Assumption of bonded indebtedness—No" or words of similar import.

Each elector voting at the election shall mark a cross with a pencil, ink, or rubber stamp after the answer he desires to give.

Canvass of votes

3167. The officers of the election in each district or portion of a district in which the election is held shall canvass the votes immediately after the closing of the polls. The canvass may be continued from day to day until completed. The provisions of the Election Code providing for absentee voting shall apply and the county superintendent of schools shall count absentee ballots on the seventh day after the election. Upon the completion of the canvass the election officers shall notify the county superintendent of schools of the votes cast for and

against the proposed unification of school districts. The county superintendent of schools, after receiving the returns from all election officers, shall tabulate them and the absentee ballots and notify the board of supervisors of the number of votes cast for, and the number of votes cast against, the unification of school districts in each elementary school district or unified school district and also the total number of votes cast for, and the total number of votes cast against, the unification of school districts.

If a majority of all the votes cast are cast in favor of the unification, the proposal carries; except, that if the voters in one (1) district, or portion of a district cast a majority of all the votes cast at the election, then, the proposal must carry by a majority in such district, or portion of a district, and, in addition, by a majority of the combined votes of all the other districts or portion of districts, as the case may be, concerned. If the majority of all votes cast in a unified district containing an incorporated city in which a high school has been maintained for 40 years or more are opposed to unification, the unified district shall not be included. If the unification carries at the election the board of supervisors of the county in which the area, or the greater part thereof, is situated, shall cause an entry of that fact to be entered in its minutes and the unification shall be deemed to be accomplished, subject to the provisions of Sections 3201 and 3202.

Favorable vote

3168. If two-thirds of all the votes cast in each district at the election on the question of the assumption of bonded indebtedness by a school district created as the result of the unification of school districts recommended by the county committee are cast in favor of the assumption of such bonded indebtedness, the district created shall be liable for the assumption of such bonded indebtedness.

Rejection of recommendations

3169. (a) If the plans and recommendations of the county committee are rejected by the voters, the county committee shall resurvey the territory in the manner hereinbefore provided and make plans and recommendations.

(b) When the new plans and recommendations are identical with those previously submitted, the augmented county committee, without resubmitting the plans to the State Board of Education, may determine that a second election shall be held thereon not later than a year from the previous election. The county superintendent of schools shall thereupon call and conduct an election as provided in this article (commencing at Section 3151).

(c) When the new plans and recommendations are not identical with those previously submitted to the State Board of Education, or when they are identical but the augmented county committee does not make the determination provided in subsection (b) of this section, the county committee shall transmit the new plans and recommendations to the State Board of Education. If the State Board of Education approves the new plans and recommendations, the county superintendent

of schools shall thereupon call and conduct the election as provided in this article (commencing at Section 3151).

Article 5. Effective Date of Reorganization

Unification's effective date

3201. (a) The unification of school districts under this chapter before February 1st of any school year shall become effective on the next succeeding first day of July, except as herein otherwise provided.

(b) The unification of school districts under this chapter (commencing at Section 3001) on or after February 1st of any school year shall become effective on the second succeeding first day of July, except as herein otherwise provided.

Bond assumption's effective date

3202. If a proposal for the assumption of bonded indebtedness is approved by the voters the assumption shall become effective on the same date as the unification of the school districts becomes effective as provided in Section 3201.

Article 6. Governing Boards

Governing board

3251. A unified school district formed pursuant to this chapter (commencing at Section 3001), whether prior or subsequent to October 1, 1949, shall have a governing board of five (5) members, elected at large to serve for four (4) years, except that:

(a) In the event seven (7) trustee areas are established in a unified district, the governing board shall have seven (7) members elected at large to serve for four (4) years;

(b) In a unified school district which includes a chartered city, the governing board of the district shall be the board of education of such city or city and county; provided, that all qualified electors residing within the unified school district are eligible to vote at all elections held for the election of members of the city board of education and any elector residing in the district, or in a trustee area if the district is divided into trustee areas, is eligible to serve as a member of said board;

(c) In the event a unified district includes a chartered city and the charter does not provide for a method of selecting the governing board of education of the city or the charter provides that this code shall apply, the governing board of the unified district shall be elected at large and any elector residing in the district, or in a trustee area if the district is divided into trustee areas, is eligible to serve as a member of the board.

Board of trustees when district and county boundaries coterminous

3252. Notwithstanding the provisions of this article (commencing at Section 3251), any unified school district which before July 1, 1955, became coterminous with the boundaries of a county shall be governed by an elective board of trustees. The board shall consist of one member from each supervisorial district in the county.

Same: Appointment

3253. When a unified school district coterminous with the boundaries of a county is formed before July 1, 1955, the county superintendent of schools shall appoint a board of

school trustees of five members for it, one from each supervisorial district. The three members appointed from the odd-numbered districts shall hold office until the election of their successors.

At the first election for members of the board, which shall be held at the next general election, there shall be three trustees elected by the electors of the county at large, one of whom shall be a resident of each odd-numbered supervisorial district, whose terms shall begin at noon on the first Monday after the first day of January following the election, and they shall hold office for four years, or until their successors are qualified. Two years after the first election the remaining trustees shall be elected by the electors of the county at large, one trustee from each of the even-numbered supervisorial districts, each trustee being a resident of the district he represents. Their terms of office shall begin at noon on the first Monday after the first day of January following their election, and they shall hold office for four years, or until their successors are qualified. Four years from the date of each of these elections, and in a similar manner subsequently, there shall be elected in a like manner a sufficient number of trustees to replace those trustees whose terms expire the following January.

Each election provided for in this section shall be consolidated with the general election held within the county on the same date. Only one form of ballot shall be used and the returns shall be canvassed by the board of supervisors. The expenses of the election shall be borne by the county.

Qualification of member

3254. No member of the governing board of any component district of a unified school district shall be a member of the governing board of the unified school district unless elected thereto.

Election

3255. Upon the formation of a unified school district, the county superintendent of schools having jurisdiction shall call and set the date for an election for the purpose of electing the governing board of the district. Such call shall be issued not later than the fourth Friday of January next succeeding the formation of the district. The election shall be called, held and conducted as are elections for members of governing boards of elementary school districts.

First board

3256. The first members of the governing board of a unified school district shall take office on the first day of the second month following their election.

Term of office

3257. The term of office of the members of the governing board of a unified school district elected subsequent to the election of the first members of the board shall begin on the first day of July next following their election.

Organization of board

3258. At the initial meeeting of the governing board of a newly formed unified school district it shall elect one of its members as chairman, and shall designate a temporary secretary.

When the number on the governing board is five (5) the term of office of each member of the first governing board shall be determined by lot. The term of one member shall expire on June 30th of the year following his election; the term of one member shall expire on June 30th of the second year following his election; and the term of one member shall expire on June 30th of the third year following his election, and the terms of two members shall expire on June 30th of the fourth year following their election.

In the event that provision is made for a governing board of seven (7) members in accordance with Section 3251, the governing board shall determine by lot the term of office of each member of the first governing board. The term of one member shall expire on June 30th of the year following his election, the terms of two members shall expire on June 30th of the second year following their election, the terms of two members shall expire on June 30th of the third year following their election, and the terms of two members shall expire on June 30th of the fourth year following their election.

Election of board of education

3259. If a unified district governed by a board of education of five members includes a chartered city, the charter of which provides for a board of education, the members of which are to be elected pursuant to this code and to hold office for the terms provided by this code, and three members of such board of education were elected to hold office for a term expiring during the school year commencing on the date the district was formed for all purposes, the office of three members of the board of education shall be filled at the first election of governing board members following such date of formation for all purposes.

The term of office of such three members shall be determined by lot. The term of one member shall expire on June 30th of the year following his election; the term of one member shall expire on June 30th of the third year following his election; and the term of one member shall expire on June 30th of the fourth year following his election. The persons elected to succeed such three members shall hold office for four years.

Vacancies

3260. Any vacancy on the governing board of a unified school district shall be filled by appointments by the remaining members of the board for the remainder of the unexpired term. If the remaining members of the board fail to agree, the county superintendent of schools shall appoint a person to fill the vacancy for the remainder of the unexpired term.

Recall

3261. Except in unified school districts which include a city or city and county, the charter of which provides for the recall of members of the governing board, any member of any unified school district governing board may be recalled in the manner provided in Sections 935 to 974, inclusive, of this division for elementary school district governing board members

Article 7. Powers and Duties of Governing Board of Unified School Districts

Superintendent of schools

3301. (a) The members of the governing board of each unified school district shall elect a superintendent of schools, for a term of four years, who shall be executive officer and secretary of said governing board. Where the entire area of a county is included within one unified school district or where the entire area of a county is included within one unified school district except for such portions of the county as are included in a school district which is under the jurisdiction of the county superintendent of schools of another county, the county superintendent of schools may be employed as the superintendent of schools of the unified school district; provided, he is the holder of a certification document authorizing him to perform such services. If a county superintendent of schools is employed as the superintendent of schools of a unified school district, he may be paid such salary, in addition to that provided by law for his office of county superintendent of schools, as he and the governing board of the unified school district may agree upon.

(b) Any county superintendent of schools who is employed as a district superintendent of a unified school district on the effective date of this section, may continue to perform such services without possessing the certification document otherwise required as long as he remains continuously employed or re-employed in his position.

Name of district

3302. The governing board of any school district unified under this act shall choose an official name for said district, in which name the said district may sue and be sued, and hold and convey property. The name shall be in the following style: "(Using the name of the district) Unified School District."

Governing board of unified district

3303. The governing board of each unified school district shall have the same powers and duties as are by law granted to governing boards of elementary school districts, high school districts and junior college districts.

Discontinuance of elementary school

3304. The governing board of a unified school district established under this chapter (commencing at Section 3001) may discontinue an elementary school by order or resolution unless within 30 days of such order or resolution a petition is filed with the governing board requesting the continuance of the school signed by at least one-third of the parents or guardians of children who have not reached their fourteenth birthday, including children of preschool age, at the time of the petition. The parents or guardians eligible to sign such petitions shall be residents within the boundaries of the component elementary school district which maintained the school prior to the establishment of the unified school district and shall be qualified electors within such district at the time the petition

is filed. If a school is discontinued as herein provided, the governing board of the unified school district may maintain the building for community and civic center and other lawful purposes.

Article 8. Property, Funds and Obligations

Existing bonded indebtedness

3351. The bonded indebtedness of any district included as a whole in a unified school district outstanding at the time of unification shall except as otherwise provided in this chapter (commencing at Section 3001) remain an obligation of the district so included.

Liability for bonded indebtedness

3352. In each unified school district, each district included in whole in a unified school district formed under this chapter (commencing at Section 3001) shall be continued in existence, notwithstanding any provision of law to the contrary, for the purpose of retaining liability for the bonded indebtedness of such district.

Assets

3353. Except as provided in Section 3354 all property, funds, and obligations of a component district included in whole in a unified school district, other than the bonded indebtedness thereof as provided in this article (commencing at Section 3351), and other than funds derived from the sale of bonds issued by the component district, shall become the property, funds, and obligations of the unified school district. Any funds derived from such bonds issued by the component district shall be expended by the governing board of the unified district either for the retirement of said bonds or for the acquisition of school property only in the area comprising said component district.

Charge for use of real property

3354. Any unified or otherwise reorganized district which includes at the time of unification or other reorganization any component district or districts having any outstanding bonded indebtedness shall pay, in accord with proposals made under Sections 3121 and 3122, for the use of the school property of such district acquired or constructed from the proceeds of its own bonds, an annual charge to the account of such component district or districts, to be administered as a trust fund by or under the direction of the county superintendent of schools The annual charge shall be equal to the annual amount required for the interest and redemption of such bonds. The county superintendent of schools is authorized to apply the annual charge to the interest and bond redemption of the component district, or to use it for any other lawful purpose for the use and benefit of the area comprising the component district. Any unified or otherwise reorganized district acquiring the use of school property under the provisions of this section shall fully maintain and keep in repair such property during the period of the use thereof by the unified district and the cost of such maintenance shall be a

lawful charge against the funds of the unified district. Any school property acquired or constructed by any component district as a result of the sale of its own bonds shall remain the property of such component district until such time as the bonds are retired.

Same Inclusion in annual budget

3355. The governing board of any unified school district shall include in its annual budget an amount equal to the annual charge provided in Section 3354; provided, however, that if the governing board of the district fails to include such annual charge in its budget, it shall be the duty of the county superintendent of schools to add it to the budget submitted by the governing board.

Same Inclusion in tax

3356. The board of supervisors of any county shall include in the annual tax to be levied upon the assessed valuation of any unified district a tax sufficient to provide for any annual charge required under Section 3354. Such tax may be at a rate over and above the maximum rate provided in Section 20751; provided, that during the period that such annual charge is in effect, the board of supervisors need not levy a tax on the assessed valuation of the component district for interest and bond redemption of such component district, so long as the amount of the annual charge upon the unified district is sufficient for and is actually used for such interest and bond redemption of such component district.

Same Continuance

3357. The annual charge provided in Section 3354 shall continue for the entire period during which any bonded indebtedness is outstanding against any component district or districts; provided, that upon the retirement of the entire bonded indebtedness of such component district or districts such charge shall cease to accrue, and the school property of such component district or districts shall become the property of the unified district.

Charge for use of school property

3358. Notwithstanding any provision of law to the contrary, where any unified or otherwise reorganized district located entirely within one county which was unified or otherwise reorganized between January 1, 1950, and January 1, 1952, which included at the time of unification or other reorganization any component district or districts having any outstanding bonded indebtedness, and no proposals were made under Sections 3121 and 3122 for the use of the school property of such component district or districts, the board of supervisors of the county may, within sixty (60) days after July 1, 1953, fix and determine the amount of the annual charge for the use of the school property of such component district or districts acquired or constructed from the proceeds of the bonds of such component district or districts. Such annual charge shall be in the amount and subject to the terms, provisions and conditions of Sections 3354, 3355, 3356, and 3357.

Funds and obligations

3359. When all or a portion of the territory of any district is divided between two (2) or more unified school districts or

between one or more unified school districts and any other type of district, all funds and obligations of the district shall be divided among the affected school districts in the same proportion as the ratio of the assessed valuation of the territory included in an affected school district bears to the total assessed valuation of the district which is being divided, except as otherwise provided in this section.

In making a division of the funds and obligations of a district pursuant to this section, unsecured property taxes levied for the fiscal year commencing on the date when reorganization or unification becomes effective for all purposes but which are due and payable upon the first Monday in March preceding such date shall be distributed to the affected districts in which such taxes are collected as the districts exist on and after the date when the reorganization or unification becomes effective for all purposes.

Requisition for division of funds

3360. During the first fiscal year of the existence of a newly formed unified school district, including districts which became effective for all purposes on July 1, 1953, under the provisions of this chapter (commencing at Section 3001) the county superintendent of schools having jurisdiction over the districts affected shall draw his requisition upon the county auditor to the credit of the districts affected in the amounts necessary to accomplish the division of funds required by, as the case may be, Section 3124 or 3359.

Continuance of special tax

3361. In the event a recommendation is made for the unification of an area which is coterminous with a union high school district, or a city high school district, and if the voters of the high school district at an election prior to reorganization had voted a special tax for a specified period of years, the tax shall, if the unified district is subsequently established by the voters, be continued at the option of the governing board of the newly formed unified school district for only those purposes for which the tax was originally voted and for a period not to exceed the number of years for which the tax was previously authorized.

Continuance of tax rate in excess of maximum

3362. In the event a recommendation is made for the unification of an area which is coterminous with an elementary school district and if the voters of the elementary school district at an election prior to the reorganization had voted a district tax rate in excess of the maximum tax rate prescribed by Section 20751, the tax shall, if the unified district is subsequently established by the voters, be continued at the option of the governing board of the newly formed unified school district for a period not to exceed the remaining number of years for which the tax was previously authorized. This section shall apply to unified districts in existence for all purposes on and after July 1, 1954.

Petition

3363. At any time following the formation of a unified school district any portion of the unified school district may be transferred to a contiguous unified school district, as herein

provided. A petition of 25 percent of the electors of the unified school district in which the territory proposed to be transferred is located shall be filed with the State Board of Education, giving a description of the territory and the reasons for its transfer to another unified school district. If the Superintendent of Public Instruction recommends, and the State Board of Education approves, the proposed transfer, the State Superintendent of Public Instruction shall so notify the county superintendent of schools in the county having jurisdiction over the unified school district from which it is proposed to transfer the territory.

The county superintendent of schools within 30 days after receiving such notice shall call an election in the unified school district from which the territory is to be transferred. The election shall be called, held and conducted as are elections for the election of members of governing boards of elementary school districts except that the ballots shall contain the words "For Transfer—Yes," and "For Transfer—No." The voters shall mark a cross with pencil, ink or rubber stamp after the answer they desire to give.

Article 9. Employees

Formation of unified district

3401. The formation of a unified school district shall be deemed a unification of school districts within the meaning of Education Code Sections 13321 and 13322 of this code.

Continuance of employment

3402. Any principal, supervisor, or district superintendent, in any school district, which district is included in whole in a unified school district, shall continue as an employee of the unified school district under the terms of his then current contract; providing that the term of such employment shall not be less than two years; and provided also, that the governing board of the unified school district may make any reasonable reassignment of his duties.

If all of the territory of any school district becomes part of two or more unified districts and the inclusion in the two or more unified districts of the several portions of territory comprising the whole of such district is effective for all purposes upon the same date, any principal shall continue as an employee of the unified district in which the school to which he was assigned is included, and any supervisor or district superintendent shall continue as an employee of one of the unified districts in which a portion of the former district is included, at the election of such supervisor or superintendent. Continued employment shall be under the terms of the employee's current contract; providing that the term of such employment shall not be less than two years; and provided also, that the governing board of the unified school district may make any reasonable reassignment of his duties.

Same

3403. Persons employed in component districts in positions not requiring certification qualifications shall continue as

employees of the unified school district for not less than one year, providing that the governing board of the unified school district may make any reasonable reassignment of their duties.

Adoption of merit system for reorganized district

3404. If a component district, or districts, representing the majority of registered voters within a district as reorganized under this chapter (commencing at Section 3001), has, or have, previously adopted the merit system, all noncertificated employees of said school district shall be employed in accordance with Sections 13701 to 13756, inclusive, and the merit system of the component district having the greatest number of registered voters at the time of the election for unification or other reorganization shall become the merit system for the reorganized district and the personnel of all component districts shall become the personnel of the reorganized district, retaining all rights and privileges as if they had been employed under the provisions of Sections 13701 to 13756, inclusive, with seniority commencing as of the date of original employment in the component district, except that where there are more than a sufficient number of employees for a given classification under provisions of Sections 13701 to 13756, inclusive, the excess personnel of the reorganized district shall be placed upon appropriate re-employment lists for three years and may accept positions of lower rank in their line of promotion in the order of seniority as established by this section in accordance with rules drawn in compliance with the provisions of Sections 13701 to 13756, inclusive.

In the event a component district, or districts, representing less than a majority of the registered voters within a reorganized school district has, or have, previously adopted the merit system for noncertificated employees, the governing board of the reorganized school district shall either adopt the merit system for the reorganized school district, or it shall cause to be placed on the ballot at the first school election following the reorganization of the district, a measure to adopt the merit system for the reorganized district. A majority of the votes cast shall be required to adopt the merit system. Until such election is held, the merit system shall continue in force for the affected employees, and the cost thereof shall be borne by the reorganized district.

Article 10. Applicable Provisions of Law

Applicability

3451. All provisions of Sections 1481 to 1493, inclusive, Sections 2811 to 2931, inclusive, and Sections 813, 13005, 13554, and 21802 not in conflict with, or inconsistent with provisions of this chapter (commencing at Section 3001) are hereby made a part of this chapter (commencing at Section 3001) with the same force and effect as though set forth in this chapter (commencing at Section 3001) as a part hereof.

PART 2. THE EDUCATIONAL PROGRAM AND PERSONNEL

DIVISION 6. THE SYSTEM OF PUBLIC INSTRUCTION

CHAPTER 1. GENERAL PROVISIONS

5001. The public schools other than those supported exclusively by the State, are day and evening elementary, and day and evening secondary schools. Types of schools

CHAPTER 2. SCHOOL TERMS

Article 1. Generally

5101. The school year begins on the first day of July and ends on the last day of June. "School year"

5102. A school month is 20 days or four weeks of five days each, including legal holidays; provided, however, that for the purposes of counting attendance only in providing for a school calendar the Christmas vacation period, or any portion thereof, may be excluded by the school district in the definition of a school month. "School month"

5103. Except where a school has been closed by order of a city or a county board of health, or of the State Board of Health, on account of contagious disease, or where the school has been closed on account of fire, flood, or other public disaster, the governing board of any school district shall maintain all of the elementary day schools established by it for an equal length of time during the school year, all of the day high schools established by it for an equal length of time during the school year and all of the day junior colleges established by it for an equal length of time during the school year. Equality of term lengths

5104. When it is necessary for the convenience of the residents of any district that the school be maintained a part of the year in one portion of the district, and a part of the year in another portion of the district, the aggregate of the time the school is maintained in the different portions of the district shall be the time for which a school has been maintained in the district during a school year. Maintenance in different locations

Article 2. Closing of Schools and Postponement of Openings

5151. During the continuance of a state of war between the United States and any foreign power, the Superintendent of Public Instruction, with the approval of the Governor, may, whenever in his opinion it is necessary for the planting or harvesting of crops or for other agricultural or horticultural purposes and is for the welfare of the State, make an order closing, for such time as may be specified, any or all State of war

educational institutions supported wholly or in part by the State, or any grade or class thereof, and may, in like manner, by similar order, postpone the opening of any or all such educational institutions, or any grade or class thereof, during the continuance of a state of war.

Minimum term

5152. The annual school term shall not be reduced to less than six months pursuant to this article (commencing at Section 5151).

Teachers' salaries

5153. Whenever any educational institution is closed, or the opening is delayed pursuant to this article (commencing at Section 5151), the salary of any teacher regularly employed shall be paid according to any written contract between the governing board of the educational institution and the teacher, or, if there is no written contract, according to any salary schedule adopted by the board. If there is neither contract nor salary schedule, the total salary paid for any school year in which the order closing or postponing the opening of schools is made shall not be less than the salary paid by the governing board of the educational institution for similar services during the preceding school year.

Application of order

5154. An order issued under this article (commencing at Section 5151) may be made applicable to any district, city, city and county, county or any group thereof, as the Superintendent of Public Instruction may determine and specify, and may be altered, amended, or rescinded from time to time.

Apportionment of funds

5155. Nothing contained in this article (commencing at Section 5151) shall in any manner affect the amount of money apportioned to any school district during any school year.

Article 3. Holidays and Observances

School holidays

5201. Except as otherwise provided the public schools shall continue in session or close on holidays as follows:

(a) The public schools shall close on Saturday, Sunday, January 1st, February 12th, February 22d, May 30th, July 4th, September 9th, November 11th, and December 25th.

(b) The Governor in appointing any other day for a public fast, thanksgiving, or holiday may provide whether the public schools shall close on the day. If the Governor does not provide whether the public schools shall close, they shall continue in session on all special or limited holidays appointed by the Governor, but shall close on all other days appointed by the Governor for a public fast, thanksgiving, or holiday.

(c) The public schools shall close on every day appointed by the President as a public fast, thanksgiving, or holiday, unless it is a special or limited holiday.

(d) The public schools shall continue in session on all legal holidays other than those designated by or pursuant to this section and shall hold proper exercises commemorating the day.

(e) When any of the holidays on which the schools would be closed fall on Sunday, the public schools shall close on the Monday following.

Power of governing board

5202. Notwithstanding any other provision of Sections 5201 to 5210, inclusive, and Sections 5713, 5901 and 6362, the governing board of any school district may declare a holiday in the public schools under its jurisdiction when good reason exists.

Lincoln and Washington birthday exercises

5203. All public schools throughout the State shall, on the school day next preceding February 12th and February 22d, hold the customary exercises in memory of Abraham Lincoln and George Washington, respectively.

Anniversary of Constitution's adoption

5204. All public schools and educational institutions shall include in the school work on or near the anniversary of the adoption of the Constitution of the United States exercises and instruction for pupils suitable to their ages in the purpose, meaning, and importance of the Constitution of the United States, including the Bill of Rights.

Conservation, Bird and Arbor Day

5205. March 7th of each year, the anniversary of the birthday of Luther Burbank, is set apart and designated Conservation, Bird, and Arbor Day.

All public schools and educational institutions shall observe Conservation, Bird, and Arbor Day not as a holiday, but by including in the school work of the day, suitable exercises having for their object instruction as to the economic value of birds and trees, and the promotion of a spirit of protection toward them, and as to the economic value of natural resources, and the desirability of their conservation.

Susan B Anthony Day

5206. February 15th of each year, the anniversary of the birthday of Susan B. Anthony, is designated and set apart as Susan B. Anthony Day.

All public schools and educational institutions shall observe this day with suitable exercises, directing attention to the development of the political and economic status of women in the United States, through the efforts of Susan B. Anthony.

Saturday classes

5207. The governing board of any school district authorized or required to maintain continuation education classes may maintain such classes on Saturday.

Automobile driver training classes

5208. The governing board of any school district authorized to maintain automobile driver training classes may maintain such classes on Saturday, and during summer vacation when schools are not in session.

Harvesting by students

5209. During any national emergency declared by the President of the United States of America, or during any war in which the United States of America is engaged, upon a finding by the California Department of Employment that spoilage of a perishable crop will result because of a critical shortage of farm labor the governing board of a school district in which such crop is located may maintain the schools of the district on Saturdays, the first day of January, the twelfth day of February, the twenty-second day of February, the thirtieth day of May, and the eleventh day of November, in

order to make pupils of the district available for the harvesting of crops without undue reduction in the number of days the schools of the district are maintained.

Nothing in this section shall permit or allow any student under the age of fourteen (14) to harvest such crops nor shall any student be permitted or allowed to use or to be in a position to use any dangerous equipment.

Maintenance of schools and classes

5210. Whenever climatic conditions of a school district are such as to render it necessary that the schools be closed as early in the year as possible or opened as late in the year as possible, the governing board of the school district may maintain schools and classes on any days other than Saturday, Sunday, the twenty-fifth day of December, the first day of January, the fourth day of July, and any day appointed by the President or the Governor for a public thanksgiving.

When classes are maintained on holidays pursuant to this section, proper exercises shall be held commemorating the day.

CHAPTER 3. KINDERGARTENS

Establishment, etc., of kindergartens

5251. The governing board of any school district shall establish and maintain a kindergarten upon petition of the parents or guardians of 25 or more children who will be between the ages of four years and nine months and six years on the next September 1st following the signing of the petition, and who reside within the district.

The governing board of any school district may, with the approval of the county superintendent of schools and county board of education having jurisdiction over the district, establish and maintain a kindergarten.

Time of establishment

5252. The order of the board establishing a kindergarten shall be made only between the first day of June and the first day of August in any year.

Number

5253. After the first year in which any kindergarten has been established and maintained, the number of kindergartens which shall be maintained in any city, city and county, or school district, during any particular school year, shall be determined by the governing body of the schools of the city, city and county, or school district.

Minimum age of admission

5254. A child shall be admitted to a kindergarten in any term during the first school month of the term, if he is of the age prescribed. For good cause the governing board of a school district may permit a child of proper age to be admitted to a class after the first school month of the school term.

If there is but one term during the school year, the child shall be four years and nine months of age on or before September 1st of the current school year. If there are two terms maintained during the school year the child shall be four years and nine months of age on or before September 1st, of the current school year, before he may be admitted in the first term of the school year, or four years and nine months of age

on or before February 1st of the current school year, before he may be admitted in the second term in any school year.

5255. The reports for the kindergarten classes shall be kept and made separate from other school reports. Reports

5256. If the average daily attendance in any kindergarten in any school district is 10 or less for the school year, the governing body of the school district shall, at the close of the school year, either discontinue the kindergarten or combine the kindergarten with the first grade of an elementary school of the district. In the latter event, the attendance of the children enrolled in the kindergarten shall be counted as attendance upon a kindergarten. Discontinuance

5257. If the minimum age fixed by Section 5254 at which children may be admitted to kindergarten is increased, the provisions of Section 5256 shall not apply to any kindergarten the average daily attendance of which for the first school year in which such increase becomes effective is 10 or less, and the governing board of the district maintaining the kindergarten may, in its discretion, continue to maintain the kindergarten in the following school year, without combining it with the first grade. Increase of minimum age

5258. The governing board of any elementary or unified school district maintaining a kindergarten may combine the kindergarten with the first grade maintained by the district. The minimum school day for pupils of a kindergarten which is combined with a first grade is 130 minutes, inclusive of recesses, and the attendance of the children enrolled in the kindergarten shall be counted as attendance upon a kindergarten. The minimum school day for pupils of the first grade which is combined pursuant to this section is 200 minutes, exclusive of noon intermissions and recesses, and the attendance of the children enrolled in the first grade shall be counted as attendance upon the first grade. Combining kindergarten and first grade

No teacher shall teach more than one such combined class in any single school day.

5259. If a city, city and county, or school district maintains but one kindergarten, and the kindergarten is discontinued, the funds of the kindergarten shall immediately revert to the elementary schools of the city, city and county, or school district in which the kindergarten is located. Reversion of funds

5260. If any city, city and county, or school district maintains two or more kindergartens the property and funds of the kindergarten which is discontinued shall revert to the kindergarten or kindergartens which are still in operation in the city, city and county, or school district. Same

Chapter 4. Elementary Schools

Article 1. Admission

5301. A child shall be admitted to the first grade of an elementary school during the first month of any school term if Minimum age of admission

he is of the age prescribed in this section. For good cause, the governing board of a school district may permit a child of proper age to be admitted to a class after the first school month of the school term.

If there is but one term during the school year, the child shall be five years and nine months of age on or before September 1st, of the current school year. If there are two terms maintained during the school year, the child shall be five years and nine months of age on or before September 1st, of the current school year, before he may be admitted in the first term of the school year, or five years and nine months of age on or before February 1st, of the current school year, before he may be admitted in the second term of any school year.

Admission to first grade

5302. A child who has been lawfully admitted to the public school kindergarten in California and who has completed one year therein shall be admitted to the first grade of an elementary school regardless of age.

Newly formed district

5303. The children residing in any newly formed district, in any district whose boundaries have been changed, or in any joint district, may attend the school in the district or districts from which the newly formed district was constituted, until the first day of July next succeeding the formation or change.

Adults

5304. The day elementary schools of each school district may be open for the admission of adults if the governing body of the district deems the admission advisable.

Article 2. Graduation

Diplomas

5351. County boards of education may provide for the conferring of diplomas of graduation, by examination, and may issue diplomas of graduation from the elementary schools of the county and from special day and evening classes of elementary grade maintained by a district of any type or class, excepting schools or classes maintained by a district governed by a city board of education or by a board composed, by law, of the members of a city board of education.

Accredited schools

5352. Nothing in this article (commencing at Section 5351) shall be construed as prohibiting the county board of education from issuing diplomas of graduation without examination to the pupils in any school which has been accredited by the county board of education.

Completion of prescribed course of study

5353. The diplomas of graduation from elementary schools shall be conferred only upon the pupils who have completed the course of study prescribed by the county board of education.

Blanks

5354. All diplomas granted by the county board of education shall be on blanks furnished by the Superintendent of Public Instruction, and shall be signed by the president and secretary of the board.

Article 3. Postgraduate Courses

5401. The county board of education, upon request of the board of trustees of any elementary school district, not included in any city, district, union, or joint union high school district, and when the request has been approved by the county superintendent of schools, shall prescribe for the elementary school district, a postgraduate course of study requiring one or two years for completion, as may be desired by the board of trustees. Prescribed course of study

5402. An elementary school district located within a union, joint union, or county high school district may, with the approval of the principal of the high school of the district involved, establish and maintain a postgraduate course of study pursuant to Section 5401. Same

5403. Postgraduate courses of study shall be open to students who have graduated from the elementary schools or who may be admitted upon examination by the principal of the school offering the postgraduate course. Qualifications of students

5404. No student who has not graduated from the elementary schools shall be admitted, except upon the approval of the county superintendent of schools. Approval of county superintendent

5405. Whenever a student, enrolled in a postgraduate elementary school course, ceases to attend school, the principal of the school shall, upon request, give to the pupil a written statement showing the subjects studied, the time devoted to each subject and the standing obtained in each subject. Statement of subjects and standing

5406. Whenever a student has successfully completed a postgraduate elementary school course embracing two years, the county board of education shall issue to him a postgraduate elementary school diploma. Diploma

5407. County boards of education may determine whether the student is entitled to the postgraduate elementary school diploma, by a written examination or otherwise Examination

Article 4. Contracts With State Colleges

5451. The governing board of any elementary school district within which a state college is located may contract with the state college for the education by the state college of pupils eligible to attend school in the elementary school district. The pupils educated by the state college under the contract may be housed on the campus of the state college or in a building of the school district. Education by state colleges

Article 5. High School Courses in Elementary Schools

5501. The board of school trustees of any elementary school district not included in any high school district, the school of which is situated more than 10 miles from any high school by the nearest traveled road, may, with the approval of the county superintendent of schools, ask the county board Application

of education to outline a course of study to include subjects usually taught in the first and second years of the high school.

Outline of courses

5502. The county board of education on receiving the application shall outline for the elementary district a course of study for pupils who are entitled to attend a high school, to include the first and second years of the regular high school work.

Notification

5503. The secretary of the county board of education shall notify the board of school trustees applying for permission to teach high school subjects that permission has been granted

Teachers

5504 When the course of study is established it shall be taught only by a teacher holding a full high school certificate.

CHAPTER 5. SECONDARY SCHOOLS

Article 1. General Provisions

Establishment and maintenance

5551. Secondary schools may be established and maintained pursuant to this code

Definition

5552 The secondary schools of the State are designated as high schools, technical schools, and junior colleges.

Designation of high schools

5553 The high schools of the State are designated as four-year high schools, junior high schools, senior high schools, continuation high schools, and evening high schools.

Summer school

5554. The governing board of a district maintaining one or more high schools may maintain a summer school at any of such high schools during the period between the close of one academic year and the beginning of the succeeding academic year in accordance with rules and regulations of the State Board of Education and with the prior written approval of the Superintendent of Public Instruction.

The term "academic year" as used in this section means that portion of the school year during which the regular day high school is maintained, which period must include not less than the number of days of teaching required to entitle the district to apportionments of state funds.

Adult evening classes

5555. Evening high schools and evening junior colleges shall consist of classes for adults.

Article 2. Junior High Schools

Establishment in cities

5601. In any high school district governed by a city or a city and county board of education, one or more junior high schools may be established at any time by resolution of the board.

Establishment in districts

5602 The governing board of a county, a union, or joint union high school district may establish a junior high school or a system of junior high schools only when a majority of the boards of trustees of the elementary school districts comprising the high school district approve the organization of the course in writing, and file a statement of approval with the high school board, or, when at an election called for that

purpose in the same manner as the election for the formation of the high school district, a majority of the qualified electors voting thereat vote in favor of the junior high school. The ballots used at the election shall contain the words "Junior High School—Yes" and "Junior High School—No." The result of the election shall be determined and certified to the superintendent of schools as provided in case of the election for the formation of the district.

Election

5603. The governing board of any high school district comprising a single elementary school district and not governed by a city or city and county board of education may establish a junior high school or junior high schools when at an election called for that purpose in the same manner as the election for the formation of the high school district, a majority of the qualified electors voting thereat vote in favor thereof. The ballots used at the election shall contain the words "Junior High School—Yes" and "Junior High School—No." The result of the election shall be determined and certified to the superintendent of schools as provided in the case of the election for the formation of the district.

Qualifications of pupils

5604. All minors who have completed the work of the sixth grade and such other minors as are, in the judgment of the principal of the junior high school and of the superintendent having immediate jurisdiction thereof, capable of doing the required work, may be admitted to a junior high school.

Tuition for junior high schools

5605. The governing board of any elementary school district situated within a high school district maintaining a junior high school shall permit pupils who have completed the sixth year of the elementary school to attend the junior high school and shall pay to the high school district for the education of the pupils a tuition charge determined pursuant to this section. The amount of the tuition charge shall be the amount fixed in an agreement entered into by the governing board of the elementary district and the governing board of the high school district. The governing boards are hereby authorized to enter into such an agreement. If the governing boards fail to enter such an agreement, the amount of the tuition charge shall be fixed by the county board of education. In either event, the tuition charge shall not be less than the average net cost of educating pupils in the first six grades of the elementary schools of the elementary school district, less the amount of any apportionments withheld from the said elementary school district and added to said high school district pursuant to Section 17411 or Section 17411.1, whichever is in effect, nor more than the actual net cost to the high school district of educating such pupils, less the amount of any apportionments withheld from said elementary school district and added to said high school district pursuant to Section 17411 or Section 17411.1, whichever is in effect. On or before January 1st of each fiscal year, the county superintendent of schools shall draw his warrant in favor of the high school district against the general fund of the elementary school district in the

amount of the tuition charge due to the high school district for the attendance of pupils at the junior high school during the preceding fiscal year. The amount of the warrant shall be credited to the general fund of the high school district.

Same

5606. If the tuition is not fixed before the time fixed for the county superintendent of schools to submit the budgets of the districts to the board of supervisors, the county superintendent shall fix the amount of the tuition and shall incorporate the amount in the budgets of the districts concerned.

Failure to pay tuition

5607. If the trustees in any school district fail to draw warrants for tuition due to a high school district, the county superintendent of schools shall draw his warrant therefor.

Termination of payments

5608. The tuition charge shall cease to be paid after the pupil has completed two years of work in the junior high school.

Attendance records

5609. The average daily attendance of all pupils from a district paying the tuition provided for, enrolled in the first two years of the junior high school, shall be kept separate and shall be credited to the elementary school district in which the pupils reside.

Permission to attend in another district

5610. The governing board of any elementary school district not situated in a high school district maintaining a junior high school may permit pupils of their district who have completed the sixth year of the elementary school to attend any junior high school in any district, and shall pay to the district for the education of the pupils by order of the county superintendent of schools, a tuition charge which shall be agreed upon by the governing board of the elementary school district and the governing board of the district maintaining the junior high school.

Tuition

5611. The board of school trustees shall not pay a tuition charge greater than the average net cost per pupil for educating pupils in the junior high schools of the district of attendance, as ascertained by the county superintendent of schools, less the amount of any apportionments withheld from said elementary school district and added to said high school district pursuant to Section 17411 or Section 17411.1, whichever is in effect, and the tuition charge shall cease to be paid after the pupil has completed two years of work in the junior high school.

Attendance records

5612. The average daily attendance of all pupils from a district paying the tuition provided for, enrolled in the first two years of the junior high school, shall be kept separate and shall be credited to the elementary school district in which the pupils reside.

Lapsation

5613. Whenever the average daily attendance of pupils enrolled in the first two years of the junior high school of a district is less than 25 for any school year, the junior high school shall lapse.

Discontinuance

5614. Any junior high school or system of junior high schools maintained by the governing board of a county, union,

or joint union high school district may be discontinued pursuant to Sections 5614 to 5623, inclusive.

Resolution

5615. Whenever the governing board of the high school district deems it for the best interest of the district to discontinue the maintenance of junior high schools it may adopt a resolution reciting such fact and proposing the discontinuance of the junior high school or system of junior high schools in the high school district.

Same: Forwarding copy

5616. A copy of the resolution shall be forwarded to the governing board of each of the elementary school districts comprising the high school district and to the county superintendent of schools of the county having jurisdiction of the high school district.

Approval

5617. If each of the governing boards of the elementary school districts comprising the high school district adopt a resolution approving the proposal of the high school district to discontinue the junior high school or system of junior high schools and forward a copy of the resolution to the governing board of the high school district and to the county superintendent of schools having jurisdiction of the high school district, the maintenance of the junior high school or system of junior high schools by the governing board of the high school district shall be discontinued as provided in Sections 5614 to 5623, inclusive.

Completion date

5618. Any action undertaken to discontinue the maintenance of a junior high school or system of junior high schools shall be complete prior to the first day of June of the school year in which the action was begun and shall be effective on the first day of July next succeeding.

Education of eighth grade pupils

5619. During the first school year succeeding the discontinuance of a junior high school or system of junior high schools in any high school district, the pupils of the eighth grade residing in any elementary school district situated in such high school district shall be educated by the high school district pursuant to an agreement entered into between the governing boards of the school districts concerned stipulating the terms upon which the interdistrict attendance shall be permitted, or upon order of the county board of education prescribing the terms upon which such pupils shall be educated by the high school district.

Cost

5620. The governing board of the elementary school district shall not pay, or be required to pay, to the high school district for the education of the eighth grade pupils under Sections 5614 to 5623, inclusive, an amount in excess of the actual net cost to the high school district of educating such pupils but such amount shall not be less than the average net cost of educating pupils in the first seven grades of the elementary schools of the elementary school district.

Warrants for cost

5621. If the governing board of any elementary school district fails to draw warrants for the amount agreed upon for the education of the eighth grade pupils, or the amount

ordered paid by the county board of education, the county superintendent of schools shall draw his warrant therefor.

Average daily attendance

5622. The average daily attendance of all eighth grade pupils educated by a high school district pursuant to Sections 5614 to 5623, inclusive, shall be kept separate and credited to the elementary school district in which the pupils reside.

Exception

5623. Sections 5614 to 5623, inclusive, shall not apply to any high school district which has received an apportionment of funds pursuant to the provisions of Sections 19401 to 19486, inclusive, or Sections 19551 to 19689, inclusive, of this code.

Change in course of instruction

5624. Whenever a majority of the boards of trustees of the elementary school districts comprising the high school district approve a change in the course of instruction in the junior high school or junior high schools established pursuant to Sections 5601 to 5613, inclusive, and Section 5624, and file a written statement of approval with the high school board, then the course of instruction in the junior high school or junior high schools may be changed in accordance with the written statement of approval.

Article 3. High Schools

Permitted schools

5651. Each high school district may, in accordance with law, establish and maintain any of the secondary schools mentioned in Sections 5501 to 5712, inclusive, Sections 5714 to 5720, inclusive, and Section 6363.

Mandatory schools

5652. Each high school district shall establish and maintain for the convenience of the day pupils of the district at least one four-year high school, or in lieu thereof, at least one junior high school, and one senior high school, or if the high school district is situated within a junior college district maintaining a four-year junior college, at least one junior high school providing for the education of pupils of grades 7 to 10, inclusive.

A high school district which is coterminous with an elementary school district and which is a part of a junior college district maintaining a junior college offering four years of work including the eleventh, twelfth, thirteenth, and fourteenth grades may, at the option of the governing board, maintain only one or more junior high schools.

No junior high school or system of junior high schools may be established in a high school district under the provisions of this section except as authorized by Sections 5601 to 5613, inclusive, and Section 5624.

County high schools

5653. If the governing board of any county high school district deems it expedient to establish and maintain more than one county high school, the additional schools may be established and maintained in the manner prescribed in Sections 5501 to 5712, inclusive, Sections 5714 to 5720, inclusive, and Section 6363 for establishing and maintaining a county high school.

5654. Each high school district may, in addition to the schools provided for in Section 5652, establish and maintain one or more continuation high schools. Continuation high schools

5655. Any graduate of the elementary schools of this State and any other person who furnishes to the principal of the high school and to the county or to the city superintendent of schools having immediate jurisdiction over the high school, satisfactory evidence of his fitness for high school work, may attend high school in the district in which he resides under such regulations as the high school board may prescribe. Student qualifications

5656. Any person who is eligible to attend high school and who does not reside in a high school district or in a unified school district may attend high school in any high school district or unified school district in the county in which he resides or in another county. Nonresidents

5657. No charge for tuition shall be made in any high school district of this State, except as provided in Sections 5651 to 5664, inclusive. Tuition

5658. Whenever a person residing in an elementary school district but not in any high school district or in any unified school district attends a high school in any district within the State, the governing board of the district maintaining the high school shall on or before July 15th of the succeeding school year certify, separately, to the county superintendent of schools having jurisdiction over the elementary school district the amount chargeable to the elementary school district and the amount chargeable to the county school service fund under the jurisdiction of the county superintendent of schools, as tuition for the education of the person during the preceding school year. Certification

5659. The tuition for the education of any person described in Section 5658 shall be computed as follows: Computation

From the total current expense of education, exclusive of the expense of transportation, of pupils in grades 9 through 12 of the high school district or unified school district for the preceding school year subtract state and federal apportionments received by the district except federal apportionments under the act of Congress entitled, "An act to provide financial assistance for local educational agencies in areas affected by federal activities, and for other purposes," approved September 30, 1950 (Public Law 874—Eighty-first Congress), or under any similar provision of any other act of Congress received on account of the attendance of pupils residing in the district; and divide the remainder by the total number of units of average daily attendance in grades 9 through 12 of the high school district or unified school district during the preceding school year.

The total tuition chargeable to any elementary school district shall be computed as follows:

Multiply the resulting quotient by the units of average daily attendance during the preceding school year of pupils in grades 9 through 12 residing in the elementary school district,

and not residing on a military reservation of the United States, and attending the high schools of the high school district or unified school district; subtract the amount of federal apportionments under the act of Congress entitled, "An act to provide financial assistance for local educational agencies in areas affected by federal activities and for other purposes," approved September 30, 1950 (Public Law 874—Eighty-first Congress), or under any similar provision of any other act of Congress received on account of attendance of pupils residing in the elementary school districts, and not residing on a military reservation of the United States, and attending the high schools of the high school district or unified school district; add two hundred dollars ($200) for each of such units of average daily attendance for the use of buildings and equipment; and add the actual expense of transportation provided by the high school district to such pupils.

The total amount chargeable against the county school service fund of any county shall be determined by multiplying the quotient by the units of average daily attendance during the preceding school year of pupils in grades 9 through 12 residing in the elementary school district, and on a military reservation of the United States, and attending the high schools of the high school district or unified school district.

For the purposes of this section, the Superintendent of Public Instruction shall define the term "total current expense of education" and the term "actual expense of transportation."

Transmittal of certificate

5660. The county superintendent of schools shall transmit a copy of the certificate certifying the amount chargeable against any elementary school district under his jurisdiction not later than the succeeding July 20th to the board of supervisors of each county within which any part of the elementary school district is located.

Tax levy

5661. If the elementary school district is located entirely within one county, the board of supervisors shall at the time and in the manner prescribed by Sections 20701 to 20704, inclusive, Sections 20751 to 20804, inclusive, and Sections 20901 and 21001 of this code levy a tax on all taxable property in the elementary school district sufficient to raise the amount set forth in the certificate. If the elementary school district is located in more than one county, the tax shall be determined, levied, and collected at the time and in the manner prescribed by Sections 20701 to 20704, inclusive, Sections 20751 to 20857, inclusive, and Sections 20901 and 21001 of this code. The maximum rate of school district tax which may be levied pursuant to this section for any high school district or unified school district in any school year on each one hundred dollars ($100) of assessed valuation within the elementary school district shall be seventy-five cents ($0.75) if the average daily attendance of high school pupils living within the elementary school district and attending a high school in such high school district or unified school district during the preceding school year did not exceed 15.

5662. The receipts of the tax shall be credited by the county treasurer of each county to the credit of the high school district or unified school district, except that if the county superintendent of schools of another county has jurisdiction over the high school district or unified school district, the county auditor of each county in which any portion of the tax is collected shall determine the amount of the receipts of the tax and shall direct the county treasurer of his county to transmit the amount to the county treasurer of the county of which the superintendent of schools has jurisdiction, who shall credit the amount to the credit of the high school district or unified school district. The county treasurer of any county crediting the receipts of the tax to a high school district or unified school district shall notify the county superintendent of schools and county auditor of the county and the governing board of the high school district or unified school district of the fact, naming the amount credited. Credit of amount

5663. The county superintendent of schools shall pay to each high school district and unified school district from the unapportioned county high school fund under his jurisdiction, the amount chargeable to the fund as shown by the certificate of the governing board of the high school district or unified school district. Payment

5664. This section applies to any elementary school district wholly included in a unified school district or a high school district, including a union high school district, joint union high school district, or county high school district, and which inclusion is effective for all purposes on or after July 1, 1956, and which elementary school district is required, pursuant to this article (commencing at Section 5651), to pay, during the first fiscal year commencing on the date inclusion is effective for all purposes, to the unified district or high school district in which it is included two hundred dollars ($200) for each unit of average daily attendance for use of buildings and equipment as part of the tuition charge on account of persons residing in the elementary district who, during the preceding fiscal year, attended high school in the high school district or unified district in which such elementary district is included. Assumption of liability for bonded indebtedness

Notwithstanding other provisions of law, such elementary district shall not be liable for the payment of such two hundred dollars ($200) a unit of average daily attendance if, prior to the date the inclusion is effective for all purposes, the elementary district assumes liability for the outstanding bonded indebtedness of the high school district, if it is included in a high school district, or for the outstanding bonded indebtedness of the unified district for high school and junior college purposes, if the elementary district is included in a unified district.

For the purposes of this section, the county superintendent of schools shall determine, pursuant to Section 21802, the amount of outstanding indebtedness of a unified school district issued for high school and junior college purposes.

Liability for such outstanding bonded indebtedness may be assumed at any election held for such purpose in accordance with law except that, if the elementary district is included in a unified school district, at the request of the governing board of such elementary district, the ballot shall contain, in addition to other required provisions, the words "For assumption of liability of outstanding bonded indebtedness of _____ District issued for high school purposes and junior college purposes [if there is no such indebtedness for junior college purposes the reference to junior college purposes shall be deleted] —Yes" and "For assumption of liability for outstanding bonded indebtedness of _____ District, issued for high school purposes and junior college purposes [if there is no such indebtedness for junior college purposes, the reference to junior college purposes shall be deleted]—No"

Article 4. Junior Colleges

Procedure

5701. Junior colleges shall be established and maintained in junior college districts and maintained in high school districts pursuant to Sections 5701 to 5712, inclusive, and Sections 5714 to 5720, inclusive.

Junior college districts

5702. The governing board of each junior college district shall establish and maintain one or more junior colleges.

Maintenance by high school district

5703. Notwithstanding anything in this code to the contrary, junior colleges maintained on July 1, 1952, by the governing board of a high school district are herewith authorized to be maintained by the governing board of a high school district.

Separate schools

5704. Junior colleges may be maintained as separate day or evening junior colleges or in conjunction with any day or evening high school.

Education

5705. Each junior college shall provide for the education of pupils in the thirteenth and fourteenth grades and for the education of such adults and minors as may properly be admitted but who are not classifiable by grade.

Admission requirements

5706. The principal of any two-year junior college shall admit to the junior college any high school graduate and any other person over 18 years of age who in his judgment is capable of profiting from the instruction offered. The principal of any two-year junior college may admit to the junior college any apprentice, as defined in Section 3077 of the Labor Code, who in the principal's judgment is capable of profiting from the instruction offered.

Admission of veterans

5707. The principal of any junior college may, notwithstanding any provision of this code to the contrary and in accordance with such rules as the governing board of the district maintaining the junior college may adopt, admit to the junior college any person who has served in the active military service of the United States or of the State of California for at least 90 days during a war with any foreign power or

during any period of national emergency declared by the President of the United States.

5708. With the approval of the Superintendent of Public Instruction and the State Board of Education, the governing board of any district authorized to establish and maintain a junior college may, by resolution establish one or more four-year junior colleges for the education of pupils in grades 11 to 14, inclusive. In any junior college district embracing two or more high school districts, the resolution shall be approved in writing by a majority of the members of the governing board of each high school district before the four-year junior college may be established. Four-year junior colleges

5709. The principal of any four-year junior college shall admit to the junior college any pupil who has completed the work of the tenth grade and any other person over 16 years of age who in his judgment is capable of profiting from the instruction offered. Same. Admission requirements

5710. Four-year junior colleges shall be financed in the same manner and from the same funds as provided for the financing of two-year junior colleges. The provisions of Sections 20201 to 20209, inclusive, of this code relating to the Junior College Tuition Fund shall not be applicable in the case of pupils attending the eleventh and twelfth grades in any four-year junior college except in the case of pupils who reside in an elementary school district not situated in a high school district. Same: Financing

5711. The governing board of any school district which is authorized to maintain a junior college may contract with the Director of Education for the maintenance of a junior college in a state college situated in the district. Any contract executed pursuant to this section shall include among its provisions a requirement that all expenditures incurred for junior college maintenance shall be payable only on order of the governing board as all other expenditures of the district are payable, and an additional provision that the president of the state college shall serve as principal of the junior college and in that capacity shall be responsible to the governing board through the superintendent of schools of the district if there is one. Otherwise he shall be responsible directly to the governing board. Contracts

5712. Junior colleges or junior college classes maintained in a high school district may be maintained for such period and at such times during the school year as the governing board of the high school district may determine. Term

5713. The governing board of any district maintaining a junior college may provide for the maintenance of junior college classes on Saturday. Saturday classes

5714. The governing board of any junior college district in which is located a high school district required to maintain only one or more junior high schools, may establish and maintain special continuation education classes and, in such case, the governing board of the high school district shall not be required Continuation classes

to establish and maintain any such classes under any other provisions of this code.

Special continuation education classes established and maintained under this section shall be deemed to be established and maintained by the governing board of the high school district for all the purposes of Sections 5951 to 5956, inclusive, and Sections 12551 to 12759, inclusive, of this code.

Classes outside district

5715. The governing board of any school district which maintains a junior college may conduct junior college classes and acquire the necessary property and erect the necessary buildings therefor, outside of the boundaries of the school district if all of the following conditions exist:

(a) The proposed location is within the State.

(b) The activities, trades, businesses, or work to be carried on at the proposed location is such as to offer educational opportunities in the subject or all of the subjects proposed to be taught at that location, and facilities for such instruction are not available either at the location of the principal buildings of the junior college, or elsewhere within the district.

Classes outside State

5716. The governing board of any district which maintains a junior college may establish and maintain junior college classes outside of the State, comprising a part of an aircraft pilot training program conducted by the district under an agreement with the Federal Government or any agency thereof, during the time that it is unlawful by reason of any law or order of the Federal Government or any agency thereof for such classes to be maintained within the district.

The governing board may make such expenditures and do such things in connection with the establishment and maintenance of classes under this section as it could do were the classes established and maintained within the district.

Minimum standards

5717. The State Board of Education shall adopt rules and regulations fixing minimum standards entitling districts to receive state aid for the support of junior colleges.

Annual investigation

5718. The State Department of Education shall annually investigate each junior college to determine whether it has met the standards.

Cost accounting

5719. The State Department of Education shall provide for a uniform system of cost accounting for all junior colleges.

Summer school

5720. The governing board of a district maintaining one or more junior colleges may maintain a summer school at any of such junior colleges during the period between the close of one academic year and the beginning of the succeeding academic year in accordance with rules and regulations of the State Board of Education and with the prior written approval of the Superintendent of Public Instruction.

The term "academic year" as used in this section means that portion of the school year during which the regular day junior college is maintained, which period must include not less than the number of days of teaching required to entitle the district to apportionments of state funds.

CHAPTER 6. SPECIAL CLASSES AND COURSES OF INSTRUCTION

Article 1. Special Day and Evening Classes in Elementary School

Regular course of study

5751. The governing body of any elementary school district may establish and maintain, in connection with any school under its jurisdiction, special day and evening classes and summer schools, consisting of special day classes or special evening classes or both, for the purpose of giving instruction in any of the branches of study prescribed and authorized for the elementary schools.

Term

5752. These classes may be convened at such hours and for such length of time during the school day or evening, and at such period and for such length of time during the school year as may be determined by the governing authority in accordance with rules and regulations of the State Board of Education and with the prior written approval of the State Superintendent of Public Instruction.

Qualifications of pupils

5753. The evening elementary schools and the special day and evening classes of the elementary schools of any school district shall be open for the admission of such minors and adults as in the judgment of the governing board of the school district maintaining the schools or classes may profit from the instruction offered.

Article 2. Special Classes for Elementary Pupils

Special course of study

5801. The board of education of any city school district, upon the recommendation of the city superintendent of schools, or the board of school trustees of any elementary school district, upon recommendation of the county superintendent of schools, may establish and maintain separate classes for pupils who would profit more from a course other than the regular course of study prescribed for the elementary schools, and may substitute for the regular course of study other types of school work or study approved by the superintendent of schools as being better adapted to the mental needs of the pupils.

Textbooks

5802. Pupils enrolled in such classes shall be required to use the state series of textbooks only insofar as the textbooks are adapted to the work of the classes. All textbooks and materials required in the classes shall be furnished free.

Article 3. High School Vocational Courses

Saturday classes National defense

5901. The governing board of any high school district may provide for the maintenance on Saturday of special day and evening classes in vocational training authorized and provided for by any program of national defense of the Federal Government, or any agency thereof, acting through the State Department of Education.

No apportionments from state funds based upon average daily attendance in such special day or evening classes, whether maintained on Saturday or other days, shall be made where the total cost of the classes is borne by the Federal Government, or any agency thereof.

Co-operative courses

5902. The governing board of any high school district, subject to the provisions of this code relating to courses of study for high schools, may establish and maintain, in connection with any high school under its jurisdiction, co-operative courses in accordance with standards prescribed by the State Board of Education.

Transportation

5903. The governing board of any high school district maintaining an agriculture course may transport pupils, instructors, or supervisors of classes to and from any classes or places where the work of the classes is being done, whether within or without the district, in the same manner and subject to the same limitations as in transporting pupils to and from school.

Article 4. Continuation Education Classes in High School

Minors subject to compulsory continuation education

5951. The governing board of each high school district shall establish and maintain a program of guidance, placement, and follow-up for all minors within the district subject to compulsory continuation education.

Mandatory classes

5952. The governing board of each high school district shall establish and maintain special continuation education classes whenever there are any minors residing within the high school district who are subject to compulsory continuation education; provided, that if there are less than 50 such minors, they may be enrolled in regular high school classes or in approved correspondence courses, home-study, or such other educational program as the governing board is authorized to, and may provide; and provided further, that minors living more than two miles from the schoolhouse by the nearest traveled road may be exempted by the governing board of said district.

Minimum hours

5953. Special continuation education classes shall provide at least four 60-minute hours of instruction per week for each minor within the high school district who is subject to compulsory continuation education.

Hours of instruction

5954. Such classes shall be maintained between the hours of 8 a.m. and 5 p.m.

Courses

5955. Such classes shall provide suitable instruction for the various individuals for whose benefit they are established.

Standards

5956. The State Board of Education shall prescribe and enforce standards and regulations for the organization and administration of programs of guidance, placement and follow-up, for programs of co-ordination and instruction in continuation education, for the special reimbursement thereof, and for the certification of teachers and co-ordinators for continuation education.

Article 5. Classes for Adults Deficient in English

6001. Upon application of 20 or more persons above the age of 21 years residing in a high school district who cannot speak, read, or write the English language to a degree of proficiency equal to that required for the completion of the sixth grade of the elementary schools, the governing board of the high school district shall establish classes in English. Establishment upon demand

6002. Application for classes shall be made in time to permit the board to arrange to meet the expenses of the classes. Time of application

6003. The board may establish the classes without demand and with a less number of students. Establishment without demand

6004. The classes shall be held at least twice a week for a two-hour period. Classes

6005. If the enrollment in any class falls to 10 or less for a one-month period, the governing board may discontinue the class for that year. Discontinuance

Article 6. Classes in Citizenship and English for Minors

6051. The governing board of each high school district in which there are living, within a radius of three miles of any high school, located in the district, 20 or more persons over 18 and under 21 years of age who expect to remain in the district for a period of two or more months, who are not in attendance for at least four 60-minute hours per week upon regular full-time public or private day schools or suitable part-time classes, and who cannot speak, read, or write the English language, to a degree of proficiency equal to that required for the completion of the sixth grade of the elementary schools, shall establish and maintain classes for such persons. Establishment

6052. Classes shall provide instruction in citizenship for at least four 60-minute hours per week for at least 36 weeks of the school year. Classes

6053. The board shall provide, for persons who cannot speak, read, or write the English language to a degree of proficiency equal to that required for the completion of the sixth grade of the elementary schools, instruction in the English language and in the duties and responsibilities of citizenship. Courses

Article 7. Classes in Citizenship for Persons Seeking Citizenship

6101. The county clerk in each county or city and county shall furnish to the superintendent of schools of the county or city and county on or before the tenth day of each month the names and addresses of all persons filing during the previous month their declarations of intention to become citizens of the United States or their petitions for naturalization. List of names

6102. In counties in which the United States district courts are located, the superintendent of schools of the county or city Same

and county shall obtain monthly from the clerk of the United States district court the names and addresses of all persons filing their declarations of intention to become citizens of the United States or their petitions for naturalization.

Notice

6103. The superintendent of schools of the county or city and county, after obtaining the names and addresses of the applicants, shall send a written or printed notice to the applicants, stating that this article (commencing at Section 6101) authorizes the governing board of any school district to establish upon application classes in training for citizenship. The form of this notice shall be furnished by the Superintendent of Public Instruction.

Application

6104. Upon application of 25 or more persons desiring training for citizenship and residing in a high school district, the governing board shall establish special classes in training for citizenship. Upon demand the board may establish the classes with a less number of applicants.

Time of application

6105. Application for classes shall be made in time to permit the governing board to arrange to meet the expenses of the classes.

Failure to establish classes

6106. Upon satisfactory evidence that any school district required to do so has failed to establish and maintain classes in training for citizenship, the Superintendent of Public Instruction and county superintendent of schools may withhold 5 percent of state and county apportionments until the district has complied with the provisions of this article (commencing at Section 6101).

Courses

6107. The course of study in training for citizenship shall consist of the teaching of United States history, State and community civics, and the Constitution of the United States, with special reference to those sections in the Constitution which relate directly to the duties, privileges, and rights of the individual, and such allied subjects, including English for foreigners, or activities as will properly prepare the applicants to understand and assume the responsibilities of citizenship.

Term

6108. The classes shall be held at least twice a week for three months. At the close of this period, if the enrollment in any class has fallen to 10 or less for the month, the governing board of the district may discontinue the class for that year.

Article 8. Home Teaching

"Home teachers"

6151. The governing board of any school district, may employ teachers known as "home teachers" not exceeding one teacher for every 500 units of average daily attendance in the elementary or high schools of the district as shown by the report of the county superintendent of schools for the next preceding school year.

Duties

6152. The home teacher shall work in the homes of the pupils, instructing children and adults in matters relating to school attendance and preparation therefor, in sanitation, in the English language, in household duties, such as purchase,

preparation, and use of food and clothing, and in the fundamental principles of the American system of government and the rights and duties of citizenship.

Article 9. Teaching Service and Opportunity and Orientation Centers for the Adult Blind

Oakland Orientation Center for the Blind

6201. There is established in the City of Oakland at the premises known as 3601 Telegraph Avenue an orientation center for the blind which shall be known as the Oakland Orientation Center for the Blind. This orientation center for the blind is under the jurisdiction and supervision of the Department of Education, and shall be administered by the Director of Education in accordance with the provisions of Sections 5751 to 5802, inclusive, Sections 5902 to 6306, inclusive, Sections 6353 and 6354, Sections 6365 to 6367, inclusive, and Sections 18601 to 18653, inclusive. The department shall make and promulgate such rules and regulations as are necessary to carry out the provisions of Sections 6201 to 6208, inclusive, for the administration of the Oakland Orientation Center for the Blind and such other orientation centers as may be established under Sections 6201 to 6208, inclusive.

Nature of centers

6202. Each orientation center established under Sections 6201 to 6208, inclusive, shall be residential in character. Blind persons shall be admitted as residents and trainees in an intensive program designed for maximum vocational and personal rehabilitation and for the preparation of blind persons for useful and remunerative work in trades, professions, private business, private industry, or public service. A person shall be considered blind who has 20/200 or less visual acuity in the better eye with correction, as measured by the Snellen test, or who has such limitation of field or other defect as to render him incapable of obtaining an education or making a living with ordinary visual proficiency.

Other centers

6203. The department may establish other orientation centers, in accordance with the provisions of Sections 6201 to 6208, inclusive, as are necessary to provide on a statewide basis the services to be rendered by an orientation center for the blind as outlined in Sections 5751 to 5802, inclusive, Sections 5902 to 6306, inclusive, Sections 6353 and 6354, Sections 6365 to 6367, inclusive, and Sections 18601 to 18653, inclusive.

Orientation

6204. Orientation centers shall provide for short periods of intensive personal and pre-vocational orientation for blind persons, and for specific vocational training. The program of an orientation center shall include such training as training in techniques of daily living, techniques of travel, physical conditioning, sensory training, instruction in Braille, instruction in skills for the handicapped, typing, and business principles and methods, and shall provide for social and vocational diagnostic testing and individual counseling.

Director

6205. For each orientation center for the blind the Director of Education shall appoint a director who shall administer

and supervise the institutional and educational aspects of the program at that center in accordance with the provisions of Sections 5751 to 5802, inclusive, Sections 5902 to 6306, inclusive, Sections 6353 and 6354, Sections 6365 to 6367, inclusive, and Sections 18601 to 18653, inclusive, and under the supervision of the Director of Education. The director of an orientation center for the blind shall be either (1) a visually handicapped person who has been employed for at least five years in the education or rehabilitation of the blind, or (2) a sighted or visually handicapped person who has completed four years of college education and at least three years of successful experience in the rehabilitation of the blind, or (3) a veteran, blinded in war, who has completed a special training course in orientation under the direction of the armed services or the Veterans Administration and 30 semester hours of college work in the fields of education or psychology, or both, or (4) a person with comparable qualifications as determined by the Director of Education with the approval of the State Personnel Board.

Staff

6206. The staff of an orientation center shall be composed of persons trained to assist blind persons in achieving social and economic independence, and whose qualifications include successful experience in teaching blind persons. The staff shall include as large a proportion as is practicable of visually handicapped persons who have achieved outstanding success in adjustment to their handicap.

Separate units

6207. Each orientation center shall be operated as a unit separate and apart from any state-operated workshop for the blind. The program of each orientation center shall be closely co-ordinated with the services of the Bureau of Vocational Rehabilitation, with the home teacher and field service program, and with programs for training teachers and other personnel directed toward serving the blind.

Rules and training programs

6208. The department may:

(a) Make rules for the government and direction of orientation centers established under Sections 5751 to 5802, inclusive, Sections 5902 to 6306, inclusive, Sections 6353 and 6354, Sections 6365 to 6367, inclusive, and Sections 18601 to 18653, inclusive, and may prescribe conditions for the admission and discharge of trainees having regard to an equitable representation from each county of the State.

(b) Designate the subjects which shall be regularly taught and the training which shall be given.

Instruction of blind adults

6209. The Department of Education may appoint field officers or field workers to teach handicrafts to the adult blind of the State in their homes, in opportunity centers, or in other suitable places, and to give them such other instruction as may ameliorate their condition.

Opportunity Centers

6210. In connection with the teaching service provided in Section 6209, the Department of Education, with the approval of the Director of Finance, may establish and maintain opportunity centers for the blind in communities where the active

co-operation of local sponsoring organizations has been secured and in which fifty (50) or more adults who are blind, as blind is defined in Section 6202, indicate a desire to receive instruction in handicrafts and to make or assemble articles for sale in the local community or through the sales facilities of the California Industries for the Blind.

Facilities, employees, etc

6211. The Department of Education, with the approval of the Director of Finance, may:

(a) Rent, lease, or otherwise provide suitable rooms or buildings to house the activities of the opportunity centers for the blind.

(b) Employ such employees at the centers as it deems necessary.

(c) Perform all necessary and proper acts to carry out the provisions of Section 6210 and of this section.

Article 10. Vocational Education

Acceptance of grant

6251. The people of the State accept the provisions of, and each of the funds provided by, the act of Congress entitled "An act to provide for the promotion of vocational education; to provide for co-operation with the states in the promotion of such education in agriculture and the trades and industries; to provide co-operation with the states in the preparation of teachers in vocational subjects; and to appropriate money and regulate its expenditure," and approved February 23, 1917.

Same

6252. The people of the State accept the provisions of, and each of the funds provided by, the Act of Congress entitled "An act to provide for the further development of vocational education in the several states and territories" approved June 8, 1936, and amended August 1, 1946.

Compliance with act

6253. In accepting the benefits of the acts of Congress referred to in Sections 6251 and 6252 the people of the State agree to comply with all of their provisions and to observe all of their requirements.

Duties of State Board of Education

6254. The State Board of Education is designated as the state board to carry out the purposes and the provisions of the acts of Congress, and is given all necessary power and authority to co-operate with the Federal Board for Vocational Education in the administration of the provisions of the federal acts and of this article (commencing at Section 6251).

Fire training program instructors

6255. The State Board of Education and the governing bodies of any county, city, and fire protection district are authorized to enter into agreements providing for the assignment of employees of the fire departments of such counties, cities, and fire protection districts to serve as instructors in fire training programs conducted under the auspices of the State Board of Education and providing for the payment to such counties, cities, and fire protection districts by the State Board of Education from the funds appropriated for vocational education of such amount as may be agreed upon for the services of such employees.

Article 11. Veterans Education

Contracts for education of veterans

6301. Subject to the provisions of this article (commencing at Section 6301), the Department of Education acting by and through the Director of Education is hereby authorized to enter into an agreement, or agreements, with the Veterans Administration, or any other agency of the Federal Government, for the education of veterans in any of the schools and colleges of the public school system. Such contract shall provide for the payment to such schools and colleges through the Department of Education or otherwise of the maximum amount permitted by the act, or acts, of Congress under which the agreement, or agreements, is entered into by the Veterans Administration, or any other agency of the Federal Government.

Powers of director

6302. The Director of Education is vested with all necessary power and authority to co-operate with any such agency of the Federal Government in the administration of any applicable act of Congress and rules and regulations adopted thereunder.

Agreements with school districts

6303. The Department of Education through the Director of Education is authorized to enter into agreements with governing boards of school districts for the education by such districts of veterans in accordance with the agreement between the Department of Education and the agency of the Federal Government.

Powers of school district board

6304. The governing board of any school district which entered into an agreement with the Department of Education under this article (commencing at Section 6301) may do any and all things required or authorized by such agreement of the board or district, including, but not limited to, the purchase of books, supplies and equipment for veterans educated under such agreement.

Supervision by department

6305. The Department of Education shall exercise general supervision over, and shall provide for the co-ordination of, all services and facilities performed and provided by school districts for the education of veterans to the end that the needs of the veterans shall be met in the most adequate manner.

Funds

6306. The provisions of Sections 18601 to 18653, inclusive, shall apply to all funds received by the State or any agency of the State under this article (commencing with Section 6301).

Article 12. Adult Education

Establishment and maintenance of classes

6351. The governing board of any school district maintaining secondary schools shall have power with the approval of the State Department of Education to establish and maintain classes for adults, except programs and classes in outdoor science education and conservation education as the term is employed in Section 7951, for the purpose of providing instruction in civic, vocational, literacy, health, homemaking, technical and general education.

6352. For the purpose of crediting attendance for apportionments from the State School Fund during the 1954-1955 Fiscal Year and thereafter, "adult" means any person who has attained his twenty-first birthday on or before September 1st or February 1st of the semester for which he has enrolled, and who has enrolled in less than 10 class hours as defined in Section 11451 for junior college districts or 10 periods of not less than 40 minutes each per week for high school district. "Adult"

6353. Adults enrolled in all classes, except classes maintained in English and citizenship for foreigners and classes in elementary subjects, where no charge of any kind shall be made, may be required by the governing board of the district maintaining the class to pay a tuition not to exceed the cost of maintaining such classes. Amount

6354. The charge per pupil shall not exceed the estimated cost to the district per pupil for maintaining the class. Same

6355. Such classes shall be open for the admission of adults and of such minors as in the judgment of the governing board may be qualified for admission thereto. Qualifications for admission

6356. Such classes may be convened at such hours and for such length of time during the day or evening and at such period and for such length of time during the school year as may be determined by the governing authority. Hours

6357. Governing boards shall have the authority to provide for granting appropriate credits, certificates, diplomas or other recognition of skill or accomplishment in such classes which such districts are otherwise authorized to grant. Credits, etc.

6358. The State Department of Education shall establish standards including standards of attendance, curriculum, administration, and guidance and counseling service for such classes as a basis for the several apportionments of state funds provided herein for the support of such classes. Standards

6359. Classes for adults may be maintained in connection with day or evening high schools or day or evening junior colleges. Schools in which maintained

6360. No class for adults shall be maintained by any district: (1) if the district receives compensation for such class from any public or private agency, individual or group of individuals, except fees authorized by Section 6353 and apportionments from the State and Federal Government; or (2) if such classes are not open to the general public; or (3) if the pupils attending such classes are paid for such attendance. The State Board of Education may adopt such regulations as may be necessary to define "payment" and "payment for attendance" as used in this section. Restrictions

No classes for adults shall be maintained by any district if the cost of such class is paid entirely from federal funds.

6361. No class for adults in dancing or recreational physical education shall be maintained by any district for which the district receives money from the State School Fund. Same

Saturday classes for adults

6362. The governing board of any high school district or unified school district may provide for the maintenance on Saturday of classes for adults.

Adult classes in jails, etc.

6363. High schools and junior colleges maintained in any state institution for adults or in any city, county, or city and county jail, road camp or farm shall consist only of classes for adults.

Hospital classes

6364. Anything in Sections 6351 and 6352, Sections 6355 to 6361, inclusive, and Section 6364, to the contrary notwithstanding, whenever any county or city and county maintains a tuberculosis ward, hospital or sanatorium in another county of this State, the governing board of any school district of the county or city and county maintaining such institution, if authorized to maintain classes for adults, may establish and maintain such classes in such institution for pretuberculous, tuberculous, and convalescent minors and adults, and the attendance of pupils in the classes shall be credited to the district maintaining the classes.

Incidental expense accounts

6365. The governing board of a school district conducting classes for adults may establish an account in a bank for each school of the district in which classes for adults are maintained. The account shall be known as "The Incidental Expense Account of (insert name of school) school of (insert name of district) District." The governing board may establish regulations providing for the collection of an incidental fee from each pupil enrolled in such classes for adults as the governing board may determine. The fee collected from each pupil shall not exceed fifty cents ($0.50) in any school year. All fees shall be deposited in the account for that school and shall be expended only for (1) materials, services, or supplies for the operation of classes for adults in such school; and (2) activities of particular benefit to pupils in classes for adults in such school.

For the purposes of Sections 6353 and 6354, and Sections 6365 to 6367, inclusive, classes for adults maintained in connection with a school shall be deemed to be maintained in such school.

Same Custody

6366. The governing board of the district shall designate an employee or employees of the district to have custody of the incidental expense account, or accounts, who shall be responsible for the payment into the account, or accounts, of all moneys required to be paid into the account or accounts, and for all expenditures therefrom, subject to such regulations as the governing board prescribes.

Sale of materials to pupils

6367. The regulations of the governing board may provide for the sale of materials purchased from the incidental expense account to pupils in classes for adults, for use in connection with such classes. The proceeds of all such sales shall be deposited in that account and shall be available for the purposes of that account.

Special classes

6368. The governing board of any school district maintaining secondary schools is authorized without the approval of

the State Department of Education to establish and maintain special day and evening classes for adults in civic, vocational, literacy, health, homemaking, technical and general education, including but not limited to classes in the fields of music, drama, art, handicraft, science, literature, nature study, nature contacting, aquatic sports and athletics. Such classes shall be designed to provide instruction and to contribute to the physical, mental, moral, economic, or civic development of the individuals or groups enrolled therein.

Admission

6369. Special day and evening classes for adults shall be open for the admission of adults and of such minors as in the judgment of the governing board may profit therefrom.

Time and term

6370. Special day and evening classes for adults may be convened at such hours and for such length of time during the day or evening and at such period and for such length of time during the school year as may be determined by the governing board of the district.

Certificates, etc.

6371. Governing boards shall have the authority to provide for granting appropriate certificates or other recognition of skill or accomplishment in such classes.

No apportionment

6372. Attendance or average daily attendance in special day or evening classes for adults pursuant to Sections 6368 to 6373, inclusive, shall not be reported to the State Department of Education for apportionment. No apportionment from state funds shall be made to establish or maintain such classes.

Support from funds for community services

6373. Governing boards may expend from the general fund of the district any money which is budgeted for community services to establish and maintain special day or evening classes for adults and may charge student fees not to exceed the cost of maintaining such classes or may provide instruction in such classes for remuneration by contract, or with contributions or donations of individuals or groups.

CHAPTER 7. SPECIAL SCHOOLS

Article 1. Parental Schools

Purposes

6501. The board of education of any city, or of any city or county, or the board of trustees of any school district having at least 300 children, according to the official school record of the preceding school term, may establish schools pursuant to this article (commencing at Section 6501), or set apart in public school buildings a room or rooms for children between 8 and 15 years of age, who are habitual truants from instruction upon which they are lawfully required to attend, or who are insubordinate or disorderly during their attendance upon instruction, or irregular in attendance. The school or room shall be known as a parental school.

Consent of governing body

6502. Before establishing a parental school in a city or city and county, the consent of the city council, or other governing body of the city or city and county shall be granted.

Powers of governing board

6503. Any governing board establishing and maintaining a parental school may make such special rules and regulations for its government as are consistent with the provisions and purposes of this article (commencing at Section 6501), and not contrary to law. The board may provide for the detention, maintenance, and instruction of children committed to the school.

Pupils

6504. The parental school shall be established and maintained specially for the instruction of such pupils, between the ages of 8 and 15 years, as are committed thereto as provided by this code, and no pupil shall be committed to, or required to attend, the school except as provided in this article (commencing at Section 6501).

Elementary school

6505. A parental school shall be one of the elementary schools of the city, city and county, or school district.

Purpose

6506. The confinement of any child in a parental school shall be conducted with a view to the improvement of the child, and to his restoration, as soon as practicable, to the school in which he would, if not confined, be required to attend.

Complaint

6507. If any child in any city, city and county, or school district, in which a parental school is established is a habitual truant or is irregular in attendance at school, within the meaning of these terms, as defined by this code, or is insubordinate or disorderly during attendance at school, the supervisor of attendance or the secretary of the board of education or clerk of the board of trustees, if there is no supervisor of attendance, shall make and file a complaint against the child in the proper court, charging the fact, and shall see that the charge is prosecuted by the proper authority.

Commitment

6508 If the court, upon the hearing of the complaint, finds that the charge is sustained, it shall render judgment that the child be committed to, and be detained and maintained in a parental school in the city, city and county, or school district for a term not to exceed the remainder of the current school year.

Order to attend

6509. The county superintendent of schools or boards of education or boards of school trustees, or the city superintendent of schools in any city or city and county may, after reasonable notice to any child subject to the provisions of this article (commencing at Section 6501), and an opportunity for the child to be heard, and with the consent of the parent, guardian, or other person having control or charge of the child, order the child to attend a parental school, or to be detained and maintained therein for such period and under such rules and regulations as the boards may prescribe, not exceeding the remainder of the school year. If the parent, guardian, or person having control or charge of the child does not consent to the order, the child may be proceeded against pursuant to this article (commencing at Section 6501)

6510. When the commitment to a parental school of any child is by judgment or order of a court, the court may, on the recommendation of the city superintendent of schools or the board of education or county superintendent of schools, make an order paroling the child, upon such terms and conditions as are specified in the order. Parole

6511. The city superintendent of schools, or, if there is no city superintendent, the board of education of any city or city and county or county superintendent of schools, may, in his discretion, parole at any time any child committed to, or ordered to attend, a parental school, except when the commitment is by judgment or order of a court. Same

6512. The expense incurred by any city, city and county, or school district in purchasing or renting a school site, erecting or renting a building and equipping it for the maintenance of a parental school, shall be paid out of funds other than those collected for the maintenance of schools. Expenses

6513. The salaries of teachers and the expense for all school supplies in a parental school shall be paid out of the same funds from which similar salaries and expenses are paid for elementary schools. All other expenses incurred in the maintenance of the parental schools shall be paid out of the parental school fund. Same

Article 2. Joint Parental Schools

6551. Two or more school districts or cities may unite, pursuant to this article (commencing at Section 6551), to form a joint district for the maintenance of a joint parental school. Procedure

6552. When the governing board of any school district has secured the consent of the legislative body of the city or school district, in which the governing board holds office, for the union of two or more districts to form a joint parental school district, the governing board shall transmit the information to the board of supervisors of the county of which the city or school district or districts forms a part, setting forth the cities or districts with which the city or district seeks to unite for the maintenance of a joint parental school. Consent of governing body

6553. When the information has been received by the board of supervisors from all the cities or school districts seeking to be united, the board of supervisors, by resolution, shall declare the cities or school districts united for the maintenance of a joint parental school, to be known as the "Joint Parental School District of (give the names of the school districts uniting)." Resolution

6554. When the districts have been united, the governing boards of the cities or school districts uniting shall appoint a board of trustees for the joint parental school district, to consist of five members, unless the number of cities or school districts uniting exceeds five, who shall be appointed from the membership of the boards of the several districts or cities Board of trustees

uniting, by the respective boards in approximate proportion to the census of children between 5 and 17 years of age in the district uniting. Each district shall be represented by at least one member on the board of trustees of the joint parental school district.

Term

6555. The members of the board of trustees of the joint parental school district so appointed shall serve for the remainder of the term of office for which they were elected on their respective boards of education or boards of trustees.

Vacancies

6556. When vacancies occur on the board of trustees of a joint parental school district, they shall be filled by the board making the original appointment.

Superintendents of schools

6557. The superintendents of schools of each of the cities, or school districts uniting, shall be ex officio members of the board of trustees of a joint parental school district without the right to vote.

Secretary

6558. The board of trustees of joint parental school districts shall organize by the election of one of their number as chairman and by the election of a secretary. The secretary shall be the city superintendent of schools, or the secretary of a board of education, or the clerk of one of the boards of education, boards of trustees of the cities, or school districts united. The secretary shall serve without additional salary.

Powers

6559. All the powers and duties of boards of school trustees or boards of education of any city or city and county in the management of and the securing of funds for a parental school within a city or school district, are conferred and imposed upon the board of trustees of any joint parental school district in the management of and the securing of funds for the support of a joint parental school.

Article 3. Cosmopolitan Schools

Establishment

6601. The board of education in every city of the first and first and one-half classes shall establish and maintain in each of the cities of the first and first and one-half classes at least one public school in which shall be taught the French, Spanish, Italian, and German languages, or any of them in connection with the studies in the English language prescribed and authorized to be taught in the elementary schools.

Same

6602. The schools provided for by this article (commencing at Section 6601) may be established by the board of education of any city or city and county when the board deems it necessary or advisable.

Rules

6603. Schools established pursuant to this article (commencing at Section 6601) shall be designated as cosmopolitan schools, and shall be subject to such rules and regulations as may be prescribed by the boards of education of cities of the first and first and one-half classes in which the schools are established and maintained.

Article 4. Adjustment Schools

6651. This article (commencing at Section 6651) shall be construed in conformity with the intent as well as the expressed provisions thereof, and the governing board of any adjustment school may do all those lawful acts which it deems necessary to promote the prosperity of the adjustment school, or to promote the well-being and education of all minors entrusted to its charge. Purpose

6652. The terms and provisions of Article 10 of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code shall, so far as applicable, govern and control proceedings under this article (commencing at Section 6651). Juvenile court laws

6653. The boards of supervisors or other governing bodies of counties and cities and counties may organize, establish, equip, and maintain, including the purchase of suitable sites and the construction of suitable buildings, adjustment schools in each county or city and county for the purpose of furnishing to minors under the age of 18 years pursuant to this article (commencing at Section 6651), care, custody, education, training, and adjustment to good citizenship, which shall be continuous and uninterrupted during the period the minors remain in school. Establishment

6654. The boards of supervisors of two or more counties may by regularly adopted resolutions or ordinances duly entered on the minutes or proceedings of their respective boards, unite in the organization, establishment, equipment, and maintenance of adjustment schools for the respective counties. In that event, the schools shall be located in one or more of the counties as shall be mutually agreed upon and designated in the resolutions or ordinances. Same

6655. If adjustment schools are organized by only one county or city and county, the government and management shall be vested in a governing board which shall be either the board of education, or similar school governing body, or the county probation committee of the juvenile court, or a board of trustees composed of seven members selected from both the board of education and the probation committee, as may be determined or chosen in the exercise of a sound discretion by the board of supervisors or other governing body of the county or city and county. Governing board

6656. If adjustment schools are organized by the joint action of two or more counties, the boards of supervisors of the counties may by concerted action by duly adopted resolutions entrust the government and management to a governing board, which shall be any of the following: Same

(a) The board of education of the county in which at least one adjustment school is located.

(b) The probation committee of the juvenile court of the county in which at least one adjustment school is located.

(c) A board of trustees composed of seven members who shall represent all of the counties and each of whom may be

selected from either the county board of education or the probation committee of the juvenile court of his respective county as shall be determined in the joint resolutions of the boards of supervisors.

Term

6657. If a board of trustees is chosen to govern and manage the adjustment school the term of office of the trustees shall be six years, except that of the seven trustees first selected, two shall hold office for two years, two shall hold office for four years, and three shall hold office for six years. Each of the two-, four-, and six-year terms shall be assigned by lot to each of the seven trustees.

Powers

6658. The governing board shall make all needful rules and regulations for the transaction of business and for the management and government of the adjustment school under its jurisdiction, and it shall see that proper care, custody, education, and training are provided for the minors under its care, to the end that the minors shall be adjusted to good citizenship and prepared to become honorable, self-supporting members of society.

Same

6659. The governing board shall make all contracts for the organization, establishment, including the purchase of a suitable site and the construction of suitable buildings, equipment, operation, and maintenance of the adjustment school that may be necessary or advisable. In no event shall the amount of money appropriated for any such purpose or other limitation prescribed by law or by order of the governing board, be exceeded or violated.

Contracts

6660. No member of the governing board, nor officer, nor employee of any adjustment school shall be interested, personally, directly, or indirectly, in any contract, purchase, or sale made, or in any business carried on in behalf of the school. Any money paid on such contracts or sales may be recovered by a civil suit, and the governing board upon the proof of such interest shall remove from office immediately the member, officer, or employee.

Superintendent

6661. The governing board of the adjustment school shall appoint a superintendent, not of its own number, who shall be a person qualified by training and experience for the character of work to be performed at the adjustment school, and who shall hold office at the pleasure of the governing board.

Officers and employees

6662. The governing board shall determine the number, title, duties, and terms of office of all other officers and employees and shall fix their salaries, and that of the superintendent.

Superintendent's oath and bond

6663. The superintendent of the adjustment school shall, before entering upon the discharge of his duties, make and file with the governing board an oath that he will faithfully and impartially discharge his duties. He shall also file with the governing board a bond, running to the State of California in such sum as the board may determine, and with sureties to be approved by the board, conditioned upon the faithful perform-

ance of his duties. The premium of the bond shall be a part of the cost of maintaining the adjustment school.

Property

6664. The superintendent, after making and filing the bond, shall, subject to the direction of the governing board, be invested with the custody of the lands, buildings, and all other property pertaining to or under the control of the adjustment school. He shall account to the governing board in such manner as it may require for all property entrusted to him and for all money received by him as superintendent of the adjustment school, or for any of the minors entrusted to its care.

Appointment of officers and employees

6665. The superintendent shall also, subject to the direction of the governing board, appoint all officers and employees of the adjustment school, who shall hold office at his pleasure. He shall exercise such supervisory, executive, and managing powers as are conferred upon him by the governing board.

Residence

6666. The superintendent shall reside in the adjustment school or one of the adjustment schools under his jurisdiction, and he shall be furnished suitable quarters, furniture, food supplies, and laundry for himself and his family. The governing board may make similar provision for such other officers and employees as the interests of the adjustment school may in its judgment require to reside on the premises.

Commitment of minors

6667. The adjustment school shall receive into its care, custody, and control all boys and girls under 18 years of age who are committed to it by order of the juvenile court of the county or city and county maintaining or contributing to the maintenance of the adjustment school.

Term

6668. Any minor who has been committed to the care, custody, and control of any adjustment school shall remain in the school for the duration of the period provided in the order of commitment, or until further order of the juvenile court.

Review of commitment

6669. The juvenile court shall review the order of commitment at least once each year, and upon review the court may continue, terminate, or modify the order of commitment.

Revocation of commitment

6670. If at any time in the opinion of the superintendent of the adjustment school the further detention of the minor is detrimental to the interests of the school, the minor may immediately, upon order of the superintendent, be returned to the committing court, and the court may revoke its previous order, and proceedings may be resumed where they were suspended when the commitment was made.

Conduct of school

6671. The governing board of any adjustment school shall cause the school to be conducted as may seem best calculated to carry out the intentions of this article (commencing with Section 6651).

Course of study

6672. There shall be organized a course of study, corresponding as far as practicable with the course of study in the public schools of the State.

Vocational training

6673. There shall be provided in the adjustment school the proper facilities and equipment for vocational and trade training, in addition to such other public school education or training as may be determined upon by the governing board.

Vocational or trade training education shall be given to each minor while under the care of the adjustment school, to the end that he may upon discharge be qualified for honorable and self-supporting employment.

Support of minors

6674. Any order of the juvenile court committing a minor to the care, custody, and control of an adjustment school may make provision for the expense of his support and maintenance by directing that the expense be paid in whole or in part by his parent, guardian, or other person liable for his support and maintenance.

Expenses of school

6675. If the adjustment school is organized, established, equipped, and maintained by only one county or city and county, the entire expense of the school shall be borne by the county or city and county, and the board of supervisors, or other governing body of the county or city and county shall make due and annual provision therefor. The necessary items of expense shall be set forth in the annual budget of the county or city and county.

Same

6676. If an adjustment school is organized, established, equipped, and maintained by two or more counties, the initial expense of organizing, establishing, and equipping the school shall be apportioned between each of the counties on a pro rata basis in the ratio that the number of children of school age residing in each county bears to the number of children of school age residing in all of the counties.

Apportionment between counties

6677. The annual expense of maintaining the school by two or more counties, shall be apportioned between the counties on a pro rata basis in the ratio that the average daily enrollment of minors placed in the school from each county during the preceding year bears to the total average daily enrollment in the school from all of the counties during the year.

Bond of officers

6678. The governing board shall require any officer entrusted with money belonging to an adjustment school or to any of the minors entrusted to its care, or any officer placed in a position of trust and responsibility in the custody of property or in the handling of supplies belonging to the school, to file with the board a bond with sureties approved by the board and in such sum as it may determine, conditioned upon the faithful performance of the duties required, and upon the faithful accounting of all money and property coming into his hands or under his control by virtue of his office. The premiums on the bonds shall be a part of the cost of maintaining the adjustment school.

Article 5. Twenty-four Hour Elementary Schools

Purposes

6701. The purpose of this article (commencing at Section 6701) is to authorize the establishment of 24-hour elementary schools for minors between the ages of 8 and 16 years and to provide for the attendance, maintenance, care, home supervision, guidance, observation, and education of minors attending the schools, and to provide the minors with such vocational,

homemaking, mental, moral, physical, and other training as will tend to strengthen and develop them and enable them to become good and useful citizens. The staff of every 24-hour school shall make adjustment as rapidly as possible in order that the period of time the child is away from ordinary community life may be as brief as possible. They shall place the minors in proper homes where they will be assured of suitable educational opportunities, and shall co-operate with child placement agencies to this end and to stimulate proper care of the minors by their parents.

Construction

6702. This article (commencing at Section 6701) shall be construed in conformity with the intent as well as the express provisions thereof and shall confer upon the governing board of any 24-hour school that may be created, authority to do all those lawful acts which it may deem necessary to promote the prosperity of the school, or to promote the well-being and education of all minors entrusted to its charge.

Establishment

6703. Any elementary school district, with the approval of the State Board of Education, may establish and maintain one or more 24-hour elementary schools in the discretion of the governing board of the district. The schools shall be under the management and control of the governing board of the district which shall have in reference to the schools the same powers and duties which are now or may hereafter be assigned by law to the boards for the management of other schools of the district. A 24-hour elementary school shall be one of the public elementary schools of the district.

Expenses of school

6704. The cost of securing sites or constructing and equipping buildings and in general the cost of housing and equipping any 24-hour school including the necessary dormitories, dining halls, and other living quarters for pupils and employees of the district shall be a charge against the funds of the school district maintaining it. The governing board of any district may employ such principals, assistants, teachers, and employees as are necessary in the judgment of the board for the proper conduct of the 24-hour school and may pay them from the funds of the school district. The expenses of lodging and boarding pupils residing within the buildings of any 24-hour school shall be paid from the sums received from contracts with the parents or guardians of the pupils, or from the funds of the county within which the school is located paid to the school district in pursuance of court orders for the maintenance of pupils.

Residence

6705. The principal shall reside in the 24-hour school and shall be furnished suitable quarters, furniture, food, supplies, and laundry for himself and his family. The governing board of the district may make provision for maintenance of such individual instructors, officers, and employees as the interests of the school in its judgment require to reside on the premises.

Board of Admission

6706. The governing board of any school district maintaining a 24-hour school shall, upon the recommendation of the superintendent of schools of the district, appoint a board of admission to the 24-hour school consisting of one member of

the governing board of the district, a representative of the welfare or charities department, if such a department exists, of the city within which the district is situated, if within a city, otherwise of the county the superintendent of schools of which has jurisdiction over the district, and two other persons designated by the superintendent. At least one member of the board of admission shall be a woman. The principal of each 24-hour school, the superintendent of schools of the district and a representative of the State Department of Education shall be ex officio members of the board of admission. The chairman of the board of admission shall be the superintendent of schools of the district. The board shall meet at such times and places as may be designated by the chairman. Children admitted will be those whose cases represent such serious behavior problems as to need constant study and care and those who need more than foster home placement and definitely require 24-hour supervision. Admission of pupils to a 24-hour school shall be by one of the methods provided in this article (commencing at Section 6701). No child shall be admitted to a 24-hour school except upon the recommendation of the board of admission.

Investigation

6707. The board of admission, or some person or persons designated by it, shall investigate the case of any child whose name is submitted in writing accompanied by a signed statement for consideration for admission to the school and shall make recommendations in each case. The board of admission shall observe the progress of each child, and shall advise and recommend his release as soon as sufficient progress is indicated.

Assignment of minors

6708. The governing board maintaining a 24-hour school may assign to the school any minor between the ages of 8 and 16 years who is a resident of the school district whose parent or guardian does not exercise proper care, supervision, and guidance over him, or who is, by reason of insubordinate conduct, or refusal to obey the rules and regulations of the school authorities, in need of special educational training and discipline to prevent him from becoming subject to the provisions of the juvenile court law. The pupil may be assigned to the school by order of the superintendent of schools of the district, approved in writing by the parent, or guardian in compliance with the recommendation of the board of admission. If the parent or guardian of the pupil enters into a contract with the school district for the support of the pupil, he may be maintained in the school for the period of the assignment.

Commitment

6709. If the parent or guardian of the pupil refuses to enter into a contract providing for the payment to the school district of a sum sufficient to meet the average cost of maintaining a pupil within the school, including meals and a reasonable sum for lodging, and if the presence of the child within another school of the district or within its home is a menace to the future welfare of other children or of the child itself, the superintendent of schools of the district shall cause to be filed in the

superior court of the county in which the district is located, acting in the department of the court performing the functions of the juvenile court, or in any other court of competent jurisdiction, a complaint asking for an order of the court, committing the child to the 24-hour school and fixing the amount the parent or guardian shall pay for his maintenance until such time as the superintendent of schools of the district reports to the court that the best interests of the minor will be served by his discharge from the school. A copy of the complaint shall at the same time be furnished the parent or guardian. If the parent or guardian is unable to pay the amount, the court may in the order provide for the payment by the county in which the district is located of a sum sufficient to cover the costs of maintenance of the child during the period of his commitment to the school.

Report

6710. The principal of any school in the district in which there has been established a 24-hour school shall report to the superintendent of schools of the district, after conference held with the parent or guardian, any pupil in his school who he believes comes within the provisions and intent of this article (commencing at Section 6701). This report shall be in writing and shall set forth the facts upon which he believes that the child comes within the provisions of this article (commencing at Section 6701).

Term

6711. Any minor who has been placed in the care and control of the 24-hour school with the consent of the parent or guardian, shall remain therein, if placed there by order of the superintendent of schools of the district, for the duration of the period provided by the order or until further order of the superintendent of schools of the district. The superintendent making the order shall review the order at intervals of at least twice a year following the order and upon the review may order the continuance or termination of the stay of the child in the 24-hour school.

Release

6712. If the minor has been placed in the 24-hour school by order of the superintendent of schools of the district, the parent or guardian with whose consent the minor was placed in the school, upon application to the superintendent of schools who placed him therein, may secure the release of the minor and his restoration to the care, custody, and control of the parent or guardian. The superintendent of the district shall require a written report from the principal of the 24-hour school, giving the progress of the child and the advisability of the release of the child from the 24-hour school. If the report indicates that the minor is in need of further care and treatment and that his release would be detrimental to his own welfare or the welfare of others, the superintendent of the district may report the minor to the juvenile court or other proper court for action.

Return of minor

6713. If, in the opinion of the principal of any 24-hour school, the further detention of any minor is detrimental to the minor, the minor may upon order of the principal be re-

turned to the superintendent of schools of the district in which the school is located or to the court which committed him, as may seem necessary for the best interest of the child.

Absence

6714. Any pupil who absents himself from any 24-hour elementary school without permission being first obtained from the principal shall be deemed an habitual truant within the meaning of paragraph (j) of Section 700 of the Welfare and Institutions Code, and dealt with as such.

Any person who contributes to the absence of any pupil from the school without permission first having been obtained from the principal, or advises, connives at, or aids or assists in such absence or conceals any pupil after such absence is guilty of a misdemeanor

Course of study

6715. The course of study for the pupils and the methods used in enforcing the course of study shall be approved by the governing board of the district. There shall also be provided in the schools the proper facilities and equipment for vocational and trade training.

Clinics

6716. Each 24-hour school may conduct clinics for the diagnosis and observation of children and may advise parents and school authorities regarding courses of study or treatment in the interests of the normal development of any child and to prevent waywardness and delinquency.

CHAPTER 8. EDUCATION OF PHYSICALLY HANDICAPPED MINORS

Article 1. General Provisions

Powers of governing board

6801. Subject to the provisions of this article (commencing at Section 6801) the governing board of any school district may make such special provisions as in its judgment may be necessary for the education of physically handicapped minors. "Physically handicapped minor," as used in this article (commencing at Section 6801) means a physically defective or handicapped person under the age of 21 years who is in need of education.

Qualification of pupils

6802. Any minor who, by reason of a physical impairment, cannot receive the full benefit of ordinary education facilities, shall be considered a physically handicapped individual for the purposes of this chapter (commencing at Section 6801). Minors with speech disorders or defects shall be considered as being physically handicapped. Minors with physical illnesses or physical conditions which make school attendance impossible or inadvisable shall be considered as being physically handicapped.

Special instruction in public schools

6803. The Superintendent of Public Instruction shall promote and direct special instruction in the public schools for physically handicapped minors. He may employ such professional and other personnel as are necessary for this purpose, and may perform such other duties as are necessary to give full effect to this article (commencing at Section 6801).

6804. The State Department of Education may prescribe minimum standards for the special education of physically handicapped minors. No apportionment of state funds shall be made by the Superintendent of Public Instruction to any school district on account of the instruction of physically handicapped minors unless the standards prescribed for the instruction are complied with. Standards

6805. Any school district furnishing education to physically handicapped minors pursuant to this article (commencing with Section 6801) shall furnish such education to all such handicapped minors actually living within the district five or more days a week, although their legal residence may be outside the district. Residence

6806. Any school district which does not maintain facilities for the education of physically handicapped minors shall enter into a contract with a school district in the same county maintaining such facilities. If there is no district in the same county maintaining such facilities, the governing board of the school district shall enter into a contract with a school district maintaining such facilities in any other county. If any question arises concerning the adequacy of the facilities provided for the education of physically handicapped minors by the school district in which the child is actually living, the parent or guardian of such child may appeal to the county superintendent of schools, and if the county superintendent of schools determines that the facilities offered are inadequate, he shall order the school district in which the child is actually living either to provide the facilities or enter into a contract with a school district maintaining adequate facilities. Contracts for education of physically handicapped minors

Such contract shall provide for the payment of the cost of tuition by the district in which the physically handicapped minor actually lives and may provide for payment of the cost of the use of the buildings and equipment. The cost of tuition shall not be greater than the difference between current expenditures per unit of average daily attendance, including transportation, for the education of a pupil in the particular category of physically handicapped minors to which the pupil belongs and the apportionment of state funds for the education of physically handicapped minors in that category.

The amount shall be determined not later than the last Monday in December and the last Monday in May of each year by the county superintendent of schools of the county in which the child attends schools and certified to the superintendent of schools having jurisdiction over the schools of the school district in which the child actually lives. The amount shall be forthwith paid from any funds of the school district available for that purpose.

6807. The governing board of a school district may provide for the transportation of pupils assigned to special schools or classes for physically handicapped pupils, and shall provide transportation for those pupils whose physical handicaps prevent their walking to school. Transportation

Same

6808. The governing board of the school district in which any physically handicapped minor is actually living, although the residence of his parents or guardian is outside the district, shall provide for the transportation of such minor to the school at which education is furnished, if his handicap prevents his walking to school or if the distance is greater than one mile, regardless of whether such education is furnished within or without the district.

Special schools or classes

6809. Physically handicapped minors may be admitted at the age of three years to special schools or classes established for such minors.

Care of pupils

6810. Necessary care may be provided during school hours for pupils whose attendance has been irregular because of physical handicaps, and such employees as may be needed may be employed to provide the care.

Rules

6811. The governing board of a school district may establish regulations determining who can profit by and who shall receive the special instruction provided by this article (commencing with Section 6801). The regulations shall be subject to such standards as may be prescribed by the State Department of Education.

Method of instruction

6812. Physically handicapped minors may be instructed in special schools or special classes, in hospitals, sanatoriums, or preventoriums, in the home through the employment of home instructors, by co-operative arrangement with the Bureau of Vocational Rehabilitation of the State Department of Education, or by any other means approved by the State Department of Education.

Minors with speech disorders or defects may be admitted at school for individual instruction at the age of three years for the purpose of remedying such speech disorders or defects.

Instruction outside district

6813. Special classes or individual instruction provided for pretuberculous, tuberculous, convalescent, or other physically handicapped minors in hospitals, sanatoriums, and preventoriums, may be maintained in the institutions within or without the school district, and the attendance of pupils in the institutions shall be credited to the district providing the instruction.

Exemptions

6814. No minor shall be required to take advantage of the special provisions for the education of physically handicapped minors if the parent or guardian of the minor files a statement with the governing board of the school district showing that the minor is receiving adequate educational advantages.

Expenditures for cerebral palsied minors

6815. A minor with cerebral palsy may attend a special school or class maintained by any school district for minors with cerebral palsy. The governing board of the district of residence shall pay to the district of attendance at the close of each school year the total current expenditures of the district of attendance, for the education of such minor during such school year, less all apportionments of state and federal funds made on account of the attendance of such pupils. The governing board of the district of residence may agree to reimburse the

district of attendance for use of buildings and equipment. If the district of residence has insufficient funds to make such payment, the county superintendent of schools having jurisdiction over the district of residence shall apportion to the district from the county school service fund such sum as may be necessary to permit the district to meet its obligation under this section.

"Excess expense"

6816. The Superintendent of Public Instruction shall determine the amount of the excess expense incurred by each school district for the education of physically handicapped pupils. "Excess expense" as employed in this section includes the total current expenses of education incurred for remedial classes and for individual instruction of physically handicapped children in the home or in an institution, plus the excess amount of the current expenses incurred for all other physically handicapped pupils instructed in special schools, in special classes, in individual instruction at school of minors with speech disorders or defects who may be admitted at the age of three years, or in regular classes over the expense for an equal number of units of average daily attendance of pupils not classified as physically handicapped or mentally retarded pupils. "Remedial classes" as herein employed includes special classes providing remedial instruction for physically handicapped pupils who are excused in small numbers for a portion of a class period from regular, special day, and special training schools or classes, without appreciable reduction in the costs of such schools or classes.

Counselors for blind students

6817. The Department of Education may appoint counselors to assist blind students attending public schools in the State to solve problems in connection with their school program. The counselors may visit blind pupils attending any public school in the State, in their homes to advise them and discuss with their parents the solution of problems pertaining to their school attendance. The counselors shall be available to teachers and administrators in the public schools where blind pupils are in attendance to advise and counsel them regarding the best methods and procedures for teaching blind children. The counselors shall be persons who have had special training for such work, and shall be thoroughly familiar with problems peculiar to the blind and their public school education. Blindness shall not be grounds to disqualify persons for these positions.

Counsel and guidance

6818. Individual counseling and guidance in social and vocational matters shall be provided as part of the instructional program for physically handicapped pupils. Upon approval by the State Department of Education the governing board of any school district may separately, or in co-operation with the governing board or boards of one or more other school districts, or in co-operation with the Bureau of Vocational Rehabilitation of the State Department of Education, employ a special co-ordinator, who shall make a study of employment and occupational opportunities and shall assist in

the co-ordination of the education of the physically handicapped minors with the commercial and industrial pursuits of the community, so as to prepare the minors for employment.

Co-operation

6819. The State Department of Employment shall, through the State Employment Service, co-operate with local school officials and the State Department of Education in the placement of physically handicapped individuals.

Teacher qualifications

6820. On and after September 1, 1955, no person shall be employed to teach blind, partially seeing, deaf, hard of hearing, speech handicapped, or orthopedically handicapped minors in a special day or remedial class for such minors who does not hold a valid credential authorizing such teaching. Nothing herein shall be deemed to prohibit the employment, as a substitute teacher of each such special day class for not more than 20 school days in any school year, of a person holding some other valid credential authorizing substitute teaching.

Braille books, etc.

6821. The State Department of Education may co-operate with the American Printing House for the Blind in the provision and distribution of Braille books and other materials and equipment available from the American Printing House for the Blind for the use of blind pupils in the public schools of California under the provisions of an act entitled: "An act to amend the act to promote the education of the blind, approved March 3, 1879, as amended, so as to authorize wider distribution of books and other special instructional material for the blind, to increase the appropriations authorized for this purpose, and for other purposes," approved August 2, 1956 (Public Law 922, 84th Congress, 2d Session).

Article 2. Schools and Classes in County Institutions

Residence of students in hospital etc., classes

6851. Whenever a school district maintains a school or classes at a tuberculosis or polio ward, hospital or sanatorium established and maintained by a county or group of counties, any minor or adult who has been admitted to such ward, hospital or sanatorium is, if otherwise qualified, eligible to attend such school or classes but shall be deemed to be, for the purposes of this code, a resident of the school district in which he resided prior to his admission to such tuberculosis or polio ward, hospital or sanatorium.

The minimum school day for such classes is 180 minutes. Whenever two or more districts are authorized and operate such schools or classes the governing boards of the districts may jointly employ personnel to administer and conduct the programs.

Cost of education

6852. The school district of which any such minor or adult is a resident shall at the close of each school year pay to the district maintaining a school or class in which such minor or adult is enrolled the cost of educating such minor or adult during the school year. The cost shall be determined by dividing the total current expenditures of the school district during such school year for the maintenance of such school or classes,

less all apportionments from the State or allocations from the Federal Government on account of such school or classes, by the total number of units of average daily attendance in such school or classes during such school year.

Minors in such schools or classes shall be apportioned excess cost apportionments for handicapped minors as stated elsewhere in this code.

The Superintendent of Public Instruction shall adopt standards and regulations relating to administration, attendance, accounting and counseling in hospital schools and classes.

Claim for cost

6853. The district maintaining such school or classes shall forward its claim to the district of residence and the governing board of such district shall upon the receipt thereof pay such claim.

CHAPTER 9. EDUCATION OF MENTALLY RETARDED MINORS

"Mentally retarded minors"

6901. "Mentally retarded minors" means all minors who because of retarded intellectual development as determined by individual psychological examination are incapable of being educated efficiently and profitably through ordinary classroom instruction.

Provisions for education

6902. The education of mentally retarded minors who are of compulsory school age and who may be expected to benefit from special educational facilities designed to make them economically useful and socially adjusted shall be provided for in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 8951 to 8956, inclusive.

Same

6903. The education of mentally retarded minors who do not come within the provisions of Section 6902, who are five or more, and less than 18 years of age, and who may be expected to benefit from special educational facilities designed to educate and train them to further their individual acceptance, social adjustment, and economic usefulness in their homes and within a sheltered environment, may be provided for in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 8951 to 8956, inclusive.

Each school district maintaining special training schools or classes for such mentally retarded minors may limit the number of minors to be admitted to such schools or classes.

Any such minor who becomes 18 years of age while in attendance upon a special training school or class shall be permitted to continue to attend thereon for the remainder of the time such school or class is maintained during the then current school year.

From the effective date of the 1957 amendment to this section, until the end of the 1961-1962 school year, this section shall also apply to the education of mentally retarded minors who are five or more, and less than 21 years of age, and who meet the other requirements of this section.

Special training schools or classes

6904. The governing board of any elementary or unified school district which has an average daily attendance of 900

or more in the elementary schools of the district, or any high school district which has an average daily attendance of 900 or more shall provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 6902 and who are not in attendance upon other special training schools or classes maintained under the provisions of Sections 6901 to 6913, inclusive. The mandatory provisions of the section as they apply to high school districts shall become effective July 1, 1956, but the governing board of any high school district may provide for such education for all or any portion of the mentally retarded minors residing in the high school district prior to said date.

The governing board of any elementary or unified school district may provide for the education of mentally retarded minors residing in the district who come within the provisions of Section 6903.

Same In certain high school districts

6905. The governing board of any high school district which has an average daily attendance of less than 900 may establish and maintain special training schools or classes for the education of such mentally retarded minors as may be admitted to such schools or classes by the governing board of the district.

Minimum standards

6906. The Department of Education shall establish minimum standards for all such special schools and classes and shall enforce these standards throughout the State.

Supervision, etc

6907. One person in the Department of Education shall devote his entire time to the supervision of training of mentally retarded minors. The department shall employ such other persons as are necessary to carry out the purposes of Sections 6901 to 6913, inclusive, and of Sections 8951 to 8956, inclusive.

Individual examination of child

6908. Before any child is placed in a school or class for mentally retarded children, he shall be given a careful individual examination by a competent psychologist holding a credential for that purpose issued by the State Board of Education, or by a person serving under the supervision of such a psychologist and holding a credential for that purpose issued by the State Board of Education, and a consultation with his parents or guardian held. A psychiatrist may be consulted in any specific case when the governing board of the district deems it necessary.

Objections by parent or guardian

6909. No examination as specified in Sections 6901 to 6913, inclusive, shall be given if the parent or guardian objects on the ground that such examination is contrary to the religious beliefs of such parent or guardian.

Agreements for transportation and education

6910. The governing board of any school district otherwise required or authorized to maintain special training schools and classes under Sections 6904 and 6905 for mentally retarded minors may provide for the education of such minors in, and for the transportation of such minors to, special training schools or classes maintained by another school district under Sections 6901 to 6913, inclusive, or by a county superin-

tendent of schools under Sections 8951 to 8956, inclusive, subject to such terms and conditions as may be agreed upon.

Transportation

6911. In lieu of entering into an agreement for the transportation of mentally retarded minors by the school district or county superintendent of schools, in the special training schools and classes of which the education of such minors is provided under Section 6910 or 9572, the school district or county superintendent of schools of the county required to provide for their education may provide such transportation.

Teacher qualifications

6912. No person shall be employed as a teacher of mentally retarded minors who does not hold a valid credential for the education of mentally retarded children. Nothing herein shall be deemed to prohibit the employment, as a substitute teacher of each special training class of mentally retarded children for not more than 20 school days in any school year, of a person holding some other valid credential authorizing substitute teaching.

"Excess expense"

6913. The Superintendent of Public Instruction shall determine the amount of the excess expense incurred by each school district for the education of mentally retarded minors. "Excess expense" as employed in this section includes the total current expenses of education incurred for mentally retarded minors instructed in special schools or classes, over the expense for an equal number of units of average daily attendance of pupils not classified as mentally retarded minors or physically handicapped minors.

Mentally retarded minors
Special training schools

6914. Whenever any school district establishes special training schools or classes for the education of mentally retarded minors who come within the provisions of Section 6903, the governing board of the school district may apply to the Superintendent of Public Instruction for an apportionment pursuant to Sections 6914 to 6919, inclusive.

Application

6915. The application shall be made prior to September 1st of each school year in the form and manner prescribed by the Superintendent of Public Instruction and shall include an estimate of the average daily attendance that will be credited to such schools or classes during the school year in which they are established. Such estimate shall be based upon the number of minors residing in the district or in an adjacent district that come within the provisions of Section 6903 and who will attend such schools and classes shall be subject to the approval of the Superintendent of Public Instruction.

Apportionments

6916. Not later than 30 days after such application, the Superintendent of Public Instruction, if he approves, shall apportion to each applicant school district from the State General Fund, as an advance against future apportionments from the State School Fund to such district, an amount equal to the maximum amount allowable per unit of average daily attendance to school districts for the excess expense of educating mentally retarded minors who come within the provisions of Section 6903, multiplied by eight and the product

thereof multiplied by the number of special training classes established by the applicant school district for such minors.

Abstract of apportionments

6917. The Superintendent of Public Instruction shall furnish an abstract of all apportionments made to school districts of any county under Sections 6914 to 6919, inclusive, to the State Controller, the Department of Finance and to the county auditor, county treasurer and county superintendent of schools of the county and shall certify such apportionments to the State Controller who shall thereupon draw his warrants on the State General Fund in favor of the county treasurer of each county for the amounts apportioned to the districts of the county.

Crediting of funds

6918. All moneys received by the treasurer of a county under Sections 6914 to 6919, inclusive, shall be credited by the treasurer to the general fund of the school district of the county exactly as apportioned by the Superintendent of Public Instruction.

Deductions

6919. During the next two fiscal years after the fiscal year in which such apportionment is advanced to a school district under Sections 6914 to 6919, inclusive, the State Controller shall deduct from apportionments made to each such school district from the State School Fund an amount equal to the amount apportioned to such district under Sections 6914 to 6919, inclusive, and pay the same into the State General Fund.

Chapter 10. Education of Children Residing in Children's Institutions

Child residing in children's institution

6951. Whenever a school district educates a child who resides in a regularly established licensed children's institution located either within or without the boundaries of the district; and provided, the average daily attendance of all the children residing in such an institution is equal to or greater than 1 percent of the total average daily attendance of that school district, the child shall be deemed to be, for the purposes of this code, a resident of the school district in which he resided prior to his admission to the children's institution.

Payment of cost of educating minor

6952. The school district of which any such minor is a resident shall at the close of each school year pay to the district educating such minor the cost of educating such minor during the school year. The cost shall be determined by dividing the total current expenditures of the school district during such school year less all apportionments from the State or allocations from the Federal Government on account of such school or classes, by the total number of units of average daily attendance in such school or classes during such school year.

Claim for cost

6953. The district maintaining such school or classes shall forward its claim to the district of residence and the governing board of such district shall upon receipt thereof pay such claim.

6954. If payment is not made within thirty (30) days prior to the close of the fiscal year in which the claim is submitted, the county superintendent shall, after verifying the claim, take the necessary steps to have the money transferred from the district of residence to the district maintaining the school or classes. Transfer of funds on nonpayment

CHAPTER 11. VOCATIONAL REHABILITATION—GENERAL PROVISIONS

7001. It is the public policy of this State to encourage and assist physically and mentally handicapped persons to achieve the maximum degree of self-support, and for that purpose to make adequate provision for such services as will enable them to prepare for and engage in remunerative employment to the maximum extent of their capabilities. This policy should be carried out by strengthening the existing program of vocational rehabilitation, by adding such services as will enable the greatest number of disabled persons to become self-supporting, and by the establishment of this service upon an adequate legal basis in the laws of this State. Policy

7002. Pursuant to agreements the department shall co-operate with the Federal Government in carrying out the purposes of any federal statutes pertaining to the purposes of this chapter (commencing at Section 7001) and may adopt such methods of administration found necessary by the Federal Government for the proper and efficient operation of such agreements or plans for vocational rehabilitation and may comply with such conditions as may be necessary to secure the full benefits of such federal statutes. Co-operation with Federal Government

7003. The people of the State accept the provisions and benefits of the act of Congress entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, and as the same has been amended. Acceptance of federal act

7004. In accepting the provisions and benefits of the act of Congress referred to in Section 7003, the people of the State agree to observe and comply with all of its requirements. Compliance with act

7005. "Department" means Department of Education. "Department"

7006. "Bureau" means the Bureau of Vocational Rehabilitation in the State Department of Education. "Bureau"

7007. "Executive officer" means the Director of Education who is the executive officer of the State Board of Education. "Executive officer"

7008. "Employment handicap" means a physical or mental condition which constitutes, contributes to, or if not corrected will probably result in, an impairment of occupational performance. "Employment handicap"

7009. "Disabled individual" means any person who has a substantial employment handicap. "Disabled individual"

"Vocational rehabilitation" and vocational rehabilitation services

7010. "Vocational rehabilitation" and "vocational rehabilitation services" mean any service provided directly or through public or private instrumentalities to a disabled individual to compensate for his employment handicap and to enable him to engage in a remunerative occupation. Such services include, but are not limited to, medical and vocational diagnosis, vocational guidance, counseling and placement, rehabilitation training, physical restoration, transportation, occupational and business licenses, equipment, initial stocks and supplies, including livestock, maintenance, and instructional supplies and equipment which the department may permit to be retained by any trainee to whom furnished if essential to permit him to enter upon and follow an occupation.

"Rehabilitation training"

7011. "Rehabilitation training" means all necessary training provided to a disabled individual to compensate for his employment handicap including, but not limited to, manual, preconditioning, prevocational, vocational, and supplementary training and training provided for the purpose of developing occupational skills and capacities.

"Physical restoration"

7012. "Physical restoration" means any medical, surgical, or therapeutic treatment necessary to correct or substantially reduce a disabled individual's employment handicap within a reasonable length of time including, but not limited to, medical, psychiatric, dental, and surgical treatment, nursing service, hospital care, drugs, medical and surgical supplies, and prosthetic appliances, but excluding curative treatment for acute or transitory condition.

"Prosthetic appliance"

7013. "Prosthetic appliance" means any artificial device necessary to support or take the place of a part of the body or to increase the acuity of a sense organ.

"Occupational licenses"

7014. "Occupational licenses" means any licenses, permit, or other written authority required by any governmental unit to be obtained in order to engage in an occupation.

"Maintenance"

7015. "Maintenance" means money payment not exceeding the estimated cost of subsistence during the provision of vocational rehabilitation or rehabilitation services. It further includes amounts, in cash or in kind, to cover the cost, if any, of short periods of medical care for acute conditions arising during the provision of vocational rehabilitation or rehabilitation services.

"Industrial rehabilitation workshop"

7016. An "industrial rehabilitation workshop" means an establishment that is operated for the primary purpose of providing remunerative employment, prevocational, exploratory, employment training or conditioning for employment to persons who cannot be absorbed in the competitive labor market due to physical or mental handicaps. Employment may be offered through the manufacture and sale of products by the workshop or through the subcontracting of work from other government agencies or from private industry. Handicapped persons employed in such workshops shall be paid wages based upon the unit value of the work produced comparable to the wages paid in private industry for similar units of work.

7017. "Blind person" means either a person who has not more than 20/200 central visual acuity in the better eye after correction, or a person who has visual acuity greater than 20/200 but with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees. "Blind person"

7018. The State Board of Education shall administer this chapter (commencing at Section 7001) through the Department of Education. Administration

7019. The department shall direct its program of vocational rehabilitation through the director. Director

7020. The department shall provide the services defined authorized by this chapter (commencing at Section 7001) to the physically or mentally impaired, including the blind, determined to be eligible therefor. Services

7021. The department may co-operate with other departments, agencies, and institutions, both public and private, in providing the services authorized by this chapter (commencing at Section 7001) to impaired individuals, in studying the problems involved therein, and in establishing, developing, and providing, in conformity with the purposes of this chapter (commencing at Section 7001), such programs, facilities, and services as may be necessary or desirable. Co-operation

7022. The department and the Industrial Accident Commission shall formulate a plan of co-operation for the referral and rehabilitation of persons in industry. Plan of co-operation

7023. The department may enter into reciprocal agreements with other states to provide for the services authorized by this chapter (commencing at Section 7001) to residents of the state concerned. Agreements

7024. The department may prepare and promulgate regulations and statements of policy governing the protection of records and confidential information, the manner and form of filing applications, eligibility and investigation and determination thereof, for vocational rehabilitation services, procedure for fair hearings and such other regulations and policies as are found necessary to carry out the purposes of this chapter (commencing at Section 7001). Regulations

7025. The department may conduct research and compile statistics relating to the provision of services or the need of services by impaired individuals. Research

7026. The department may utilize funds made available from appropriations by Congress, by gifts or grants from private sources or by state appropriations, or both, or by transfer of funds from other state departments subject to usual budgetary controls for the purpose of establishing and operating workshops, or of co-operating with other public or private agencies for this purpose. Funds

7027. Vocational rehabilitation services may only be provided any disabled individual 16 years of age or over: Eligibility

(a) For whom it has been determined vocational rehabilitation may be satisfactorily achieved;

(b) Who has resided within the State for one year, or who is eligible therefor under terms of an agreement with another state or the Federal Government;

(c) Who is found to be in financial need with respect to rehabilitation services, except that counseling, rehabilitation training, and job placement shall be made available without regard to financial need.

CHAPTER 12. SCHOOL LIBRARIES

Article 1. Establishment and Maintenance

Control

7051. Libraries may be established and maintained under the control of the governing board of any school district.

Use

7052. The libraries shall be open to the use of the teachers and the pupils of the district.

Article 2. Books

List of books and apparatus

7101. County boards of education may adopt a list of books and apparatus for district school libraries of districts not employing a superintendent of schools or a librarian for full time.

Exclusion

7102. The governing board of any school district may exclude from schools and school libraries all books, publications, or papers of a sectarian, partisan, or denominational character.

Stamps

7103 The trustees of each district shall cause each book placed in the library, to be stamped on the flyleaf, on the title page, and on each 100th page of the book, with the words "Department of Public Instruction, State of California, _____ County _____ District Library." The county superintendent shall procure the stamp for each district in his county, and pay for it out of the county school fund of the district.

Article 3. Management

District librarian

7151. The school trustees of a district maintaining its own library may appoint a person who is the holder of a librarianship credential as librarian of the district library.

Duties of librarian

7152. The librarian shall manage the library as efficiently as possible, and shall be accountable to the trustees for the proper care of the library; collect all fines, penalties, and fees of membership; organize and maintain an appropriate collection of books and other printed material for the use of teachers and pupils of the district.

Duties of trustees

7153. The trustees are accountable for the proper care and preservation of the library, and may assess and collect all fines, penalties, and fees of membership and make all needful rules and regulations not provided for by the State Board of Education, and not inconsistent therewith.

7154. The trustees shall, on or before August 31st, in each year, report to the State Librarian on the condition of the library, for the year ending June 30th preceding. The report shall, in addition to other matters deemed expedient by the trustees or the librarian, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several librarians instructions or question blanks so as to obtain the material for a comparative study of library conditions in the State. Reports

Article 4. Affiliation with County and City Libraries

7201. Whenever the county in which a district is situated maintains a county library, the governing board of any school district may agree with the proper authorities of the county to make the school library a branch of the county library. Branch of county library

7202. If the school library becomes a branch of the county library, the governing board of the school district shall turn over the books and other property of the district library to the county library, and shall annually transfer to the county library its library fund, as soon as it is available. The county library shall thereafter make the district library a branch library, managed and maintained according to the rules and regulations established by the authorities of the county library. Property and funds

7203. All funds transferred to a county library pursuant to this article (commencing at Section 7201) shall be used by the county library only for: (a) the acquisition of such books and other materials as are adopted by the body authorized to adopt courses of study for the school districts of the county, and (b) the care and distribution of the books and other materials to school libraries which are branches of the county library. Use of funds

7204. The county librarian may (a) at his discretion dispose of books and other materials no longer fit for service, and (b) with the approval of the county board of education dispose of any books or other materials no longer needed by the course of study. Disposal of books

7205. In any city conducting a public library owned and managed by the city, the governing board of any school district may enter into an arrangement with the governing body of the public library of the city similar to the arrangement authorized by this article (commencing at Section 7201) between the governing boards of any school district and the county library. Agreement with city

7206. Whenever a district library becomes a branch library, the provisions of this chapter (commencing at Section 7051) relating to the stamping of library books and the care and preservation of the library shall not apply to it. Stamps

7207. Whenever a district library becomes a branch library the county, or city and county, or city superintendent of Transfer of fund

schools may draw a warrant for the whole amount of the district library fund, payable to the proper authorities of the library, upon the filing with him of a copy of the resolution of the governing board of the district embodying the agreement made with the library. The copy shall be duly certified as correct by the clerk of the district or other proper officer.

Agreement with county

7208. The governing board of any high school district lying wholly or partly within a county maintaining a county free library may enter into a contract or agreement with the board of supervisors of the county by which the high school district may secure the advantages of the county free library upon such terms and conditions as are fixed in the contract or agreement.

Care of property

7209. Whenever a district library shall have become a branch library the district shall provide for the care and custody of and assume responsibility for the books and other property delivered to it subject to the rules and regulations of the county or city library.

Termination of agreement

7210. With the consent of the county superintendent of schools the governing board of the school district may agree with the proper authorities of the county or city to terminate the affiliation of the district with the county or city library. The proceedings shall be terminated prior to the first day of February of the school year in which begun and shall be effective on the first day of July next succeeding.

Termination of services

7211. With the consent of the county board of education, in those counties in which the county superintendent of schools performs library services for the school library of any district, the governing board of the school district may agree with the proper authorities of the county to terminate the affiliation of the district with the county superintendent of schools with respect to library services. The proceedings shall be terminated prior to the first day of February of the school year in which begun and may provide for either:

(a) The complete withdrawal of affiliation effective on the first day of July next succeeding, or

(b) A gradual withdrawal over a period of not to exceed five years beginning on the first day of July next succeeding the termination of proceedings.

The county board of education shall adopt rules and regulations governing such a gradual withdrawal, including the period to be covered, not to exceed five years, the amount of payment for each year, and the amount of service to be rendered. The terms of such gradual withdrawal shall comply with such rules and regulations.

Article 5. District Library Fund

Annual apportionment

7251. Except in cities governed by boards of education, the county superintendent of each county shall annually apportion to each school district, as a library fund, such sum as is requested by the governing board of the school district.

7252. The request shall be in writing and filed with the county superintendent of schools in the month of June of each year. Request

7253. In no case shall the sum transferred to the library fund of any district be less than seventy-five dollars ($75) for each 35 units of average daily attendance or fraction thereof and for each 300 units of average daily attendance in the district during the preceding fiscal year exclusive of the average daily attendance of pupils of the seventh and eighth grades of the district attending a junior high school. Amount

7254. If the governing board of a district fails to file the request in writing, the county superintendent of schools shall transfer from the general fund of the district to the library fund of the district an amount not to exceed one hundred dollars ($100) for each 35 units of average daily attendance or fraction thereof and for each 300 units of average daily attendance in the district during the preceding fiscal year exclusive of the average daily attendance of pupils of the seventh and eighth grades of the district attending a junior high school. Failure to file request

Article 6. Library Fund in Cities

7301. The county superintendent of each county or city and county shall annually apportion to each city or city and county not divided into school districts, as a library fund, such sums as are requested by the board of education of the city or city and county. Annual apportionment

7302. The request shall be in writing and shall be filed with the county superintendent of schools at least 30 days before the first day of the month in which the supervisors of the county or city and county are required by law to levy the amount of taxes required for county or city and county purposes for each year. Request

7303. In each city or city and county, comprising a single district, the amount apportioned shall not be less than one dollar and fifty cents ($1.50) for each pupil of average daily attendance in the elementary schools. Amount

7304. The amount apportioned shall be deducted from the county school fund apportioned to each city or city and county and credited to the library fund of each city or city and county. Deduction

7305. If the board of education of any city or city and county fails to file the request in writing, the county or city and county superintendent shall apportion to the library fund of each city or city and county failing to make the request in writing, such amount, but not less than the amount specified in Section 7303, as he deems advisable. Failure to file request

7306. The total amount of each apportionment shall constitute the library fund of each city or city and county not divided into school districts, and shall be expended only in accordance with the provisions of this chapter (commencing at Section 7051). Library fund

Article 7. Use of Library Fund

School apparatus and books

7351. The governing board of any school district shall expend the library fund, together with such money as is added thereto by donation, in the purchase of school apparatus and books for a school library, including books for supplementary work.

Conditions of purchase

7352. No warrant shall be drawn by the superintendent of schools upon the order of any governing board of any school district against the library fund of any district unless the order is accompanied by an itemized bill, showing the books and apparatus, and the price of each in payment of which the order is drawn, and unless the books and apparatus, except in the case of library books and apparatus purchased by a district employing a district superintendent of schools or a school librarian for full time, have been adopted by the county, city, or city and county board of education.

Approval

7353. All orders of the governing board of any school district for books or apparatus shall in every case be submitted to the superintendent of schools of the county, city, or city and county, respectively, for his approval, before the books or apparatus shall be purchased.

Chapter 13. School Farms

Power to establish

7401. The governing board of any school district may, for the purpose of providing practical instruction in agriculture, establish one or more school farms for any one or more of the schools of the district whenever in its judgment it is advisable to do so.

Costs

7402. The cost of purchasing and equipping a school farm and all other costs not met from the receipts of the operation of the farm shall be a charge against the funds of the school district.

Supervision

7403. The governing board of the district may provide for the general supervision of the farm and the cost of the supervision may be a charge against the funds of the district.

Disposition of money

7404. All moneys received from the sale of produce, livestock and other products of a farm shall be paid into the county treasury to the credit of the general fund of the district.

"The School Farm Account"

7405. The governing board of the school district may, as an alternative to the procedure provided for in Section 7404, establish an account for each such farm established in the district, or for all such farms established by the district, in one or more banks to be known as "The School Farm Account" of (insert name of district) District. If the account is established for one of several farms, it shall be known as "The School Farm Account of (insert name of school) School of (insert name of district) District." All receipts of the school farm, or farms, derived from the sale of produce, livestock, and other products, may be withdrawn from the general fund in the

same manner as other moneys may be withdrawn from funds of the district and deposited in the account for expenditure for the operation and maintenance of the farm, or farms, in accordance with the direction of the governing board.

Custody of account

7406. The governing board may designate an employee or employees of the district to have custody of the account or accounts established under Section 7405, who shall be responsible for the payment into the account or accounts of all moneys received for or to be paid into the account or accounts, and for all expenditures therefrom, subject to such regulations as the governing board may prescribe.

Livestock, produce, etc

7407. The governing board may buy feed, livestock, and materials and supplies for a farm and may sell produce, livestock and other products of a farm in accordance with rules and regulations adopted by the board notwithstanding any provision of this code in conflict with such rules and regulations.

DIVISION 7. EDUCATIONAL PROGRAM

CHAPTER 1. GENERAL PROVISIONS

Article 1. State Curriculum Commission

Curriculum Commission

7501. There is in the State Government the State Curriculum Commission consisting of the Superintendent of Public Instruction, and 10 additional members appointed by the Superintendent of Public Instruction with the approval of the State Board of Education.

Members

7502. Among the appointive members of the Curriculum Commission there shall be at least one county superintendent of schools, one city superintendent of schools, one person employed in a junior college in a position requiring certification qualifications, one high school principal, one elementary school principal, one college teacher of education and one classroom teacher.

Term

7503. All members of the commission shall be appointed for a term of four years.

Vacancies

7504. In case of a vacancy on the Curriculum Commission, the Superintendent of Public Instruction shall appoint a member to serve for the remainder of the unexpired term.

Chairman

7505. The Superintendent of Public Instruction shall be the chairman of the Curriculum Commission.

Annual meeting

7506. The annual meeting of the State Curriculum Commission shall be held on the third Saturday in June of each year, but the commission may fix another date for the annual meeting. The Superintendent of Public Instruction shall call meetings of the commission when in his discretion meetings are necessary.

Compensation

7507. Members of the State Curriculum Commission shall serve without compensation, but they shall be allowed their

actual and necessary traveling expenses in attending meetings of the commission and in attending meetings of any committee or subcommittee of the commission of which they are members

Expenses

7508. The expenses of the State Curriculum Commission shall be paid out of appropriations made to the Superintendent of Public Instruction or State Department of Education.

Courses of study

7509. The Curriculum Commission shall study problems of courses of study in the schools of the State and may recommend to the State Board of Education the adoption of minimum standards for courses of study in the kindergarten, elementary, and secondary schools.

Standards

7510. Courses of study in the public schools shall conform to such minimum standards when adopted.

Article 2. Enforcement of Courses of Study

Powers of district boards

7551. The governing board of any school district shall enforce in the schools the course of study and the use of textbooks prescribed and adopted by the proper authority.

Powers of city boards of education

7552. Each city board of education shall prepare annually and keep on file for public inspection the courses of study prescribed for the kindergarten, elementary, and high schools of the city school district under its jurisdiction.

Powers of county boards of education

7553. County boards of education shall, except in cities having a city board of education, prescribe and enforce in the public schools a course of study.

Chapter 2. General Courses of Study

Article 1. Elementary School Courses

Years of instruction

7601. Except as otherwise provided, the courses of study for the day elementary schools in districts maintaining junior high schools shall embrace six years of instruction, and in districts in which junior high schools are not maintained, the courses of study shall embrace eight years of instruction. Courses shall allot six or eight years, respectively, for instruction in subjects required to be taught in such schools and may allot not more than two years for kindergarten instruction.

The course of study for any day elementary school located in an elementary school district situated in a high school district maintaining one or more junior high schools, where the districts are governed by boards of identical personnel, shall embrace six years or eight years at the discretion of the governing board of the elementary school district.

The courses of study for the day elementary schools of a unified school district maintaining one or more junior high schools shall embrace six years or eight years, or some of the elementary schools may be maintained for six years and some may be maintained for eight years. The courses of study for any day elementary school located in an elementary school

district situated in a union or joint union high school district maintaining one or more junior high schools shall be six years or eight years at the discretion of the governing board of the elementary school district if such high school district did not maintain a junior high school prior to July 1, 1943, and if such elementary school is located 40 miles or more by the nearest traveled road from any junior high school maintained by such high school district.

In all other cases, the courses of study of any elementary school shall embrace eight years.

Each day elementary school may allot not more than two years for kindergarten instruction.

Same

7602. Notwithstanding anything in Section 7601 to the contrary, an elementary school district otherwise authorized to maintain a course of study for the day elementary schools of the district embracing only six years of instruction which during the school years 1943-1944 and 1944-1945 maintained a course of study for the day elementary schools of the district embracing eight years of instruction is hereby authorized to maintain a course of study for such schools embracing six years of instruction or eight years of instruction at the discretion of the governing board of the district.

Agreements for education of seventh and eighth grade pupils

7603. Notwithstanding anything in Section 7601 to the contrary, an elementary school district otherwise authorized to maintain a course of study for the day elementary schools of the district embracing only six years of instruction which during the school years 1953-1954 and 1954-1955 maintained a course of study for the day elementary schools of the district embracing seven or eight years of instruction is hereby authorized to enter into an agreement with the governing board of the high school district maintaining junior high schools in the district, subject to the approval of the county superintendent of schools having jurisdiction, stipulating the terms upon which the elementary school district shall educate pupils of the seventh or eighth grades, or both, of the junior high school.

Any contract entered into pursuant to this section does not in any manner change the legal status of any high school district authorized to maintain seventh and eighth grades, and the authorization and obligation of such high school district to furnish school buildings for such seventh and eighth grade pupils is and shall continue to be a sole responsibility of such district.

Contracts entered into pursuant to this section may be for a term of not to exceed five (5) consecutive school years.

Courses of study in elementary schools

7604. The course of study in the elementary schools shall include instruction in the following prescribed branches in the several grades in which each is required pursuant to this article (commencing at Section 7601): (a) Reading, (b) writing, (c) spelling, (d) language study, (e) arithmetic, (f) geography, (g) history of the United States and of California, (h) civics including a study of the Declaration of Independence and of the Constitution of the United States, (i) music,

(j) art, (k) training for healthful living, (*l*) morals and manners, and such other studies not to exceed three as may be prescribed by the board of education of the city, county, or city and county; provided, however, that whenever any part of "training for healthful living" conflicts with the religious beliefs of the parent or guardian of any pupil, then on written request of the parent or guardian the pupil may be excused from the part of the training which conflicts with such religious beliefs.

Minimum requirements

7605. A minimum of 50 percent of each school week shall be devoted to reading, writing, language study, spelling, arithmetic, and civics in grades one to six, inclusive, and a minimum of 600 minutes of each school week shall be devoted to such subjects in grades seven and eight.

Construction

7606. Nothing contained in this article (commencing at Section 7601) shall be construed as repealing any other provisions of law relative to the elementary school courses of study.

Article 2. Postgraduate Courses in Elementary Schools

Subjects

7651. The postgraduate courses in elementary schools shall consist of business English, commercial arithmetic, commercial and physical geography, bookkeeping, and United States history and civics.

Permitted subjects

7652. The county board of education may provide work in elementary agriculture, manual arts, stenography, and typewriting.

Article 3. Junior High School Courses

Junior high school courses

7701. The course for junior high school shall be designed to fit the needs of pupils of the seventh and eighth, or of the seventh, eighth, and ninth, or of the seventh, eighth, ninth, and tenth grades.

Same: Seventh and eighth grades

7702. The course for junior high school comprising the seventh and eighth grades only shall be designed to fit the needs of pupils of the seventh and eighth grades. The course shall be prepared under the direction of the governing board having control thereof and shall be subject to the approval of the State Board of Education.

Article 4. High School Courses

Preparation and approval

7751. A course of study for each high school shall be prepared under the direction of the governing board having control thereof, and shall be subject to the approval of the State Board of Education.

High school courses

7752. The course for four-year high schools shall be designed to fit the needs of pupils of the ninth, tenth, eleventh, and twelfth grades of the public schools.

Continuation high school courses

7753. The course for continuation high schools shall be designed to fit the needs of minors who are required to attend part-time continuation classes.

7754. The course for senior high schools shall be designed to fit the needs of pupils of the tenth, eleventh, and twelfth, or of the eleventh and twelfth grades. Senior high school courses

7755. Each high school district shall maintain, in one or more of its day high schools, a course of study designed to prepare prospective students for admission to state colleges and the state university. Preparation for college or university

7756. In addition to other subjects of instruction each high school course of study may include training in athletics, military drill and tactics, manual training, domestic science and art, agriculture, horticulture, dairying, or other vocational work, for which credit may be given as a part of the high school work. Instruction therein shall be given at such times and in such manner as the high school board shall determine. Permitted courses

7757. Upon satisfactory evidence being shown to the superintendent of Public Instruction that the high school board of any high school district has neglected or refused to establish only such courses of study as have been approved by the State Board of Education, or to comply with any of the other provisions of Sections 7756 and 7757, the Superintendent of Public Instruction shall withhold from the high school district, all apportionments from the State High School Fund, until the high school board fully complies with the provisions of Sections 7701 to 7760, inclusive. Failure to establish approved courses

7758. The governing board of any district maintaining a four year high or senior high school may, subject to such rules and regulations as may be prescribed by the State Board of Education, evaluate courses completed by a veteran in any high school, junior college or state college, grant credit toward graduation for military service and training received while in the military service of the United States and if satisfied that such veteran has completed the equivalent of the requirements for graduation from such high school, may grant such veteran a diploma of graduation from such high school. Credit for training in military service

7759. A veteran who entered the military service of the United States while a student in the twelfth grade of a high school and who at the time of his entrance into such military service had satisfactorily completed the first half of the work required for the twelfth grade shall be granted a diploma of graduation from such high school. Graduation of veteran

7760. "Veteran" as used in Sections 7758 to 7760, inclusive, means a person who has served 90 days or more in the military service of the United States during a war with a foreign power or during any national emergency declared by the President of the United States and who has been honorably discharged from such service. "Veteran"

Article 5. Junior College Courses

7801. A course of study for each junior college shall be prepared under the direction of the governing board of the Preparation of courses

district maintaining the junior college and shall be subject to the approval of the State Board of Education.

Two-year junior colleges

7802. The course of study for two-year junior colleges shall be designed to fit the needs of pupils of the thirteenth and fourteenth grades and may include courses of instruction designed to prepare for admission to the upper division of higher institutions of learning and such other courses of instruction designed to prepare persons for agricultural, commercial, homemaking, industrial and other vocations, and such courses of instruction as may be deemed necessary to provide for the civic and liberal education of the citizens of the community.

Approval of courses

7803. No state funds shall be apportioned to any district on account of the attendance of students enrolled in junior college courses unless the courses have been approved by the State Board of Education.

Standards of graduation

7804. The governing board of each district maintaining a junior college shall prescribe requirements for graduation from junior college courses.

Two-year junior colleges

7805. The minimum requirement for graduation from a two-year junior college course of study shall be at least 60 credit hours of work.

Four-year junior colleges

7806. The minimum requirement for graduation from a four-year junior college course of study shall be at least 120 credit hours of work.

Credit hour

7807. One credit hour of junior college work is approximately three hours of recitation, study, or laboratory work per week throughout a term of 16 weeks. Where a term is more or less than 16 weeks more or less than one credit hour shall be allowed in the same ratio that the length of the term is to 16 weeks.

CHAPTER 3. SPECIFIED REQUIRED COURSES OF STUDY

Article 1. Morals, Manners, and Citizenship

Training of pupils

7851. Each teacher shall endeavor to impress upon the minds of the pupils the principles of morality, truth, justice, and patriotism, to teach them to avoid idleness, profanity, and falsehood, to instruct them in the principles of a free government, and to train them up to a true comprehension of the rights, duties, and dignity of American citizenship.

Mandatory instruction

7852. Instruction shall be given in all grades of school and in all classes during the entire school course, in manners and morals. Instruction upon the nature of alcohol and narcotics and their effects upon the human system as determined by science shall be included in the curriculum of all elementary and secondary schools. The governing board of the district shall adopt regulations specifying the grade or grades and the course or courses in which such instruction with respect to alcohol and narcotics shall be included.

7853. All persons responsible for the preparation or enforcement of courses of study shall provide for instruction on the subjects of alcohol and narcotics. Alcohol and narcotics

7854. No board, commission, or any public officer or employee of the State or of any district, county, city and county, or city is liable for any damage or injury to any person resulting from the publication of any reports, records, prints, or photographs of or concerning any person convicted of violation of any law relating to the use, sale, or possession of narcotics, to school authorities for use in instruction on the subject of narcotics or to any person when used for the purpose of general education; provided, however, that the name of any person concerning whom any such reports, records, prints, or photographs are used shall be kept confidential and every reasonable effort shall be made to maintain as confidential any information which may tend to identify such person. Narcotic offenders Disclosure of information

Article 2. History and Government

7901. In all public and private schools located within the State, there shall be given regular courses of instruction in the Constitution of the United States, and in American history, including the study of American institutions and ideals, and of the principles of State and local government established under the Constitution of this State. Mandatory instruction

7902. Instruction in the courses required by Section 7901 shall begin not later than the opening of the eighth grade and shall continue in the high school course and in courses in state colleges, the universities, and educational departments of state, municipal, and private institutions, to an extent to be determined by the Superintendent of Public Instruction. Courses

7903. Basic instruction in geography, United States history, civics, the Declaration of Independence, the Constitution of the United States, and in American institutions and ideals as prescribed by Sections 7901, 7902 and 7604 of this code shall be prerequisite to participation by pupils in advanced courses involving the study of problems in sociology, political science, economics, foreign trade, and foreign affairs. Prerequisite to advanced courses

7904. No pupil shall receive a certificate of graduation from any school described in Section 7902 unless he has satisfactorily passed an examination on the courses required by Section 7901. Examination

A student of a college or university who after having completed a course of instruction prescribed by this article (commencing at Section 7901) and successfully passed an examination on the courses required by Section 7901, transfers to another college or university shall not be required to complete another such course or pass such an examination as a condition precedent to his graduation from the college or university.

7905. The Superintendent of Public Instruction shall make arrangements for carrying out the provisions of this article Administration

(commencing at Section 7901) and prescribe a list of suitable texts adapted to the needs of the schools and college grades.

Violations

7906. The wilful neglect or failure of any superintendent, principal, or teacher, to observe and carry out the requirements of this article (commencing at Section 7901), shall be sufficient cause for dismissal or removal from his position.

Article 3. Outdoor Science, Conservation and Forestry

Powers of governing boards

7951. The governing board of any school district may:

(a) Conduct programs and classes in outdoor science education and conservation education within or without the boundaries of the school district and for that purpose employ instructors, supervisors, and other personnel and provide necessary equipment and supplies.

(b) Acquire and maintain real or personal property needed for outdoor science education and conservation education programs and classes either within or without the boundaries of the school district either by purchase, rental, lease, gift, or other means in the same manner as if the property were within the boundaries of the school district.

(c) Contract with the United States, the State of California, any city, county, city and county or school district therein, or any combination thereof for the joint operation and maintenance of such programs and classes in outdoor science education and conservation education or for assistance in their operation and maintenance.

(d) Transport or arrange transportation of pupils, instructors, supervisors or other personnel to or from places where such programs and classes are being conducted, whether within or without the district; provided, such transportation is within the State and not in excess of a radius of 180 miles from the school or schools of the district.

Same

7952. The governing board of any school district may:

(a) Conduct courses in forestry, and for that purpose employ instructors and supervisors of classes, and acquire necessary equipment.

(b) Acquire forest lands outside the boundary of the district by lease for a period not exceeding five years, or purchase or sell such lands in the same manner as lands within the boundary of the district are purchased or sold.

(c) Afforest and reforest, and plant trees, shrubs, and vines, on such lands, or upon any public lands which may be placed at its disposal, and enter into contracts and agreements with the Government of the United States, the State, or any political subdivision thereof for such purpose.

(d) Transport pupils, instructors, or supervisors of classes to or from classes or places where such work is being done, whether within or without the district, in the same manner and subject to the same limitations as in transporting pupils to and from school.

7953. The county superintendent of schools may, with the approval of the county board of education, enter into an agreement with the governing board of any school district to provide programs and classes in outdoor science education and conservation education for pupils in the district of the sixth grade or any higher grade. The agreement shall provide for the payment by the district of the actual cost of providing such programs or classes. The county superintendent of schools shall transfer from the funds of the district to the county school service fund the amounts set forth in the agreement. Agreements for outdoor science and conservation education

All of the powers and duties authorized for governing boards of school districts by Section 7951 are powers and duties of the county superintendent of schools whenever, pursuant to this section, he provides programs and classes in outdoor science education and conservation education.

Article 4. Public Safety and Accident Prevention

8001. Instruction shall be given in every elementary and secondary school in the State in the subjects of public safety and accident prevention. Special emphasis shall be devoted to the avoidance of hazards upon streets and highways Mandatory instruction

8002. The State Board of Education shall: Rules and manual

(a) Adopt such rules and regulations as it deems necessary and proper to secure instruction in public safety and accident prevention in the elementary and secondary schools of this State in accordance with the provisions of this article (commencing at Section 8001).

(b) Compile or cause to be compiled and printed a manual in public safety and accident prevention, primarily devoted to avoidance of hazards incident to the use of streets and highways for distribution to teachers in the public elementary and secondary schools of the State.

8003. The State Board of Education in standardizing the courses of instruction offered in the state colleges shall prescribe a course in public safety and shall make the completion of the course a requirement for graduation. Courses

8004. The Superintendent of Public Instruction shall make arrangements for carrying out the provisions of this article (commencing at Section 8001), and the superintendent of schools of every county, city and county, or city, and the governing board of every school district shall require that instruction in public safety be given in the schools under its jurisdiction or control. Enforcement

Article 5. Fire Prevention

8051. The board of education of each county, city and county, and city, whose duty it is to prescribe the course of study for the elementary schools of the county, city and county, and city, shall prescribe a course of study in fire prevention dealing with the protection of lives and property against loss Courses

and damage as a result of preventable fire pursuant to this article (commencing at Section 8051) for all pupils enrolled in the day elementary schools.

Same

8052. The governing board of each high school district shall prescribe a suitable course of fire prevention for all pupils enrolled in the day high school of the district.

Purposes

8053. The aims and purposes of the courses of fire prevention shall be as follows:

(a) To create an understanding of the cause and origin of fires.

(b) To emphasize the dangers of carelessness and neglect in homes and public buildings, and the necessity of care in the use of fires.

(c) To promote an interest in preventing fires and the protection of lives and property.

Establishment of courses

8054. The State Board of Education shall adopt such rules and regulations as it deems necessary and proper to secure the establishment of a course in fire prevention in the elementary and secondary schools.

Enforcement

8055. The superintendent of schools of every county, city and county, or city, and every board of education, board of school trustees, or high school board, shall enforce the course of fire prevention prescribed by the proper authority.

Duty of teachers

8056 Each teacher in any public school of the State shall devote a reasonable time in each month during which the school is in session to the instruction of the pupils in the course of study and in fire prevention comprising the ways and means of preventing loss and damage to lives and property through preventable fires.

Article 6. Driver Education and Training

Courses in automobile driver education

8101. The Director of Education shall prepare and recommend to the State Board of Education, and the Board shall adopt, not later than May 1, 1948, rules and regulations governing the establishment, conduct and scope of automobile driver education and automobile driver training in secondary schools of this State subject to the requirements and exceptions set forth in this article (commencing at Section 8101).

Purposes

8102. The aims and purposes of automobile driver education shall be to develop a knowledge of those provisions of the Vehicle Code and other laws of this State relating to the operation of motor vehicles, a proper acceptance of personal responsibility in traffic and a true appreciation of the causes, seriousness and consequences of traffic accidents.

Same

8103. The aims and purposes of automobile driver training shall be to develop the knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles. The governing board of any district maintaining a secondary school which includes any of the grades 9 to 12, inclusive, may in its discretion establish and maintain automobile driver training for pupils enrolled in the day secondary schools in the district.

8104. On and after the effective date of the rules and regulations adopted by the State Board of Education under Section 8101, automobile driver education and automobile driver training shall be established and maintained only in accordance with such regulations. Regulations governing

8105. (a) From and after the effective date of this amendment the governing board of each district maintaining a secondary school shall provide automobile driver education for pupils enrolled in the regular full time day secondary schools in the district. Such driver education shall be given in one of the grades 9, 10, 11, or 12 in every such secondary school but need not be given in any such secondary school which terminates with the ninth or tenth grade. Such driver education shall be given all such pupils prior to graduation from the twelfth grade except as otherwise permitted under this section. Mandatory courses

(b) A pupil who has completed such driver education in any secondary school shall not be required to repeat such driver education in another secondary school in the same or another district.

(c) The governing board of a district may grant such exemptions as it determines to be desirable in respect to twelfth grade pupils who transfer to a school in such district in which driver education is given in a lower grade.

(d) Notwithstanding the foregoing provisions of this section the governing board of a school district may make application to the State Department of Education for a partial or total exemption during each succeeding school year in respect to one or more of the schools in the district from the requirement that the district maintain automobile driver education in the school or schools named in the application. The application may be granted by the State Department of Education only when it determines upon the basis of the application that it is not practical for good and sufficient reasons to maintain driver education in any designated school or schools.

8106. "Automobile driver training" as used in this article (commencing at Section 8101) means that type of instruction which has as its purpose the development of knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles, including behind-the-wheel driving and observation in a dual control automobile. "Automobile driver training"

8107. The governing board of the school district may prescribe regulations determining who can profit by and who shall receive instructions in automobile driver training; provided, however, that no pupil shall be permitted to enroll in automobile driver training unless such pupil is presently enrolled in a course of instruction in automobile driver education, or has satisfactorily completed such course. The regulations shall be subject to such standards for driver education and driver training as may be prescribed by the State Board of Education. Eligibility regulations

8108. The Superintendent of Public Instruction shall promote and direct the establishment and maintenance of courses Promoting, etc. of courses

of instruction in automobile driver training in the public schools. For that purpose, he shall employ such professional and other personnel as are necessary to give full effect to this article (commencing at Section 8101).

Excess cost allowance

8109. The Superintendent of Public Instruction shall allow to each district the actual excess cost of training each pupil in such driver training in accordance with the rules and regulations as set forth by the State Board of Education. However, there shall not be allowed a sum in excess of thirty-five dollars ($35) per pupil trained. Not more than the maximum enrollment of the tenth, eleventh, or twelfth grade classes of the district shall be counted as eligible for instruction in automobile driver training each year.

Reports

8110. The governing board of each school district shall report annually to the county superintendent of schools and to the Superintendent of Public Instruction on forms provided by the Superintendent of Public Instruction, the cost of instructing such pupils, and such other information as may be required for the computation of the excess cost incurred in the instruction of the pupils in automobile driver training.

Excess cost Determination

8111. The Superintendent of Public Instruction shall determine the amount of excess cost incurred by each school district during the preceding fiscal year for the establishment and maintenance of automobile driver training for pupils enrolled in the schools of the district in accordance with such regulations as he may prescribe. "Excess cost" as employed in this section includes the total current expenditures incurred for instructing pupils in automobile driver training in special classes, including, but not limited to, automobile replacement, insurance, upkeep and maintenance of automobiles used in such training. "Special classes" as employed herein includes classes providing automobile driver training for pupils who may be excused either in small numbers from regular classes, including academic classes, physical education classes, and other approved classes, or at such time as may be determined by the governing board of the district.

Authority to insure, etc

8112. The governing board of a district maintaining courses in driver education and automobile driver training may insure against any liability arising out of the use of motor vehicles in connection with such courses. The cost of such insurance shall be paid from available school district funds.

Article 7. Physical Education

Health

8151. Attention shall be given to such physical exercises for the pupils as may be conducive to health and to vigor of body, as well as mind, and to the ventilation and temperature of schoolrooms.

Courses in physical education

8152. The Department of Education shall:

(a) Adopt such rules and regulations as it deems necessary and proper to secure the establishment of courses in physical education in the elementary and secondary schools.

(b) Compile or cause to be compiled and printed a manual in physical education for distribution to teachers in the public schools of the State.

8153. The Department of Education may: Employees

(a) Employ the necessary expert and clerical assistants in order to carry out the provisions of Sections 8152 to 8164, inclusive.

8154. The Department of Education shall exercise general supervision over the courses of physical instruction in elementary and secondary schools of the State; exercise general control over all athletic activities of the public schools; advise school officials, school boards, and teachers in matters of physical education; and investigate the work in physical education in the public schools. General supervision

8155. The aims and purposes of the courses of physical education established shall be as follows: Purposes

(a) To develop organic vigor.

(b) To provide neuromuscular training.

(c) To promote bodily and mental poise.

(d) To correct postural defects.

(e) To secure the more advanced forms of co-ordination, strength, and endurance.

(f) To promote such desirable moral and social qualities as appreciation of the value of co-operation, self-subordination, and obedience to authority, and higher ideals, courage, and wholesome interest in truly recreational activities.

(g) To promote a hygienic school and homelife.

(h) To secure scientific supervision of the sanitation and safety of school buildings, playgrounds, and athletic fields, and the equipment thereof.

8156. The board of education of each county, city and county, and city, whose duty it is to prescribe the course of study for the elementary schools of the county, city and county, or city, shall prescribe suitable courses of physical education for all pupils enrolled in the day elementary schools, except pupils who may be excused in accordance with the provisions of Sections 8152 to 8164, inclusive. Courses

8157. The governing board of each school district maintaining a secondary school shall prescribe suitable courses of physical education for all pupils enrolled in the day secondary schools of the district, except pupils who may be excused. Same

8158. The superintendent of schools of every county, city and county, or city, and the governing board of every school district shall enforce the courses of physical education prescribed by the proper authority, and require that such physical education be given in the day schools under their jurisdiction or control. Enforcement

8159. All pupils enrolled in the elementary schools, except pupils excused, shall be required to attend upon the courses of physical education for an instructional period in each school day which shall be not less than 20 minutes exclusive of recesses and the lunch period. Minimum instruction Elementary schools

Same High schools

8160. All pupils enrolled in the junior or senior high schools, except pupils excused, shall be required to attend upon the courses of physical education for an instructional period in each school day which shall be not less than the length of the regular academic periods of the school.

Same Junior colleges

8161. All pupils enrolled in the junior colleges, except pupils excused, shall be required to attend upon the courses of physical education for a minimum of 120 minutes per week. Where adequate facilities are available a daily program is recommended.

Exemptions

8162. The governing board of each district may grant temporary exemption to pupils who are ill or injured where a modified program to meet the needs of the pupils cannot be provided, and to pupils while enrolled for one-half, or less, of the work normally required of full-time students. Permanent exemption may be granted a pupil who has reached, in the case of an elementary school or high school pupil, his twenty-first birthday, or in the case of a junior college pupil, his twenty-fifth birthday, or a pupil enrolled as a postgraduate student.

Supervisor and teachers

8163. When the number of pupils in any city, or city and county, or school district is sufficient, the governing board shall employ a competent supervisor and such special teachers, trained in physical education, as are necessary to obtain the aims and purposes set forth in Sections 8152 to 8164, inclusive.

Employment by more than one district

8164. The governing boards of two or more contiguous school districts may, by a written agreement, join in the employment of competent supervisors and teachers trained in physical education for the districts, and the salary of the supervisors and teachers and the expenses incurred on account of the instruction shall be apportioned as the governing boards concerned may agree.

Chapter 4. Permissive Courses of Study

Article 1. Moral and Religious Instruction

Moral and religious instruction

8201. Pupils, with the written consent of their parents or guardians, may be excused from school in order to participate in religious exercises or to receive moral and religious instruction at their respective places of worship or at other suitable place or places away from school property designated by the religious group, church, or denomination, which shall be in addition and supplementary to the instruction in manners and morals required elsewhere in this code. Such absence shall not be deemed absence in computing average daily attendance, if all of the following conditions are complied with:

(a) The governing board of the district of attendance, in its discretion, shall first adopt a resolution permitting pupils to be absent from school for such exercises or instruction.

(b) The governing board shall adopt regulations governing the attendance of pupils at such exercises or instruction and the reporting thereof.

(c) Each pupil so excused shall attend school at least the minimum school day for his grade for elementary schools, and as provided by the relevant provisions of the rules and regulations of the State Board of Education for secondary schools.

(d) No pupil shall be excused from school for such purpose on more than four days per school month.

It is hereby declared to be the intent of the Legislature that this section shall be permissive only.

Article 2. Military Science and Tactics

Establishment

8251. The governing board of any school district maintaining a secondary school may establish in the school courses in military science and tactics complying with the laws of the United States made and provided with reference to Reserve Officers Training Corps units in educational institutions.

No student enrolled in any such school shall be required to enroll in any course in military science and tactics.

Article 3. Instruction by Correspondence

Instruction by correspondence

8301. The governing board of a district maintaining one or more secondary schools may, subject to such rules and regulations as may be prescribed by the State Board of Education and upon the authorization of the Superintendent of Public Instruction, provide pupils enrolled in the regular day schools of the district with instruction by correspondence provided by the University of California, or other university or college in California accredited for teacher training under this code, in subjects included within the courses of study offered in the school and which for good reason cannot be given by the school, and pay the cost thereof. Such instruction when provided for a pupil must be a part of the regular course of study of such pupil.

Same For veterans

8302. Notwithstanding anything in Section 8301 to the contrary, the governing board of any school district may, subject to such rules and regulations as may be prescribed by the State Board of Education and upon the authorization of the Superintendent of Public Instruction, provide veterans enrolled in schools or classes of the district with instruction by correspondence, provided by any university or college referred to in Section 8301 or by any other university, college, school, institution or organization approved by the Superintendent of Public Instruction in subjects which may be necessary to adjust the veteran to an occupation and which, for good reason, cannot be given by the school, and pay for the cost thereof.

Article 4. Work Experience Education

Powers of board

8351. The governing board of any district maintaining a high school or junior college may:

(a) Provide for the instruction of pupils in the skills, attitudes, and understandings necessary to success in employment by means of courses of work experience education as provided in this article (commencing at Section 8351).

(b) Provide for guidance and supervision procedures designed to insure maximum educational benefit to students from placement in suitable work experience education courses.

(c) Provide for arranging, approving, co-ordinating, and awarding credit for work experience education courses, and for those purposes employ instructors, co-ordinators, and other necessary personnel.

Standards

8352. The State Board of Education shall establish standards for work experience education, including but not limited to, the following:

(a) Selection and approval of work stations.

(b) Supervision of pupils.

(c) Credit allowable for work experiences.

(d) Guidance procedures related to work experience education.

Rules and regulations

8353. The Department of Education shall adopt such rules and regulations as are necessary to implement the standards set by the State Board of Education, so as to maintain the educational purpose and character of work experience education.

Applicability Laws or rules re employment of minors

8354. All laws or rules applicable to minors in employment relationships are applicable to students enrolled in work experience education courses.

Employment in part-time jobs

8356. Work experience education as authorized by this article (commencing at Section 8351) includes the employment of pupils in part-time jobs selected or approved as having educational value for the students employed therein and co-ordinated by school employees.

Apprenticeable occupations

8356. Work experience education involving apprenticeable occupations shall be consistent with the purposes of Chapter 4, Division 3, of the Labor Code and with standards established by the California Apprenticeship Council.

Programs in contiguous areas

8357. The governing board of any school district which maintains one or more high schools or junior colleges may provide for the establishment and supervision of work experience education programs in contiguous areas outside the district.

Article 5. Aviation Education

Aviation education program

8401. The Department of Education shall aid and assist local school districts in the development and conduct of a program of aviation education. The California Aeronautics Commission may aid and assist in the selection of airports

and pilots used by the local school districts in flight indoctrination and instruction

8402. The governing board of each district is encouraged to develop aims and purposes of aviation education designed to include: (a) integration of appropriate aviation concepts throughout the elementary school with units of instruction in science, social studies, and arithmetic; (b) aviation experiences in junior high schools in the areas of social studies, science, and arithmetic; (c) elective courses in senior high schools and four-year high schools including air transportation, vocational training, economic, social and political implications of aviation, the science of flight, history of aviation, and flight experience where appropriate airports, planes, and pilots are available, and the need for such instruction is indicated. Periodic reports shall be made to the California Aeronautics Commission concerning the flight indoctrination and instruction program. Aims and purposes

8403. The governing boards of districts maintaining junior colleges are urged to design courses including air transportation, vocational education, career opportunities in civil and military aviation, technical training, flight experience, and ground instruction in localities where the needs of the youth in these communities warrant such a course in these schools. Courses

8404. The California Aeronautics Commission is authorized to make available to public schools offering actual flight experience as part of the regular curriculum a basic insurance program and to assure that adequate supervision and precautionary measures are taken by the flight school operators contracted to provide services for public school students. The governing board of any school district offering actual flight experience as part of the regular curriculum may participate in the basic insurance program provided by the commission and pay from the funds of the district a pro rata share of the cost of the insurance program. Insurance program

CHAPTER 5. PROHIBITED INSTRUCTION

8451. No teacher in giving instruction, nor entertainments permitted in or about any school, shall reflect in any way upon citizens of the United States because of their race, color, or creed. Race, color and creed

8452. No textbook, chart, or other means of instruction adopted by the State, county, city, or city and county boards of education for use in the public schools shall contain any matter reflecting upon citizens of the United States because of their race, color, or creed. Same

8453. No publication of a sectarian, partisan, or denominational character, shall be used or distributed in any school, or be made a part of any school library, nor shall any sectarian or denominational doctrine be taught in any school. Any school district or city, the officers of which knowingly allow any schools to be taught in violation of this section, forfeits Sectarian, etc. publications

all right to any state or county apportionment of school moneys, and upon satisfactory evidence of any violation, the Superintendent of Public Instruction and school superintendent shall withhold both state and county apportionments.

Propaganda and solicitation of funds

8454. (a) No bulletin, circular, or other publication of any character whose purpose is to spread propaganda or to foster membership in or subscriptions to the funds of any organization not directly under the control of the school authorities, or to be used as the basis of study or recitation or to supplement the regular school studies shall be distributed or suffered to be distributed or shown to the pupils of any public school, on the school premises during school hours or within one hour before the time of opening or within one hour after the time of closing of the school. (b) No pupils of the public school shall be solicited by teachers or others to subscribe to the funds of, or work for, any organization not directly under the control of the school authorities. (c) No instruction shall be given through lectures or other means, unless the material contained in the bulletin, circular, or publication, or the purpose of the subscription or instruction has been approved by the State Board of Education, or by the county board of education, or by the governing board of the school district in which the school is situated.

No prohibition of this section shall apply to bulletins or circulars concerning the meetings of their organizations issued by any parent-teacher association or by any organization of parents formed for the purpose of co-operating with the school authorities in improving school conditions in the district.

Advocacy or teaching of communism prohibited

8455. No teacher giving instruction in any school, or on any property belonging to any agencies included in the Public School System, shall advocate or teach communism with the intent to indoctrinate any pupil with, or inculcate a preference in the mind of any pupil for communism.

The Legislature in prohibiting the advocacy or teaching of communism with the intent to indoctrinate any pupil with or inculcate a preference in the mind of any pupil for, such doctrine does not intend to prevent the teaching of the facts of the above subject but intends to prevent the advocacy of, and inculcation and indoctrination into communism as is hereinafter defined, for the purpose of undermining the patriotism for, and the belief in, the Government of the United States and of this State in the minds of the pupils in the Public School System.

For the purposes of this section, communism is a political theory that the presently existing form of government of the United States or of this State should be changed, by force, violence, or other unconstitutional means, to a totalitarian dictatorship which is based on the principles of communism as expounded by Marx, Lenin and Stalin.

CHAPTER 6. COUNTY SCHOOL SERVICE FUND SERVICES

Article 1. General Provisions

8501. The Legislature hereby declares that it is in the interest of the State and of the people for the office of the county superintendent of schools, through the county school service fund, to provide co-ordination of the educational program among districts under his jurisdiction and to provide professional and financial assistance to school districts which otherwise, because of size or location, would not be able to furnish a satisfactory program of education for their children. Such assistance is a matter of general concern inasmuch as the education of the children of the State is an obligation and function of the State. Legislative declaration

In adopting this act, the Legislature considers that the co-ordination of the educational program constitutes the greatest continuing need to be met through the county school service fund. To meet this need the necessity is recognized to provide professional services to co-ordinate courses of study, guidance services, health services, special education, attendance activities, and advisory services in school business administration.

As an additional need, the Legislature recognizes the necessity to provide professional services in districts too small to supply such services for themselves economically and effectively, such as, (1) to prepare courses of study; (2) to supervise instructional practices; (3) to provide direct guidance services, health services, and attendance services normally provided in an educational program; (4) to provide for the purchase, distribution, and use of supplementary instructional materials and equipment; and (5) to provide educational opportunity to normal and special pupils who would otherwise be denied it. It is recognized further that providing for professional service is a transitory function of the county school service fund to be assumed by school districts when, through growth or reorganization, they will be able to perform the services for themselves.

It is the further intent of the Legislature that:

(a) Services involving the co-ordination of the educational program which have among others the purposes of (1) enforcing minimum standards, (2) improving the educational program, and (3) promoting order and reasonable uniformity in the educational program shall be provided, except as may be specifically authorized, at the district level, reserving to the district the opportunity and responsibility for internal improvement, and that such services will be provided in such a manner that recognition will be given to the responsibilities placed upon school districts by the Legislature to determine and administer their own educational program.

(b) Services to school districts which do not constitute co-ordination among districts shall be provided in such a manner that impetus will be given to strengthening school districts

and to improving district organization to the end that more effective programs of education may be offered, and that the provision of services through the county school service fund shall not act to deter or delay any school districts from furnishing such services for themselves.

(c) Services to school districts shall be co-operatively provided by two or more county superintendents of schools without regard for county boundaries whenever a particular service may be so provided with economy and effectiveness.

(d) The direct operation of an educational program by the county superintendent of schools shall, except as specifically authorized by the Legislature, be limited to those emergency cases where children would otherwise be denied an opportunity for education.

County school service fund

8502. The county school service fund shall be used to pay for those services provided by the county superintendent of schools that are authorized by this chapter (commencing at Section 8501), and for such other purposes as are specifically authorized elsewhere in this code.

Co-ordination of courses of study, etc.

8503. The county superintendent of schools may, with the approval of the county board of education and in accordance with regulations of the Superintendent of Public Instruction which he is hereby authorized to adopt, employ qualified personnel to provide for the co-ordination of courses of study, guidance services, health services, special education, attendance activities, and advisory services in school business administration activities among the school districts under his jurisdiction. The regulation of the Superintendent of Public Instruction adopted pursuant to this section shall be adopted with the advice of an advisory committee to include county superintendents of schools, which the Superintendent of Public Instruction is herewith authorized to appoint.

Credential required

8504. The services described in Section 8503 shall, except in advisory services in school business administration activities, clerical, accounting, and stenographic services, be performed by persons who hold a valid credential of one or more of the following types issued by the State Board of Education:

(a) Elementary or secondary school administration credential

(b) Elementary or secondary school supervision credential

(c) Special subject supervision credential

(d) A credential which authorizes service similar to that authorized by one or more of the foregoing types of credentials.

Any person who is employed in the office of a county superintendent of schools on the effective date of this section and is performing any of the services described in Sections 8503 and 8504 may continue to perform such services without possessing the credential otherwise required as long as he remains continuously employed in his position.

Article 2. Preparation of Courses of Studies

8551. The county superintendent of schools may, with the approval of the county board of education, provide for the preparation of courses of study to be used in the elementary school districts under his jurisdiction, except dsitricts governed by a city board of education. Courses of study

8552. The county superintendent of schools may, with the approval of the county board of education, enter into an agreement with the governing board of any school district under his jurisdiction, other than specified in Section 8551, to provide for the preparation of courses of study by the county superintendent of schools for use in such districts. The agreement shall provide for the payment of the cost of services rendered. School district service agreement

8553. The services described in Sections 8551 and 8552 shall, except clerical, accounting, and stenographic services, be performed by persons who hold a valid credential of one or more of the following types issued by the State Board of Education: Credential required

(a) Elementary school administration credential
(b) Elementary school supervision credential
(c) Special subject supervision credential
(d) A credential which authorizes service similar to that authorized by one or more of the foregoing types of credentials.

Any person who is employed in the office of a county superintendent of schools on the effective date of this section and is performing the services described in this article (commencing at Section 8551) may continue to perform such services without possessing the credential otherwise required as long as he remains continuously employed in his position.

Article 3. Supervision of Instruction

8601. The county superintendent of schools may, with the approval of the county board of education, employ supervisors to supervise instruction in the elementary school districts under his jurisdiction which had less than 901 units of average daily attendance during the preceding fiscal year and in the elementary schools of unified school districts under his jurisdiction which had less than 1,501 units of average daily attendance during the preceding fiscal year. The services of supervisors shall be made available in such elementary and unified districts in which adequate supervision of instruction is not being provided by the district. Supervision in elementary school districts

8602. The county superintendent of schools may, with the approval of the county board of education, enter into an agreement with the governing board of any elementary school district under his jurisdiction for the supervision of instruction in the district by the county superintendent of schools. The agreement shall provide for the payment of the cost of providing the supervision of instruction. The county superin- Agreement

tendent of schools shall transfer from the funds of the district to the county school service fund the amounts set forth in the agreement.

Credential required

8603. The services described in Sections 8601 and 8602 shall be performed by persons who hold a valid credential issued by the State Board of Education authorizing such service.

Article 4. Supervision of Attendance

Personnel to supervise attendance of pupils

8651. The county superintendent of schools may, with the approval of the county board of education, employ personnel to supervise the attendance of pupils in elementary school districts under his jurisdiction which had less than 901 units of average daily attendance during the preceding fiscal year, in high school districts under his jurisdiction which had less than 301 units of average daily attendance during the preceding fiscal year, and in unified school districts under his jurisdiction which had less than 1,501 units of average daily attendance during the preceding fiscal year, if the districts are not served by any district supervisor of attendance.

Same: School districts

8652. The county superintendent of schools may, with the approval of the county board of education, provide for the supervision of the attendance of pupils in school districts under his jurisdiction other than specified in Section 8651. The county superintendent of schools shall transfer from the funds of the district to the county school service fund an amount equal to the actual cost of providing for the supervision of attendance.

Credential required

8653. The services described in Sections 8651 and 8652 shall be performed by persons who hold a valid credential issued by the State Board of Education authorizing performance of the service.

Article 5. Supervision of Health

Supervision of health

8701. The county superintendent of schools may, with the approval of the county board of education, employ one or more supervisors of health, as supervisors of health are defined in Section 11751, to provide health services to pupils in elementary school districts under his jurisdiction which had less than 901 units of average daily attendance during the preceding fiscal year, to pupils in high school districts under his jurisdiction which had less than 301 units of average daily attendance during the preceding fiscal year, and to pupils in unified school districts under his jurisdiction which had less than 1,501 units of average daily attendance during the preceding fiscal year.

Alternative health services

8702. In lieu of employing supervisors of health, the county superintendent of schools may, with the approval of the county board of education, contract with the board of supervisors of the county in which he holds office, or with any local health

district located wholly or partially within such county, for the provision of health services by employees of the county health department or local health district to pupils in the school districts specified in Section 8701.

Agreement for services to school districts

8703. The county superintendent of schools may, with the approval of the county board of education, enter into an agreement with the governing board of any school district under his jurisdiction for the provision of any or all health services to the district by the county superintendent of schools. The agreement shall provide for the payment of the cost of providing the services. The county superintendent of schools shall transfer from the funds of the district to the county school service fund the amounts set forth in the agreement.

Credential required

8704. The services described in Sections 8701, 8702, and 8703 shall be performed by persons who hold a valid health and development credential issued by the State Board of Education; provided, however, that a psychologist may be employed to perform psychological services or may perform psychological services under contract if he is the holder of a valid school psychologist credential issued by the State Board of Education.

Duties of supervisors of health

8705. A supervisor of health employed by the county superintendent of schools shall perform such duties in connection with the supervision of health of pupils as are prescribed by the county superintendent of schools. All rules governing health services provided pursuant to Sections 8701, 8702, or 8703 shall be made by the county superintendent of schools.

Article 6. Provision of Guidance Services

Personnel to provide guidance services

8751. The county superintendent of schools may, with the approval of the county board of education, employ personnel to provide necessary guidance services to pupils in elementary school districts under his jurisdiction which had less than 901 units of average daily attendance during the preceding fiscal year, in high school districts under his jurisdiction which had less than 301 units of average daily attendance during the preceding fiscal year, and in unified school districts under his jurisdiction which had less than 1,501 units of average daily attendance during the preceding fiscal year; provided, adequate guidance services are not being furnished by the district.

Services to school districts

8752. The county superintendent of schools may, with the approval of the county board of education, enter into an agreement with the governing board of any district for the provision of guidance services in the district by the county superintendent of schools. The agreement shall provide for the payment by the district of the cost of providing the guidance services. The county superintendent of schools shall transfer from the funds of the district to the county school service fund the amounts set forth in the agreement.

Credential required

8753. The services described in Sections 8751 and 8752 shall be performed by persons who hold a valid credential issued by the State Board of Education authorizing performance of the service.

Article 7. Provision of Library Services

Library services

8801. (a) The county superintendent of schools may, with the approval of the board of supervisors and the county board of education, agree with the county librarian to take over all existing contracts for supplementary books and other material adopted for the course of study between the school districts and the county librarian entered into pursuant to the provisions of Sections 7201 to 7211, inclusive, of this code. Thereafter the county superintendent of schools shall generally perform such library services for the school districts as were theretofore performed by the county library.

(b) After the above agreement has been entered into, the governing board of any school district which had not yet joined the county library may enter into an agreement with the county superintendent of schools for the performance of supplementary book services for the school library.

(c) Whenever the county superintendent of schools performs supplementary book services for the school library of any district, the provisions of Sections 7201 to 7211, inclusive, of this code, so far as applicable, shall control. The county superintendent shall employ a librarian holding a valid credential authorizing services as a librarian issued by the State Board of Education or having possession of a certificate showing completion of a year's work in an accredited library school. He shall also employ such assistants as may be necessary to carry on this service. The cost of the salaries of such librarian and assistants, and the other necessary expenses of maintenance of the library, including necessary supplies, equipment, and books, may be paid from the county school service fund.

County school library service

8802. (a) The county superintendent of schools of any county in which no county library is maintained may, with the approval of the county board of education, establish and maintain a county school library service for such elementary school districts of the county as elect to participate in such service.

(b) Upon the governing board of any elementary school district electing to participate in such service, the governing board of the district shall enter into an agreement with the county superintendent of schools, and the provisions of Sections 7201 to 7254, inclusive, of this code shall control and be applicable in the same manner as they apply to a school district which agrees to make the school library a branch of the county library.

(c) The county superintendent of schools shall have the same powers, duties, responsibilities, and jurisdiction with

respect to the furnishing and performance of library services to elementary school districts which have elected to participate in the county school library service as may be exercised by a county library with respect to school district libraries which are branches thereof.

(d) Whenever the county superintendent of schools establishes and maintains a county school library service pursuant to subdivision (a) of this section, he shall employ a librarian holding a valid credential in librarianship issued by the State Board of Education or having possession of a certificate showing completion of a year's work in an accredited library school.

(e) The county superintendents of schools of two or more contiguous counties which have established county school library services under the provisions of this section may co-operate with each other and to that end may enter into agreements with each other, and may do any and all things necessary or convenient to aid and co-operate in carrying out the provisions of this section.

Purchase of books

8803. The county superintendent of schools may, with the approval of the county board of education, agree with the proper authorities of the county to transfer funds from the county school service fund to the county library for the purchase of such books and other materials as are adopted by the body authorized to adopt courses of study for the school districts of the county.

Emergency elementary schools

8804. The county superintendent of schools of any county maintaining one or more emergency elementary schools may, if the county maintains a county library, enter into an agreement with the proper authorities of the county to establish a branch county library in each of the schools under such terms and conditions as may be agreed upon. The agreement may, among other matters, provide for the payment by the county superintendent of schools to the proper authorities for the use of the county library from the county school service fund of such money at such times as may be agreed upon. All money transferred shall be used solely by the authorities of the county library for the purchase of books and other materials as may be adopted by the county board of education and for the care and distribution of such books and other materials to school libraries which are branch county libraries.

County teachers' library

8805. (a) The county superintendent of schools may establish a county teachers' library and expend from the county school service fund such amounts as are necessary for the purchase of books therefor and for the payment of the necessary expenses of maintenance thereof.

(b) If there is a county library in any county, the county superintendent of schools may enter into an agreement with the county library for the transfer to it of all books and other property belonging to the county teachers' library and may order such sums to be transferred from the county school service fund as are necessary for expenditure for the purchase

and maintenance of books of professional interest to teachers. Thereupon the teachers' library shall be administered as a part of the county library.

Reports

8806. Whenever the county superintendent of schools assumes responsibility for the establishment of a library or the performance of library services pursuant to this article (commencing at Section 8801), the county superintendent shall, on or before August 31st, in each year, report to the State Librarian on the condition of the libraries under his supervision, for the year ending June 30th preceding. The reports of the superintendent shall, in addition to other matters deemed expedient by the librarian and the superintendent, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several county superintendents or librarians, as the case may be, instructions or question blanks so as to obtain the material for a comparative study of library conditions in the State.

Article 8. Provision of Audiovisual Services

Facilities

8851. (a) The county superintendent of schools may, with the approval of the county board of education, establish, conduct, and maintain facilities, for use in the elementary and secondary schools of the school districts under his jurisdiction that elect to participate in the use of the facilities, which provide for audial and visual curriculum materials, including the necessary salaries, supplies, materials, apparatus, and equipment and other necessary expenses.

(b) The county superintendent of schools shall, with the approval of the county board of education, enter into an agreement with the governing board of any district electing to participate which shall provide for payment by the district for the use of audiovisual facilities. The county superintendent of schools shall, with the approval of the county board of education, prescribe the method for determining the amount to be paid for the use of the facilities, but in no event shall the total payments made to the county superintendent of schools of any county by the school districts of that county be less than one-fourth in the Fiscal Year 1956-57, one-third in the Fiscal Year 1957-58, and one-half in the Fiscal Year 1958-59 and thereafter, of the total cost of the use of the facilities provided to the school districts electing to participate, except that the Superintendent of Public Instruction may provide county school service fund money in addition to the established ratio of support in those counties in which he determines that sparsity of population increases operational costs.

(c) Films and filmstrips shall be adopted by the county board of education before they are purchased by the county superintendent of schools.

Credential required

8852. The services described in Section 8851, except clerical, accounting, and stenographic services, shall be performed

by persons who hold a valid credential issued by the State Board of Education of one or more of the types specified in Section 8504.

Any person who is employed in the office of a county superintendent of schools on the effective date of this section and is performing any of the services described in this article (commencing with Section 8851) may continue to perform such services without possessing the credential otherwise required as long as he remains continuously employed in his position.

Distribution of materials

8853. The county superintendent of schools may, with the approval of the county board of education, enter into an agreement with the State, any political subdivision, or any agency of the State or of any political subdivision, to conduct and maintain distribution among schools of districts under the jurisdiction of the county superintendent of schools, under such conditions as are agreed upon, of audial and visual instruction materials and apparatus approved by the constituted educational authorities. The State, any political subdivision, or any agency of the State or of any political subdivision may enter into any agreement with a county superintendent of schools authorized by this article (commencing at Section 8851).

Payments for materials, etc.

8854. The agreement may, among other matters, provide for the payment by the county superintendent of schools, at such times as are agreed upon, from the county school service fund to the State, political subdivision, or agency, of money for the distribution of materials and apparatus among the schools under his jurisdiction. All money transferred shall be used by the authorities of the State, political subdivision, or agency solely for the acquisition of audial and visual materials and apparatus as may be designated by the constituted educational authorities and for the care and distribution to schools of the county of the materials and apparatus.

Acquisition of materials, etc

8855. The county superintendent of schools and the State or any political subdivision, or any agency of the State or of any political subdivision, may acquire materials and apparatus for distribution pursuant to this article (commencing at Section 8851), by purchase, rental, lease, loan, or donation, if the materials and apparatus have been adopted as required by law.

Service to school districts

8856. The governing board of any school district may contract with the county superintendent of schools having jurisdiction over the district, with the State, any political subdivision, or any agency of the State or of any political subdivision, for the rendering to the schools of the district of any service authorized by this article (commencing at Section 8851), and may pay for the service out of any funds of the district.

All funds paid by a school district to a county superintendent of schools for services rendered to the schools of the district shall be deposited in the county school service fund.

Educational television broadcasts

8857. The governing board of any school district or the county superintendent of schools acting with its permission

and on behalf of such a board, or boards, may enter into contracts, either alone or in co-operation with other school districts, for the purpose of participating in or the procuring of television broadcasts for use in the educational program of the schools. Nothing contained in this section, however, shall be construed as authorizing a school district or county superintendent of schools to own, lease, or operate a television broadcasting station.

Article 9. Education of Physically Handicapped

Agreements for education of handicapped

8901. The county superintendent of schools of any county maintaining a school or special day classes for minors who are cerebral palsied, orthopedically handicapped, visually handicapped, or aurally handicapped may, with the approval of the county board of education, enter into an agreement with the governing board of any school district under his jurisdiction for the education, under such terms and conditions as are set forth in the agreement, by the county superintendent of schools of such minors residing in the district.

Agreements re remedial classes

8902. The county superintendent of schools may, with the approval of the county board of education, enter into an agreement with the governing board of any school district under his jurisdiction for the education in remedial classes of physically handicapped pupils who are excused from regular classes for a portion of a class period. The cost of such education to the school district shall not exceed the actual cost thereof to the county superintendent of schools.

Education of physically handicapped minors

8903. The county superintendent of schools may, with the approval of the county board of education, provide for the education of physically handicapped minors who otherwise would be denied proper educational advantages. The education may be provided:

(a) In emergency elementary schools;

(b) By the employment of emergency teachers to provide special instruction in the regular schools of the districts of the county;

(c) By the maintenance of special classes of secondary grade;

(d) By the employment of home instructors to give individual instruction in the home or at the bedside in institutions and by the employment of instructors to provide remedial instruction for physically handicapped minors in regular, special day, and special training schools or classes which he may be authorized to conduct;

(e) By co-operation with the Bureau of Vocational Rehabilitation of the State Department of Education in the provision of individual instruction and co-ordination services; or

(f) By contract with the county superintendent of schools of another county or with the governing board of any school district.

8904. Each county superintendent of schools providing for the education of physically handicapped children pursuant to this article (commencing at Section 8901) shall report annually to the Superintendent of Public Instruction on forms provided by him the total average daily attendance of physically handicapped pupils by types of instruction provided, the cost of educating the pupils, and such other information as may be required, for each elementary and high school district in which the education is provided. Report

8905. The Superintendent of Public Instruction shall determine the amount of excess expense incurred by each county superintendent of schools for the education of physically handicapped pupils. "Excess expense" as used in this section means that amount by which the current expense of education incurred for physically handicapped pupils exceeds the amount to be apportioned under the provisions of Sections 18355, 18356, 18357, and 18358, or Sections 18355.1, 18356.1, 18357.1, and 18358.1, whichever are in effect, to the county school service fund during the then current year on account of the average daily attendance of all pupils whose attendance is credited to the county school service fund at the level for which the excess expense is to be determined, exclusive of the average daily attendance of pupils in a juvenile hall school maintained by the county superintendent of schools during the preceding fiscal year. "Excess expense"

8906. In determining the excess expense incurred by a county superintendent of schools for the education of physically handicapped minor pupils under Section 8905, the Superintendent of Public Instruction shall exclude all current expenses of the county superintendent of schools for the transportation of blind, deaf, cerebral palsied, and orthopedically handicapped pupils, referred to in Sections 18060 or 18060.1, whichever is in effect to and from special day classes. Same

Article 10. Education of Mentally Retarded

8951. (a) The county superintendent of schools shall establish and maintain special training schools or classes for mentally retarded minors who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 901 in the elementary schools of the district and who come within the provisions of Section 6902. Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. Special training schools or classes

(b) The county superintendent of schools may, with the approval of the county board of education, establish and maintain special training schools or classes for mentally retarded minors who reside in the county and who come within the provisions of Section 6902 and contract with an elementary or unified school district with an average daily attendance of 901 or more in the elementary schools of the district, subject

to such terms and conditions as may be agreed upon. The contract shall be approved by the county board of education and shall require the district to pay to the county school service fund of the county in which the district is located all costs of the education of such minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such minors.

Whenever a special training school or class is established under the provisions of this subdivision, the computations prescribed by Sections 17658 and 17663, or Sections 17658.1 and 17663.1, whichever are in effect, shall not apply.

(c) The county superintendent of schools may, with the approval of the county board of education, establish and maintain special training schools or classes for mentally retarded minors who reside in the county and who come within the provisions of Section 6903.

Limit on admissions

8952. Each county superintendent of schools maintaining special training schools or classes for mentally retarded minors pursuant to subdivision (c) of Section 8951 may limit the number of minors to be admitted to such schools or classes. Any minor who becomes 18 years of age while in attendance upon a special training school or class shall be permitted to continue to attend thereon for the remainder of the time the school or class is maintained during the then current school year.

Transportation to schools

8953. Any county superintendent of schools otherwise required or authorized to maintain special training schools and classes under Section 8951 for mentally retarded minors may provide for the education of such minors in, and for the transportation of such minors to, special training schools or classes maintained by a school district under Sections 6901 to 6913, inclusive, or by a county superintendent of schools under this article (commencing at Section 8951), subject to such terms and conditions as may be agreed upon. The agreement shall be approved by the county board of education.

Same

8954. In lieu of entering into an agreement for the transportation of mentally retarded minors by the school district or county superintendent of schools, in the special training schools and classes of which the education of such minors is provided under Section 6910 or 8953, the school district or county superintendent of schools of the county required to provide for their education may provide such transportation.

Certification of funds required

8955. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the board of supervisors, on or before July 15th of each year, the amount of money required to be raised by a county tax for the education of mentally retarded minors who come within the provisions of Section 6902 and for rental of property by the county superintendent of schools for special training schools or classes for such minors. Also, the county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the board of supervisors, on or before July 15th of each year, the amount

of money required to be raised for the education of mentally retarded minors who come within the provisions of Section 6903. The amount shall be determined by subtracting from the total cost of the education of such minors, including transportation, to the county superintendent of schools the total amount to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of mentally retarded minors and by adding to the result the amount required for rental of property. The board of supervisors may include in such amount a sum for capital outlay.

The board of supervisors shall at the time of levying other county taxes levy a county tax for the education of mentally retarded minors who come within the provisions of Section 6902 upon the taxable property of the county sufficient to produce the amount required and may increase such tax in such amount as will produce the amount required for the education of mentally retarded minors who come within the provisions of Section 6903. The amount received from this tax shall be deposited in the county school service fund.

"Excess expense"

8956. The Superintendent of Public Instruction shall determine the amount of the excess expense incurred by each county superintendent of schools for the education of mentally retarded minors. "Excess expense" as employed in this section includes the total current expenses of education incurred for mentally retarded minors instructed in special schools or classes, over the amount to be apportioned as basic state aid under the provisions of Sections 18355, 18356, 18357, and 18358, or Sections 18355.1, 18356.1, 18357.1, and 18358.1, whichever are in effect, to the county school service fund during the then current fiscal year on account of all pupils whose attendance is credited to the county school service fund at the level for which the excess expense is to be determined, exclusive of the average daily attendance of pupils in a juvenile hall school maintained by the county superintendent of schools during the preceding fiscal year.

Article 11. Emergency Schools

Children residing in county, etc

9001. In order to provide elementary education for children residing in the county, or in order to provide elementary education for children of migratory laborers engaged in seasonal industries within the county, the county superintendent of schools may, with the approval of the county board of education, when funds are not available from other sources and in his judgment it is necessary, do any one or more of the following acts:

(a) Establish and maintain one or more emergency elementary schools for children.

(b) Provide one or more emergency teachers for the regular elementary schools of the districts in the county for the pupils.

(c) Provide transportation for the children to an elementary school.

In lieu of providing transportation of any pupil, the county superintendent of schools may, with the approval of the county board of education, pay to the parents or guardian of the pupil the cost of food and lodging for the pupil at a place convenient to an elementary school. The amount so paid shall not exceed the cost of providing for the transportation of the pupil to and from his home and the school.

The county superintendent of schools may, with the approval of the county board of education, pay the expenses incurred in providing all the facilities and services authorized in this section, including necessary capital outlays, from the county school service fund.

All emergency schools shall be maintained in accordance with standards prescribed by the Superintendent of Public Instruction.

Payment of expenses

9002. The county superintendent of schools shall draw requisitions upon the unobligated funds of any suspended school district under his jurisdiction to pay in whole or in part the expenses incurred for the maintenance of emergency schools in the district.

Insurance

9003. The county superintendent of schools may, with the approval of the county board of education, insure all real and personal property constructed, purchased, or otherwise provided by him for emergency schools established by him.

Transfer or sale of property

9004. The county superintendent of schools may, with the approval of the county board of education, transfer or sell the real and personal property of any emergency school maintained by him to any elementary school district under his jurisdiction, or to any other political subdivision of the State within which the school is located, upon such terms and conditions as are agreed upon by the county superintendent of schools, with the approval of the county board of education, and the governing board or authority of the district or other political subdivision. Districts and other political subdivisions may enter into such agreements and acquire such property. Any funds received by the county superintendent of schools under this section shall be paid by him into the county school service fund.

Article 12. Institutes

Annual teachers institute

9051. The county superintendent of schools may, with the approval of the county board of education, hold an annual teachers institute in each year as provided in Sections 13361 to 13380, inclusive, of this code.

Annual institute of noncertificated employees

9052. The county superintendent of schools may, with the approval of the county board of education, hold an annual institute of noncertificated employees in each year as provided in Sections 13621 and 13622 of this code.

Article 13. Annual Meeting of School Trustees

9101. The county superintendent of schools may, with the approval of the county board of education, hold one trustees meeting in each year as follows: Trustees' meetings

(a) One school trustee of each school district of the county shall attend the meeting and participate in its proceedings but more than one trustee of any district may attend if the board of trustees of that district so directs.

(b) School trustees of each school district shall select the trustee or trustees who shall attend the meeting.

(c) Each trustee selected to attend the meeting shall be allowed his actual traveling expenses for not to exceed one day incurred in going to and returning from the meeting. The expenses shall be verified by the county superintendent of schools.

(d) The county superintendent shall notify each trustee of the county at least 10 days prior to calling of the trustees meeting of the time and place of the meeting.

(e) Each session of the trustees meeting may be called at any hour on the day specified and may continue for such time as those meeting see fit.

(f) The county superintendent shall draw his requisition on the county auditor who shall draw his warrant on the county school service fund to pay the expenses of holding the trustees meeting.

Article 14. Miscellaneous

9151. The county superintendent of schools may, with the approval of the county board of education, expend county school service funds for the purpose of administering and accounting for the county school service fund, or he may, with the approval of the county board of education, contract with and pay the board of supervisors for services rendered in administering and accounting for the county school service fund. Expenses of administering county school service fund

9152. The county superintendent of schools may, with the approval of the county board of education, provide services to school districts in screening and directing teachers to the schools under his jurisdiction. Screening, etc., of teachers

9153. The county superintendent of schools may, with the approval of the county board of education, pay actual and necessary travel expenses incurred in connection with curricular and special services by the county superintendent of schools or by his designated staff members in accordance with regulations established by the Superintendent of Public Instruction. Travel expenses of superintendent, etc

9154. The county superintendent of schools may, with the approval of the county board of education, employ personnel to conduct projects in research that are in connection with curricular and special services of the county superintendent Research project

of schools and which have been approved by the county board of education.

Publication of materials

9155. The county superintendent of schools may with the approval of the county board of education provide for the publication of materials that are necessary in connection with the curricular and special services that the superintendent of schools is authorized to perform in the county.

Description of boundaries

9156. The county superintendent may, if he deems it necessary, order a description of the boundaries of any district under his jurisdiction printed in pamphlet form and pay for the pamphlets out of the county school service fund.

Advisory services

9157. The county superintendent of schools may, with the approval of the county board of education, provide advisory services in maintenance of school building and grounds, and in the processing of special problems concerning credentials as designated by the State Department of Education.

DIVISION 8. INSTRUCTIONAL MATERIALS

CHAPTER 1. GENERAL PROVISIONS

Article 1. Preferences for California Produced Books

Books prepared within State

9201. The governing board of any school district and any official, officer, or other person elected or appointed to carry out the provisions of law relating to the public schools of the State and vested with the power of designating textbooks to be used in the public schools shall, in so designating textbooks, unless otherwise provided by general law, give preference to any textbook on any given subject of public instruction which is entirely written, compiled, printed, and published in the State, to the exclusion of any textbook entirely or partly written, compiled, printed, and published outside of the State, if it appears to them that the textbook produced in the State is of superior or equal educational merit to, and can be procured at the same or less cost than any textbook, entirely or partly written, compiled, printed, and published outside of the State

Article 2. Use of Textbooks and Supplementary Books

Enforcement: District

9251. The governing boards of every school district shall enforce in their schools the use of textbooks prescribed and adopted by the proper authority.

Same: County board of education

9252. County boards of education, except in cities having a city board of education, may enforce in the public schools the use of a uniform series of textbooks.

Reports

9253. The governing board of every school district shall make a report, whenever required, directly to the Superintendent of Public Instruction, of the textbooks used in its schools.

Same

9254. Each fiscal year, commencing with the Fiscal Year 1957-58, the governing board of each school district, each

county superintendent of schools, and each county librarian shall prepare and transmit to the Superintendent of Public Instruction, on forms that he shall provide, a report on supplementary books or textbooks, which shall include the total amount expended by the district, county superintendent of schools, or library for the purchase of supplementary books or textbooks during the fiscal year immediately preceding. The Director of Education shall keep such reports available for inspection by any citizen of the State. The director shall also compute the total amount expended during each fiscal year for supplementary books or textbooks, as shown by the reports of all districts, and shall keep a report of such total available for inspection by any citizen of this State.

Refusal to require use of prescribed textbooks, etc

9255. Any city, county, city and county, or district superintendent of schools or any principal of any elementary or secondary school under his charge, who refuses or neglects to require the use of the series of the textbooks prescribed by the State Board of Education or who shall require any pupil, except pupils in classes for adults or junior colleges, to purchase any supplementary book or books for the pupils' use in the schools is guilty of a misdemeanor.

Prohibited acts; royalties

9256. No officer named in this code, and no teacher in any public school, shall act as agent for any author, publisher, bookseller, or other person, to introduce any book, apparatus, furniture, or other article whatever, in the common schools of this State, or directly or indirectly contract for, or receive any gift or reward for introducing or recommending the article

Any officer so acting or receiving is guilty of a misdemeanor, and, shall be punished by fine or imprisonment, and shall be removed from office.

Nothing herein contained shall be construed to prohibit or restrict a teacher in any public school from receiving royalties or other compensation from the publisher or producer of a book or other instructional material written, designed or prepared by such teacher, and adopted or purchased by the State or by any school district, other than compensation paid as commission to the teacher for negotiating sales to the district by which the teacher is employed. No district shall have or claim the right to receive any such royalty or other compensation due to any teacher employed by the district unless the textbook or other material was written or prepared during the normal school day during which the teacher is required by the district to be on duty.

CHAPTER 2. ELEMENTARY TEXTBOOKS

Article 1. Adoption

"Elementary schools"

9301. The term "elementary schools" as used in this chapter (commencing with Section 9301) includes all public schools, except junior high schools, in which instruction is given in the first to the eighth grades, inclusive, or in any one or more of such grades.

Adoption of basic textbooks, etc

9302. The State Board of Education shall adopt one or more basic textbooks in each of the subjects prescribed for the elementary schools by Section 7604 of this code, except in art and in morals and manners. The board may adopt a single textbook covering two or more of these subjects. The board may adopt other textbooks, supplementary textbooks, and teachers' manuals for use in the elementary schools. The board may adopt teachers' manuals for use in the kindergarten schools. The board shall determine the grade or grades for which each basic textbook, other textbook, supplementary textbooks, and teachers' manual is adopted.

The board shall determine the period for which each basic textbook, other textbook, supplementary textbook, and teachers' manual is adopted, which period shall not be less than four years nor more than eight years. After an original adoption period has expired, the board may extend the adoption period of such books for not less than one year nor more than four years.

Nothing in this section shall be construed as prohibiting the governing board of any school district, or any county library from ordering and purchasing such supplementary textbooks as are required.

Specifications

9303. The State Curriculum Commission shall recommend to the State Board of Education, specifications for textbooks for uniform use in the schools of the State so that the textbooks adopted shall conform to the minimum standard for courses of study.

Study and recommendations

9304. The State Curriculum Commission may also study the textbooks submitted to the State Board of Education for adoption and make recommendations thereon to the State Board of Education. The State Curriculum Commission shall give preference to California-produced books of equal or superior merit. The State Curriculum Commission may, without at the time furnishing vouchers and itemized statements, draw from funds appropriated for publishing, purchasing and shipping free textbooks a sum not to exceed ten thousand dollars ($10,000). The sum shall be used as a revolving fund for the purpose of having manuscripts of proposed textbooks prepared.

Public hearing

9305. The State Board of Education shall give the State Curriculum Commission a public hearing before making any adoption of textbooks for use in the elementary schools of the State.

Public inspection

9306. Before final adoption of a textbook, it shall be made available for public inspection for 30 days in not less than 10 public libraries as directed by the State Board of Education.

Provision of textbooks

9307. The State Board of Education shall make available for the use of each pupil enrolled in the elementary schools the textbook that is adopted for the grade in which the pupil is enrolled, except that, in lieu thereof, a copy of a basic textbook covering the same or closely related subject matter and adopted for a lower or higher grade may be made

available for any pupil for whom such a textbook would be more appropriate. The board shall provide copies of basic textbooks for teachers of subjects for which such textbooks are adopted. The board shall determine the quantities in which copies of basic textbooks, other textbooks, supplementary textbooks, and teachers' manuals adopted by the board shall be provided for pupils and teachers.

Whenever the board adopts two or more basic textbooks in a subject, they shall be provided in quantities that shall be determined by the board at the time the textbooks are adopted.

Visual impairment

9308. The State Board of Education shall make available copies of adopted textbooks in large print for pupils enrolled in the elementary schools whose visual acuity is 20/70 or less or who have other visual impairment making the use of such textbooks necessary.

Special material

9309. The State Board of Education shall include in the textbooks and teachers' manuals adopted such materials as it may deem necessary and proper to encourage thrift, fire prevention, and the humane treatment of animals, and teach the evil effects of alcohol and tobacco and other narcotics on the human system.

Civics

9310. The State Board of Education shall include in textbooks and teachers' manuals adopted for a textbook for use in elementary schools for the teaching of civics, particularly the Declaration of Independence and the Constitution of the United States. This textbook shall be in simple form and suited to the comprehension of the pupils.

Article 2. Purchase, Compilation, Publication

Powers of State Board of Education

9351. The State Board of Education may:

(a) Compile in whole, or in part, and manufacture such textbooks as are now in use.

(b) Compile, or cause to be compiled and manufacture such other additional textbooks or books as it may deem necessary or proper for use in the elementary schools of the State.

(c) Purchase books when necessary, or lease plates, maps, engravings, or copyright matter for use in manufacturing textbooks.

(d) Contract for, or lease copyrights for use in compiling, printing, or publishing textbooks.

(e) Provide for the payment of royalties or for the leasing of plates or making the whole or any part of a book, and do any or all things that may be necessary for the purpose of procuring a uniform series of textbooks for use in the elementary day and evening schools of this State.

(f) Arrange for the printing of textbooks by the State Department of Finance.

Cost of publication

9352. The cost of publishing textbooks, and teachers' manuals shall be paid out of funds appropriated for publishing, purchasing and shipping free textbooks.

Criteria of evaluation

9353. Whenever the State Board of Education calls for bids on any textbook, it shall furnish to any person desiring to file a bid the detailed criteria prepared by the State Curriculum Commission and by which the book will be judged and evaluated.

Braille books

9354. The State Board of Education shall provide adopted textbooks in Braille characters for pupils enrolled in elementary schools whose corrected visual acuity is 20/200 or less. For such purpose, the board may acquire such textbooks in any manner allowed by Section 9351. Any cost of providing elementary school pupils with such books shall be paid from amounts appropriated to the Department of Education for the publishing, purchasing, and shipping of free textbooks.

Contracts

9355. Whenever any plates, maps, or engravings of any publisher or author are adopted for use, or whenever any books are purchased, the State Board of Education shall enter into a contract for not less than four years nor more than eight years for their use in the elementary day and evening schools of the State, and shall require a good and sufficient bond of the owners of the books, plates, maps, or engravings under a written guarantee that they shall be kept, revised and free from all errors and up to date as may be required by the State Board of Education.

After an original adoption period has expired, and whenever the State Board of Education extends the adoption period of such books pursuant to Section 9302, such extension shall be for not less than one year nor more than four years in the same manner as prescribed by Section 9351, and Sections 9353 to 9360, inclusive.

Royalties and plates

9356. The amount fixed for royalty and costs of plates or copyright matter in favor of any company, or individual, shall be presented by the Superintendent of Public Instruction to the State Board of Education for its approval. Claims shall be paid quarterly, in the same manner as other claims upon the State Treasury.

Copyrights

9357. The State Board of Education may secure copyrights in the name of the people of the State to any book that is compiled.

Statement by State Board of Education

9358. The State Board of Education, before purchasing textbooks from any source other than the Department of Finance shall file with the department a statement showing:

(a) The price which will be paid for the books.

(b) The cause preventing its production by the department.

(c) Evidence that will support the fact that the publisher actually refused to lease copyright matter, if such refusal is assigned as a cause preventing the production of the book by the department.

(d) The particular advantages of the textbook proposed to be purchased as compared generally with other textbooks on the same subject.

Statement by State Printer

9359. Whenever the State Board of Education files a statement described in Section 9358 the State Printer may also file

with the Department of Finance a statement showing the names of textbooks which he is able to publish, the cost of publishing them, the names of their authors, and, if they have been published previously, the names of their publishers.

9360. The information contained in the statements described in Sections 9358 and 9359 shall be open and available to the public. Public record

Article 3. Printing

9401. Subject to the approval of the State Board of Education or a representative of the State Board of Education appointed to supervise the work, the Department of Finance shall have supervision of all the mechanical work connected with the printing of such books as may be compiled and adopted. The Department of Finance, after printing and binding the books, shall deliver them to the Superintendent of Public Instruction. Mechanical work

9402. The Department of Finance shall receive payment on the approval of the items of cost by the State Board of Education or its duly authorized agent. Payment

9403. The Department of Finance shall furnish one copy of a cost-finding report showing items of work and the materials and the exact cost of each item for each of the lot of books, to the State Board of Education. Cost-finding report

9404. The Department of Finance shall on the first day of each month furnish to the State Board of Education a detailed statement showing the name and number of books published by it during the preceding month, and the number in course of publication. Detailed statement

Article 4. Uniform Use of Textbooks

9451. At the time of adoption the State Board of Education shall determine the date a textbook shall be put into use, which shall be the beginning of a school year. Use

9452. Following the adoption of a textbook the Superintendent of Public Instruction shall give notice of the adoption, the grade or grades for which it is adopted, the date it is to be put into use, the period of years during which it is to remain in use, the quantities in which it will be provided and other matters affecting its use to each county superintendent of schools and to the governing board of each school district. Similar notice shall be given by him following the readoption of a textbook. Notice of adoption, etc

9453. The State Board of Education shall enforce the uniform use of textbooks in the grades of the public elementary schools for which they are adopted. Enforcement

9454. Nothing contained in this article (commencing with Section 9451) shall in any way restrict the additional use of such supplementary books as may be purchased for school libraries pursuant to this code. Construction

Article 5. Distribution of Textbooks

Supply

9501. The Superintendent of Public Instruction shall maintain a supply of state textbooks and distribute them to the school districts and county superintendents of schools in conformity with the provisions of this code and with the rules, regulations and resolutions of the State Board of Education made pursuant thereto.

Charges

9502. No charge shall be made to any school district or county superintendent of schools for state textbooks or teachers' manuals to be used in grades one through eight of the public schools, nor shall any charge be made to any pupil or teacher for the use of such textbooks or teachers' manuals.

Article 6. Supplementary Textbooks

Adoption

9551. County boards of education may adopt books for supplementary use in elementary schools in their respective counties and cities and counties pursuant to this code.

Purchase of books

9552. No pupils shall be required to purchase supplementary books, and pupils shall be expressly notified by teachers that it is not required or desirable that books for supplementary use be purchased by pupils or parents.

Payment

9553. When supplementary books are purchased, they shall be paid for by the school district.

Article 7. Orders for Textbooks for State Institutions

Orders by state institutions

9601. The president, principal, or other head of any state institution, in which instruction is given in the elementary branches, may order such state textbooks as may be used to advantage, for use in the institution, on blanks supplied by the Superintendent of Public Instruction.

Orders of state colleges

9602. The president of any state college may order such state textbooks as may be used to advantage by the college in giving instruction in elementary subjects, or in giving instruction in the teaching of elementary subjects.

Revision of orders

9603. Orders for state institutions and state colleges are subject to revision by the Superintendent of Public Instruction.

Delivery

9604. Books shall be delivered free of cost to state institutions or state colleges on the order of the Superintendent of Public Instruction, in the usual method of shipment.

Article 8. Sale and Price

Cost price

9651. On receiving a copy of the cost-finding report and the estimated cost of the publishing of any book, the State Board of Education shall determine and fix the cost price of the books. The cost price shall be determined by adding: (a) the cost of manufacture, (b) the contract price to be paid as royalty or for the use of plates, maps, engravings, or copy-

righted matter, and (c) overhead expense, which shall be computed at 10 percent of items (a) and (b).

9652. The cost price shall be deemed to be the whole cost of publication of the book at Sacramento. Cost of publication

9653. The State Board of Education may provide for the sale at not less than cost price of state textbooks to private schools, individuals, or dealers under such rules and regulations as may be adopted by the Board of Education. Sales

9654. Books shall not be sold by dealers for more than their cost price, which price shall be established by the State Board of Education. Sale price

9655. All orders for textbooks shall be forwarded to the Superintendent of Public Instruction on forms provided by him. Orders

9656. The Superintendent of Public Instruction shall keep an accurate account of the amount of money received from the sale of textbooks and report to the Controller in accordance with provisions of Chapter 1 (commencing at Section 16300) of Part 2 of Division 4 of Title 2 of the Government Code. The amount of money collected therefor shall be paid into the Treasury to the credit of the current appropriation for publishing, purchasing, and shipping free textbooks. Accounts and sales proceeds

Article 9. Disposal of Old Books

9701. The State Board of Education may provide for the disposition of such textbooks as are no longer in a fit condition to be used for purposes of instruction. Books unfit for further use

9702. Whenever in the judgment of the State Board of Education it is practicable to sell old textbooks for use in the manufacture of paper pulp or similar substances, the highest price obtainable shall be secured, and the money obtained deposited in the State General Fund. Sale

Chapter 3. Textbooks for Postgraduate Courses in Elementary Schools

Article 1. Adoption

9801. The county board of education may adopt, for a period of not less than four years, such textbooks as may be necessary to carry out the postgraduate course. Power of county board of education

9802. The state series of textbooks shall be used wherever adapted to the teaching of any subject. Use of state textbooks

Article 2. Furnishing of Textbooks to Pupils

9851. All textbooks, supplementary books and instructional material, except books of the state series, shall be purchased by the school district out of the county or special fund and furnished free to the pupils. This textbook fund shall be separate and distinct from the library fund. Free use

CHAPTER 4. HIGH SCHOOL TEXTBOOKS

Article 1. Listing of Textbooks

Application

9901. Any publisher desiring to offer textbooks for the use of pupils enrolled in the high schools of the State shall file with the State Board of Education at Sacramento a written application for the listing of the books accompanied by a uniform fee to be fixed by the State Board of Education which shall not exceed five dollars ($5) for each book for which listing is applied. The fee shall be deposited in the State Treasury to the credit of the General Fund.

Publisher's statement

9902. The publisher shall submit one copy of each book, together with a statement of the list price of the book as shown by the publisher's catalog, a statement of all discounts allowed when new copies of the book are purchased, and a statement of the lowest exchange price that will be given when old books on the same subject and of the like kind and grade, but of a different series, are received in exchange.

Article 2. Bond of Publisher

Bond

9951. Every publisher desiring to offer books for official listing shall file with the State Board of Education a bond in a form approved by the Attorney General payable to the State of California in a sum to be determined by the State Board of Education.

Amount

9952. The sum of the bond for any publisher offering books shall be not less than one thousand dollars ($1,000) nor more than ten thousand dollars ($10,000).

Conditions of bond
Price

9953. The bond shall provide that the publisher will furnish the books offered by him and listed by the State Board of Education, to any high school district at a price which shall not exceed the lowest price the publisher has made for the books offered anywhere in the United States under similar conditions of transportation and marketing.

Same

9954. The bond shall also provide that the publisher will reduce the price automatically to purchasers within the State whenever reductions are made elsewhere in the United States, so that at no time shall any book filed and listed be sold to school authorities in the State at a higher net price than is received for the book elsewhere in the United States, and that upon failure or refusal of the publisher to make such reduction all contracts for the book or books shall become null and void.

Same
Quality

9955. The bond shall also provide that all books offered for sale, adoption, or exchange in the State shall be equal in quality to that officially filed in the office of the State Board of Education as regards paper, binding, print, illustration, subject matter, and all other particulars that affect the value of the school books.

9956. The bond shall further provide that the publisher will not in any way, directly or indirectly, become associated or connected with any combination in restraint of trade in textbooks, and that he will not enter into any understanding, agreement, or combination to control prices or restrict competition in the sale of school books for use in the State. Same: Agreements to control price

9957. The bond shall further provide that the publisher will maintain an office in California or designate two or more separate agents or arrange with two or more independently owned and operated depositories which are recommended as such depositories by the Department of Education, to receive and handle orders for the books. Same: Depositories

9958. The bond shall further provide that the publisher will pay the costs in a sum not to exceed five hundred dollars ($500) of any investigation of the merits of any book filed by him if a commission of impartial experts finds, after public hearing, that the book filed by the publisher and sold by him in the State contained sectarian or denominational doctrine contrary to law, or propaganda injurious, in the judgment of the commission, to the schools. Same Cost of investigation

9959. When, in the judgment of the State Board of Education, there exists sufficient evidence that a textbook listed by the board contains sectarian or denominational doctrine contrary to law or contains propaganda injurious to the welfare of the public schools, the board shall cause the book to be investigated by a committee of impartial experts. The committee shall be constituted and shall conduct its investigation under such rules and regulations as may be prescribed by the State Board of Education. If, in the opinion of the committee, the textbook does contain sectarian or denominational doctrine contrary to law or does contain propaganda injurious to the welfare of the public schools, the Board of Education may remove the book from the official list. Sectarian or denominational doctrine

Article 3. Adoption and Purchase

10001. The governing board of each high school district shall adopt textbooks for use in the schools under its control. Only books which have been filed with and officially listed by the State Board of Education under regulations prescribed by it, may be adopted by the governing board. Official listing

10002. The State Board of Education shall classify all instructional material used in high schools, and shall indicate which materials are textbooks. Instructional materials not classified as textbooks may be purchased by governing boards of high school districts without reference to the list of state textbooks. Classification of instructional material

10003. The books adopted shall be put in actual use in the district not later than the school year next following their adoption. Effective date

10004. After any book has been selected and adopted by the board, it shall not be changed nor any other book substi- Effective period

tuted therefor, except as provided in Sections 9901 to 10202, inclusive, for the period of three years after the date of its adoption, as shown by the official records of the board.

Difference in courses

10005. Whenever courses of study designed to meet the needs of pupils of differing degrees of ability and preparation have been adopted by the governing board of a high school district, different textbooks may be adopted in the courses under regulations prescribed by the State Board of Education.

Notice of listing

10006. The Department of Education shall provide each publisher with a certificate for each book officially listed and shall from time to time notify county superintendents of schools, city superintendents of schools, and high school principals, which books have been officially listed and the maximum prices at which the books may be purchased.

Publication of lists

10007. At least once each year the Department of Education shall publish a complete list of all books officially listed for use in the high schools of the State, one copy of which shall be sent to each county superintendent of schools, each city superintendent of schools, each high school principal, each clerk of the governing board of every high school district, and to each publisher whose books are listed.

Effect of removal from list

10008. Whenever a book has been removed from the list by action of the State Board of Education, it shall be illegal for any high school district to purchase copies of the book or to continue the use of the book in high schools in the district, beyond the close of the current school year.

Removal

10009. Books shall be removed from the list in any one of the following ways: (a) upon written request of the publisher; (b) by action of the State Board of Education after formal investigation as provided in Sections 9901 to 10202, inclusive; (c) by action of the Department of Education after the book has been on the list for a period of 10 years, but such action shall not prevent the publisher again officially filing the book for listing.

Purchase

10010. The clerk, secretary, or other person named by the board for the purpose shall purchase textbooks on order of the governing board of the high school district and shall examine the books when received. If they are found to be correct and in accordance with the order, a warrant shall be drawn for the proper amount, including the cost of transporting the textbooks, against any fund of the high school district available for the purpose and remitted to the publisher within 30 days after receipt of the books.

Article 4. Furnishing Textbooks to Pupils

Classes for adults: Charge

10051. The governing board of each high school district may fix a charge not to exceed the cost of the books to the high school district for books furnished pupils in classes for adults. In lieu of fixing such charge, the board may lend books to such pupils and require the making of deposits by the pupils, the amount of deposit made by a pupil to be refunded to him upon

the return by him of the books lent him in good condition, reasonable wear and tear excepted.

High school courses

10052. The governing board of each high school district shall purchase textbooks for the use of pupils enrolled in the high schools of the district. The textbooks shall at all times remain the property of the district, and shall be supplied to the pupils for use without charge.

Accessibility of books

10053. The governing board of each high school district shall make all necessary provisions and arrangements to place the books purchased within easy reach and accessible for the use of all the pupils in the schools under its control.

Sale of used books

10054. The governing board of a high school district may at the end of any school term sell textbooks owned by the district to pupils of the district at prices which shall not exceed the actual value of the textbooks. The governing board shall not require pupils of the district to purchase textbooks offered for sale by the board.

The proceeds of the sales shall be placed in the county treasury to the credit of the general fund of the school district.

Article 5. Failure to Furnish Books

Notice to State Board of Education

10101. If any publisher complies with Sections 9901 to 10202, inclusive, and then fails or refuses to furnish the books to any high school board upon the terms provided in Sections 9901 to 10202, inclusive, within a reasonable time after an order is filed, the board shall at once notify the State Board of Education of the failure or refusal, and cause an investigation of the charge to be made.

Notice by State Board of Education

10102. If the State Board of Education finds the charge to be true, it shall notify the publisher and the principal of each high school and the clerk of each high school board in the State that the books shall not thereafter be adopted or purchased by any of the public school authorities.

Penalty

10103. The publishers shall forfeit and pay to the State of California the sum of one hundred dollars ($100) for each failure or refusal to furnish the books, to be recovered in the name of the State of California in an action to be brought by the Attorney General in any proper court. The amount when collected shall be paid into the Treasury to the credit of the High School Fund of the State.

Offering unlisted books for sale

10104. It is a misdemeanor for any publisher or his representative to offer for sale any textbook to the high schools of the State unless the book has been officially filed and there is on file in the Office of the State Board of Education a valid bond, conditioned as provided in Sections 9901 to 10202, inclusive, in full force and effect.

Article 6. Offenses and Penalties

Offering bribe

10151. No publisher of school textbooks nor any agent of any publisher shall offer or give any emolument, money, or other valuable thing, or any inducement, to any member of any high school board, or school official, or teacher connected with any of the high schools of the State, for his vote, or promise to vote, or for the use of his influence for the adoption of any school textbook to be used in any of the high schools of the State.

Accepting bribe

10152. No member of any high school board or school official connected with any of the public schools of the State, shall accept any emolument, money, or other valuable thing, or any other inducement from any publisher, or agent of any publisher, for his vote, or promise to vote, or for the use of his influence for the adoption of any school textbooks.

Supplying sample copy

10153. Nothing in this article (commencing at Section 10151) shall be construed to prevent any person, publisher, or publisher's agent from supplying for purposes of examination necessary sample copies of school textbooks to any member of a high school board, school official, or teacher.

Receiving sample copy

10154. Nothing in this article (commencing at Section 10151) shall be construed to prevent a member of a high school board or school official from receiving sample copies of school textbooks. All copies of textbooks so received shall be returned within 30 days after the adoption of textbooks in the subject by the high school board.

Penalty

10155. Any publisher of school textbooks, or any agent of any publisher, or any member of any high school board or public school official in the State who violates any of the provisions of Sections 9901 to 10202, inclusive, is guilty of a misdemeanor. Any member of a high school board or public school official shall, in addition to any other penalty be removed from his official position.

Article 7. Application of Chapter

Junior college

10201. No provision of Sections 9901 to 10202, inclusive, or of this code shall be construed as requiring the governing board of any district maintaining a junior college to provide textbooks free of charge, or otherwise, to any student enrolled in other than grades 11 and 12 of the junior college, nor shall any of the provisions of Sections 9901 to 10202, inclusive, be construed as applicable to textbooks required or authorized to be used by students in other than grades 11 and 12 of the junior college.

Classes for adults

10202. No provision of Sections 9901 to 10202, inclusive, or of this code shall be construed as requiring the governing board of any district to provide textbooks, free of charge, or otherwise, to any adult enrolled in a class for adults, nor shall any of the provisions of Sections 9901 to 10202, inclusive, be construed as applicable to textbooks required or au-

thorized to be used by adults in classes for adults; provided, however, that whether or not a charge shall be made for textbooks for adults in said classes shall be within the discretion of the governing board.

DIVISION 9. PUPILS

CHAPTER 1. GENERAL PROVISIONS

Article 1. Admission of Pupils

Kindergarten Order of registration

10501. Children shall, except as otherwise provided in this article (commencing at Section 10501), be admitted to kindergarten in the order in which they apply for registration.

Same Chronological age

10502. The governing board of a school district may require that applicants for admission to kindergarten on the first day of a term and presenting themselves for admission on that day, shall be admitted according to chronological age, the oldest first and the youngest last, and for that purpose may provide for the registration of applicants according to chronological age on and before the first day of the term and prior to the admission of applicants to kindergarten.

Applicants who do not present themselves for admission on the first day of the term shall, regardless of any previous registration, be registered and admitted in the order of registration.

Same Notification

10503. The principal in each of the public schools maintaining a kindergarten shall keep a register, open to the inspection of the public, of all children applying for, and entitled to, admission to kindergarten, and shall notify the parents or guardians of the children when vacancies occur.

Kindergarten or first grade: Evidence of minimum age

10504. The parent or guardian of a child shall prior to the admission of the child to the kindergarten or first grade of a school district, present proof to the authorities of the district evidencing that such child is of the minimum age fixed by law for admission thereto. Such evidence shall be in the form of a certificate of birth, or a baptism certificate duly attested, or a passport, or an affidavit of the parent, guardian, or custodian of the minor.

Same

10505. Anything in Section 10504 to the contrary notwithstanding, governing boards of school districts having an average daily attendance of 60,000 or more pupils shall admit a child to the kindergarten or first grade of the school district upon presentation of such proof of age of the child as shall be prescribed by the governing board of the district.

Residents of adjoining states

10506. The governing board of any school district may, with the approval of the county superintendent of schools, admit to the schools of the district pupils living in an adjoining state which is contiguous to the school district. An agreement shall be entered into between the governing board and the governing board or authority of the school district in which the pupils reside providing for the payment by the latter of such tuition

as is agreed upon. The amount of the tuition per unit of average daily attendance of pupils from the adjoining state shall not exceed the average current expenditure, exclusive of all transportation expenditures, per unit of average daily attendance in the district of attendance, plus the actual expenditure, not to exceed ten dollars ($10) per pupil per month for the transportation of the pupils.

Residents of adjacent foreign country

10507. Any person, otherwise eligible for admission to any class or school of a school district of this State, whose parents are or are not citizens of the United States and whose actual and legal residence is in a foreign country adjacent to this State may be admitted to the class or school of the district by the governing board of the district.

Tuition and transportation cost

10508. The governing board of the district may, as a condition precedent to the admission of any person, under Section 10507, require the parent or guardian of such person to pay to the district an amount not more than sufficient to reimburse the district for the total cost, exclusive of capital outlays, of educating the person and providing him with transportation to and from school. The cost of transportation shall not exceed ten dollars ($10) per month. Tuition payments shall be made in advance for each month or semester during the period of attendance. If the amount paid is more or less than the total cost of education and transportation, adjustment shall be made for the following semester or school year. The attendance of the pupils shall not be included in computing the average daily attendance of the class or school for the purpose of obtaining apportionment of state funds.

Article 2. Exclusions of Pupils

Age

10551. Children under six years of age are excluded from the public schools, except as provided in this code.

Habits and disease

10552. The governing body of any school district may exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases.

Mental and physical disability

10553. The governing board of the school may exclude from attendance on regular school classes any child whose physical or mental disability is such as to cause his attendance to be inimical to the welfare of other pupils.

Article 3. Suspension or Expulsion

Suspension by teacher

10601. Teachers may suspend, for good cause, any pupil from the school, and shall report the suspension to the governing board of the school district for review. If the action is not sustained by them, the teacher may appeal to the county superintendent, whose decision shall be final.

Grounds for suspension or expulsion

10602. Continued wilful disobedience, open and persistent defiance of the authority of the teacher, habitual profanity or vulgarity, upon school premises, constitute good cause for suspension or expulsion from school. Smoking or having tobacco

on school premises constitutes good cause for the suspension or expulsion of a pupil except when permitted as provided in this section. The governing board of any school district maintaining a junior college may adopt rules and regulations permitting the smoking and possession of tobacco on the campus of a junior college by pupils of the junior college 18 years of age and over and enrolled in grades above the twelfth, if the campus is not shared with a high school.

Expulsion: Narcotics

10603. The governing board of any school district may suspend or expel a pupil whenever it is established to the satisfaction of the board that the pupil has on or near the school premises used, sold, or been in possession of narcotics.

Secret fraternities

10604. It is unlawful for any pupil, enrolled in any elementary or secondary school of this State, to join or become a member of any secret fraternity, sorority, or club, wholly or partly formed from the membership of pupils attending the public schools, or to take part in the organization or formation of any fraternity, sorority, or secret club. Nothing in this section shall be construed to prevent any pupil from joining the order of the Native Sons of the Golden West, Native Daughters of the Golden West, Foresters of America, or other kindred organizations not directly associated with the public schools of the State.

The governing board of any school district may make and enforce all rules and regulations needful for the government and discipline of the schools under its charge. Any governing board shall enforce the provisions of this section by suspending, or, if necessary, expelling a pupil in any elementary or secondary school who refuses or neglects to obey any such rules or regulations.

Powers of governing board

10605. The governing board of any school district shall suspend or expel pupils for misconduct when other means of correction fail to bring about proper conduct.

Liability for school property

10606. Any pupil who wilfully cuts, defaces, or otherwise injures in any way any property, real or personal, belonging to a school district is liable to suspension or expulsion, and the parent or guardian shall be liable for all damages so caused by the pupil. The parent or guardian of a pupil shall be liable to a school district for all property belonging to the school district loaned to the pupil and not returned upon demand of an employee of the district authorized to make the demand.

Duration of suspension

10607. No pupil shall be suspended from school for more than two consecutive weeks.

Appeal

10608. If a pupil is expelled from school, the parent or guardian of the pupil may appeal to the county board of education which shall hold a hearing thereon and render its decision. The decision of the county board of education shall be final and binding upon the parent or guardian and the governing board expelling the pupil.

Article 4. Assistance for Special Classes of Students

Readers for blind students

10651. Whenever any blind person with the proper educational qualifications regularly matriculates, enters, and works for a degree, or for a diploma of graduation, in any university, college, or state college in this State, the Director of Education may provide, from any funds appropriated for the purpose or appropriated for the support of the California School for the Blind, a reader to assist him in his studies. Any person so employed shall be exempt from the provisions of any retirement system supported in whole or in part by the State of California. No more than one thousand dollars ($1,000) per annum shall be expended for the instruction of any one student, except that for graduate students no more than one thousand two hundred dollars ($1,200) shall be expended for the instruction of any one student.

Children of disabled veterans

10652. No state-owned college, university, or other school shall charge any tuition, or incidental fees to any child of any veteran of the United States military service who has a service-connected disability, and whose annual income not including governmental compensation for such service-connected disability, does not exceed one thousand eight hundred dollars $1,800). Nothing contained in this section shall prevent the Regents of the University of California from charging to and collecting from nonresident students an admission fee and rate of tuition in accordance with Section 23053, nor shall anything in this section prevent the charging and collecting of fees required of nonresident students admitted to colleges and schools under the jurisdiction of the Department of Education, or the Director of Education.

Article 5. Student Organizations

Purpose and privileges

10701. Any group of students may organize a student body association within the public schools with the approval and subject to the control and regulation of the governing board of the school district. Any such organization shall have as its purpose the conduct of activities on behalf of the students approved by the school authorities and not in conflict with the authority and responsibility of the public school officials. Any student body organization may be granted the use of school premises and properties without charge subject to such regulations as may be established by the governing board of the school district.

Authorization

10702. The governing board of any school district may authorize any organization composed entirely of pupils attending the schools of the district to maintain such activities as may be approved by the governing board. The governing board of any school district may by resolution authorize student organizations to sell food; provided, that in elementary or high schools no food items prepared on the premises shall be sold by such student organizations during the school day. The

Superintendent of Public Instruction by regulation shall determine the food items requiring preparation.

Deposit and expenditure

10703. The funds of any student body organization shall be deposited in a bank approved by the governing board of the school district and shall be expended subject to such procedure as may be established by the student body organization subject to the approval of an employee or official of the school district designated by the governing board.

Funds

10704. The governing board of any school district shall provide for the supervision of all funds raised by any student body or student organization using the name of the school.

The cost of supervision may constitute a proper charge against the funds of the district.

The governing board of a school district may also provide for a continuing audit of student body funds with school district personnel.

Student body funds: Trustee

10705. In schools or classes for adults or in elementary schools in which the student body is not organized, the governing board may appoint an employee or official to act as trustee for student body funds and to receive said funds in accordance with procedures established by the board. These funds shall be deposited in a bank approved by the board and shall be expended subject to the approval of said appointed employee or official and also subject to such procedure as may be established by the board.

Article 6. Pupil Records

Prohibition re information concerning pupils

10751. No teacher, principal, employee, or governing board member of any public, private, or parochial school shall give out any personal information concerning any particular minor pupil enrolled in the school in any class of the twelfth grade or below or in the thirteenth or fourteenth grades of a public junior college to any person except under judicial process unless the person is one of the following:

(a) A parent or guardian of such pupil.

(b) A person designated by such parent or guardian in writing.

(c) An officer or employee of a public, private, or parochial school where the pupil attends, has attended, or intends to enroll.

(d) An officer or employee of the United States, the State of California, or a city, city and county, or county seeking information in the course of his duties.

(e) An officer or employee of a public or private guidance or welfare agency of which the pupil is a client.

Restrictions imposed by this act are not intended to interfere with the giving of information by school personnel concerning participation in athletics and other school activities, the winning of scholastic or other honors and awards, and other like information. Notwithstanding the restrictions imposed by this section, an employer or potential employer of the pupil

may be furnished the age and scholastic record of the pupil and employment recommendations prepared by members of the school staff, and rosters or lists containing the names and addresses of seniors in public, private, or parochial high schools or junior colleges may be furnished to private business or professional schools and colleges.

Transfer of cumulative records

10752. Whenever a pupil transfers from one school district to another within this State, the cumulative record of the pupil, which shall be available to the pupil's parent for inspection on request, shall be transferred to the district to which the pupil transfers; provided, a request for such cumulative record is received from the district to which the transfer is made. The State Board of Education is hereby authorized to adopt rules and regulations concerning the transfer of cumulative records from one school district to another. The effective date of this section shall be July 1, 1960.

Article 7. Interdistrict Attendance

Interdistrict attendance

10801. The governing board of any school district may admit to the schools or classes maintained in the district any pupils who live in another school district which maintains schools or classes of the grade levels which the pupils desire to attend, whenever an agreement is entered into between the governing board and the governing board of the district in which the pupil lives stipulating the terms upon which the interdistrict attendance shall be permitted. Said interdistrict attendance agreement may be for a term of not to exceed five (5) consecutive school years. In the event the governing board of either district neglects or refuses to enter into such an agreement within 30 days after the person having the custody of any pupil has requested the board so to do, such person may appeal to the county board of education having jurisdiction over the district in which the pupil lives which shall, within 30 days after the filing of such appeal, determine whether the pupil should be permitted to attend in the district in which he desires to attend and for what period of time. If the county board of education determines that the pupil should be permitted to attend in the district in which he desires to attend, the pupil shall be admitted to school in said district without delay and the governing board of the district in which the pupil lives shall pay to the district of attendance, at the close of each school year in which the pupil attends in the district of attendance an amount which shall be: (a) the actual cost to the district of attendance of the education of such pupil, less all state and federal funds apportioned to the district on account of such pupil, or (b) if the school attended by the pupil is one which came into the possession of the district of attendance by reason of the annexation or transfer of territory, including the site of the school, of the district in which the pupil lives to the district of attendance and the pupil would have normally attended such school had its site remained in

the district in which the pupil lives, such amount as the county board of education may fix but not more than the actual cost to the district of attendance of educating such pupil, less all state and federal funds apportioned to the district on account of the attendance of such pupil, nor less than the actual average cost to the district in which the pupil lives of educating pupils in schools of the same grade level, less the average amount per pupil of all state and federal funds apportioned to the district on account of the attendance of pupils.

A pupil may be admitted provisionally to the schools of a district other than that in which he lives by the governing board of such district for a period of not exceeding two school months, pending decision by the governing boards of the school districts concerned, or by the county board of education relative to his admittance.

The provisions of this section do not apply to the attendance of pupils in the seventh and eighth grades of a junior high school.

Admission of pupil residing in another county

10802. Where the county boards of education of the two counties concerned agree that it is for the best educational and health interest of the child, a school district located in one county shall admit to the schools or classes maintained by it any pupil who resides in a school district located in another county.

Payment by district in which pupil resides

10803. The governing board of the district in which a pupil resides shall not pay, or be required to pay, to another district in which such pupil may be lawfully attending under Sections 1091 to 1093, inclusive, and Sections 10801 to 10809, inclusive, any amount in excess of the actual cost to the district of attendance for the education of such pupil, less state and federal funds apportioned or allocated to the district on account of the attendance of the pupil.

Education by other districts

10804. Whenever three-fourths of the electors residing in an elementary school district and having children attending in the schools of the district petition the governing board of the district so to do, the governing board of such district with the approval of all the members of the county board of education may provide for the education of all elementary school pupils in the district by another elementary or unified school district subject to such terms and conditions as the governing boards of the two districts may agree upon. The attendance of the pupils shall be credited to the district of attendance and on the next succeeding July 1st, the district of residence shall be subject to the provisions of Sections 1871 to 1885, inclusive.

Interdistrict kindergarten attendance

10805. The governing board of an elementary school district or unified school district may admit to the kindergartens maintained by the district children eligible for admission to kindergarten classes who reside in an elementary school district or unified school district not maintaining a kindergarten whenever an agreement is entered into between the governing board of the district of attendance and the governing board

of the district of residence stipulating the terms upon which the interdistrict attendance shall be permitted.

Payment by county superintendent of district of residence

10806. If the governing board of a school district in which pupils reside who are lawfully attending in another district fails or refuses to pay, when due, the amount required to be paid the district of attendance for the education of such pupils under any provision of this code, the county superintendent of schools having jurisdiction over the district of residence shall draw a requisition against the funds of the district of residence in favor of the district of attendance in payment of such amount and transmit the requisition to the governing board of the district of attendance.

Interdistrict attendance agreements

10807. The governing board of any school district may admit to the schools or classes maintained in the district any pupils who reside in another school district during any of the first three (3) fiscal years of existence for all purposes of the district of residence, whenever an agreement is entered into between the governing boards stipulating the terms upon which the interdistrict attendance shall be permitted.

Credit for attendance

10808. The average daily attendance of all pupils, excepting pupils attending the seventh and eighth grades of a junior high school, who reside in one school district and attend school in another school district shall be credited to the district attended for apportionment purposes.

Credit for attendance from suspended district

10809. The attendance of a pupil residing in a suspended elementary school district included within a union or joint union elementary school district and attending school in the union or joint union elementary school district, shall be credited to the elementary school district within the union or joint union elementary school district in which the school attended by the pupil is located.

Article 8. Miscellaneous

Duties of pupils

10851. All pupils shall comply with the regulations, pursue the required course of study, and submit to the authority of the teachers of the schools.

Hazing

10852. No student, or other person in attendance at any public, private, parochial, or military school, college, or other educational institution, shall conspire to haze, engage in hazing, or commit any act that injures, degrades, or disgraces, or tends to injure, degrade, or disgrace any fellow student or person attending the institution. The violation of this section is a misdemeanor, punishable by a fine of not less than fifty dollars ($50), nor more than five hundred dollars ($500), or imprisonment in the county jail for not more than six months, or both.

CHAPTER 2. ATTENDANCE—GENERAL REQUIREMENTS AND RECORDS

Article 1. General Provisions

10951. Attendance in all schools and classes shall be recorded and kept according to regulations prescribed by the State Board of Education, subject to the provisions of this chapter (commencing at Section 10951). Records

10952. The governing board of each school district shall, subject to the provisions of this chapter (commencing at Section 10951), fix the length of the school day for the several grades and classes of the schools maintained by the district. Length of school day

10953. The total days of attendance of a pupil upon a regular full-time day kindergarten, elementary school, high school, junior college, or schools or classes maintained by the county superintendent of schools during the fiscal year shall be the number of days school was actually taught for not less than the minimum school days during the fiscal year less the sum of his absences due to causes other than his illness. Absence due to illness shall be verified by the district or the county superintendent of schools in such manner as the Superintendent of Public Instruction shall require. Total days of attendance

10954. The absence of a pupil due to his quarantine under the direction of a county or city health officer is not an absence in computing the total days of attendance. Absenee due to quarantine shall be verified by the district in such manner as the Superintendent of Public Instruction shall require. Absences

10955. No absence of a pupil from school for the purpose of having optometrical, or medical service rendered shall be deemed an absence in computing average daily attendance. Same

10956. No absence of a pupil from school for the purpose of having dental services rendered shall be deemed an absence in computing average daily attendance Same

Article 2. Attendance in Kindergartens and Elementary Schools

11001. No pupil in a kindergarten or in any grade of an elementary school shall be credited with more than one day of attendance in any calendar day and nothing in this article (commencing at Section 11001) shall be construed to the contrary. Attendance credits

11002. No pupil in a kindergarten or in grades one or two shall be kept in school in any day more than four hours exclusive of recesses. Maximum school day

11003. The minimum school day for pupils of kindergartens, and for mentally retarded minors in special training schools or classes prescribed in Section 6903, is 180 minutes inclusive of recesses except that if a school district maintains two such classes on the same day which are taught by the Minimum school day

same teacher, the minimum school day for each of such classes shall be 130 minutes inclusive of recesses.

Kindergarten day of attendance

11004. A day of attendance in a kindergarten is 180 minutes of attendance.

Minimum school day

11005. The minimum school day in grades one, two, and three in elementary schools is 200 minutes. A day of attendance is 200 minutes of attendance. This section shall become effective on July 1, 1959.

Same

11005.1. The minimum school day in grades one, two, and three in elementary schools is 200 minutes. This section shall remain in effect until June 30, 1959.

Same

11006. The minimum school day in grades four, five, six, seven, and eight in elementary schools and in special day and evening classes of an elementary school district, is 240 minutes. A day of attendance is 240 minutes of attendance. This section shall become effective on July 1, 1959.

Same

11006.1. The minimum school day in grades four, five, six, seven, and eight in elementary schools and in special day and evening classes of an elementary school district, is 240 minutes. This section shall remain in effect until June 30, 1959.

Same

11007. The minimum school day in kindergartens and in grades one to eight, inclusive, in elementary schools, is exclusive of noon intermissions and, except in kindergartens, exclusive of recesses.

Article 3. Attendance in High Schools

Limitation

11051. No pupil in a high school, other than a pupil in an evening high school, continuation high school, or continuation education class, shall be credited with more than one day of attendance in any calendar day and nothing in this article (commencing at Section 11051) shall be construed to the contrary.

Minimum school day

11052. The minimum school day in any high school, except in an evening high school, a continuation high school, and in continuation education classes, is 240 minutes. A day of attendance is 240 minutes of attendance. This section shall become effective on July 1, 1959.

Same

11052.1. The minimum school day in any high school, except in an evening high school, a continuation high school, and in continuation education classes, is 240 minutes. This section shall remain in effect until June 30, 1959.

Continuation high school, etc.

11053. In continuation high schools and continuation education classes, a day of attendance is 180 minutes of attendance but no pupil in any such school or class shall be credited with more than 15 hours of attendance in any calendar week.

Article 4. Attendance in Junior Colleges

Limitation: Pupils in grades 11 and 12

11101. No pupil in grades 11 and 12 of a junior college shall be credited with more than 15 clock hours of attendance in any calendar week and nothing in this article (commencing at Section 11101) shall be construed to the contrary.

11102. In any district maintaining the 13th and 14th grades the pupils in such grades shall not be credited, on a district average, with more than 630 class hours of attendance during any fiscal year, exclusive of attendance at suummer schools. The provisions of this section shall apply in crediting attendance for apportionments made during the 1954-1955 Fiscal Year and thereafter.

Same: Pupils in grades 13 and 14

The department shall adopt such regulations as may be necessary to carry out the provisions of this section.

11103. The minimum school day in any junior college, other than an evening junior college, is 180 minutes.

Minimum school day

11104. A day of attendance in grades 11 and 12 is 180 minutes of attendance.

Computation Grades 11 and 12

Article 5. Attendance in Classes for Adults

11151. In classes for adults, a day of attendance is 180 minutes of attendance but no pupil shall be credited with more than 15 clock hours of attendance during any one school week unless he is enrolled in a class in citizenship or in a trade or industrial subject as trade or industrial subject is defined by the State Board of Education.

Day of attendance

11152. Each clock hour of teaching time devoted to the individual instruction of physically handicapped adults who are patients in a tuberculosis ward or hospital maintained by one or more counties shall count as one day of attendance but no such adult shall be credited with more than one day of attendance in any calendar day.

Physically handicapped adults

Article 6. Attendance of Physically Handicapped Pupils

11201. Attendance of physically handicapped pupils in a graded special class for the same number of minutes as constitute a day of attendance in the same grade of regular classes shall constitute a day of attendance. Each clock hour of teaching time devoted to individual instruction of physically handicapped pupils shall count as one day of attendance. The average daily attendance of all physically handicapped pupils shall be computed by dividing the total number of days of attendance of the pupils by the number of days taught in the regular schools of the district.

Day of attendance

11202. With respect to physically handicapped pupils given instruction at home or in a hospital or in the case of minors with speech disorders or defects who may be admitted at the age of three years for individual instruction at the school, each clock hour of teaching time devoted to the individual instruction of such pupils shall count as one day of attendance. No provision of this chapter (commencing at Section 10951) of this code limiting the number of days of attendance with which a pupil may be credited in any one calendar day is applicable to such pupils but no such pupil shall be given individual instruction for more than three hours in any

Same: Individual instruction

one day or credited with more days of attendance during any fiscal year than the number of days the regular day schools of the district were maintained during such fiscal year.

Report of attendance

11203. The attendance of all physically handicapped pupils given instruction by a school district, including those instructed under co-operative arrangements with the Bureau of Vocational Rehabilitation of the State Department of Education, shall be reported annually to the county superintendent of schools together with all other attendance on forms provided by the Superintendent of Public Instruction.

Attendance credit

11204. The attendance of physically handicapped pupils instructed by the county superintendent of schools pursuant to Section 8903 shall be credited as follows:

(a) The attendance of pupils taught in emergency elementary schools shall be credited to the emergency schools.

(b) The attendance of elementary school pupils given individual instruction in the home or at the bedside in institutions or by co-operative arrangements with the Bureau of Vocational Rehabilitation of the State Department of Education shall be credited to an emergency elementary school maintained for physically handicapped pupils, if such a school is maintained in the county, or if no such school is maintained in the county the attendance shall be credited to an emergency elementary school maintained in the county, but not to more than one emergency elementary school. If no emergency school is maintained in the county, the total number of days of attendance of pupils shall be divided by 175 to compute average daily attendance, and the average daily attendance so computed shall be credited to the county school service fund as attendance upon a single emergency elementary school for individual instruction of physically handicapped children.

(c) The attendance of pupils of secondary grade given individual instruction in the home or in institutions or by co-operative arrangement with the Bureau of Vocational Rehabilitation of the State Department of Education, or instructed in special classes of secondary grade or in remedial classes pursuant to Section 8903, shall be credited to the county school service fund.

(d) The attendance of pupils taught by emergency teachers in the regular schools of the districts of any county shall be credited to the districts, except that the attendance of pupils taught by emergency teachers pursuant to Section 8902 in the regular schools of the district of any county and the attendance of pupils in remedial classes pursuant to Section 8903 shall be credited to the county school service fund in accordance with subdivision (b) of this section.

(e) The attendance of pupils residing in one county and educated under contract with the county superintendent of schools or governing board of a school district of another county, shall be credited to the county school service fund of the county, or district, in which the pupils are educated.

CHAPTER 3. AVERAGE DAILY ATTENDANCE

Article 1. General Provisions

11251. In computing the average daily attendance of a school district, there shall be included only the attendance of pupils while engaged in educational activities required of such pupils and under the immediate supervision and control of an employee of the district who possessed a valid certification document, registered as required by law, authorizing him to render service in the capacity and during the period in which he served. Computation of average daily attendance

11252. Whenever for the purposes of Sections 10951 to 11653, inclusive, Sections 17151 to 18460.1, inclusive, Sections 18654 to 20251, inclusive, Sections 20501 to 21801, inclusive, and Sections 21803 to 22152, inclusive, whichever are in effect, it is necessary to compute the average daily attendance of a school of a district for any certain purpose and no provision is made for the computation thereof for such purpose, the average daily attendance of the school shall be computed by dividing the total number of days of pupils attendance by the number of days school was actually taught in the regular day schools of the district. Same

11253. Where in a high school, junior college, or elementary school four terms of school of at least 12 weeks each are maintained during a fiscal year, and where the course of instruction is so arranged that students may complete a full year's work in any three terms, the total number of days of pupils attendance shall be divided by the greatest number of days school was actually taught in any three of the four terms, but in no case shall the divisor be less than 175. Same

11254. This section shall apply to all allowances, computations, and apportionments made pursuant to Sections 10951 to 11653, inclusive, Sections 17151 to 18460.1, inclusive, Sections 18654 to 20251, inclusive, Sections 20501 to 21801, inclusive, and Sections 21803 to 22152, inclusive, whichever are in effect. Same

(a) If any computation of average daily attendance made under, or necessitated by, any provision of Sections 10951 to 11653, inclusive, Sections 17151 to 18460.1, inclusive, Sections 18654 to 20251, inclusive, Sections 20501 to 21801, inclusive, and Sections 21803 to 22152, inclusive, whichever are in effect, results in a fraction of less than one-half of a unit, the average daily attendance shall be taken as the next lowest whole number, except that if such computation results in an average daily attendance of less than one unit, the average daily attendance shall be deemed to be one unit; but if the fraction is one-half or more of a unit, the average daily attendance shall be taken as the next highest whole number. Fractional units

(b) Whenever any reference is made to a specific whole number of units of average daily attendance said number shall include any fraction above said number which is less than one-half of a unit, and any fraction of one-half or more of a unit above the next lowest whole number.

Pupils of "original district"

11255. If the average daily attendance of pupils residing in territory of a district, hereinafter referred to as the "original district," in the regular day schools of such original district during the fiscal year immediately preceding the effective date of the inclusion of such territory for all purposes in another district of the same type, hereinafter referred to as the "acquiring district," under or pursuant to any provision of law, exceeds 25 units, such average daily attendance shall, for all the purposes of Sections 10951 to 11653, inclusive, Sections 17151 to 18460.1, inclusive, Sections 18654 to 20251, inclusive, Sections 20501 to 21801, inclusive, and Sections 21803 to 22152, inclusive, whichever are in effect, be deemed to have been average daily attendance in the regular day schools of the acquiring district and not average daily attendance in the regular day schools of the original district, except that if the acquiring district was not in existence for all purposes during said preceding fiscal year, such average daily attendance shall be deemed to have been average daily attendance in the regular day schools of the acquiring district during said preceding fiscal year.

The average daily attendance of pupils in the regular day junior colleges of an original high school district during the fiscal year immediately preceding the effective date of the inclusion of such high school district in an acquiring junior college district shall, for all the purposes of Sections 10951 to 11653, inclusive, Sections 17151 to 18460.1, inclusive, Sections 18654 to 20251, inclusive, Sections 20501 to 21801, inclusive, and Sections 21803 to 22152, inclusive, whichever are in effect, be deemed to be average daily attendance in regular day junior colleges of the junior college district during said preceding fiscal year and not average daily attendance in the regular day junior colleges of the high school district during said preceding fiscal year.

For the purposes of this section all elementary school districts are districts of the same type, all high school districts are districts of the same type, and all junior college districts are districts of the same type.

The inclusion of the whole or a portion of an elementary school district, high school district, or junior college district in a unified school district shall be deemed to be the inclusion of such elementary school district, high school district, or junior college district or portion thereof in the elementary school district, high school district, or junior college district as the case may be, within the unified school district.

The Superintendent of Public Instruction shall, and is authorized to do so, adopt such rules and regulations as in his judgment are necessary to give effect to this section.

Interdistrict attendance Pupils of acquiring district

11256. Notwithstanding anything in this code to the contrary, if under Section 11255 average daily attendance of an original district is credited to an acquiring district on or after July 1, 1953, as a result of the unification or other reorganization of school districts, or the change of school district bound-

aries, and if the Superintendent of Public Instruction determines that the acquiring district does not have suitable quarters in which to maintain school for all the day pupils of the district, or that for other good and sufficient reasons the education of pupils in the acquiring district is not practical or in the best interests of such pupils, the governing board of the acquiring district shall contract with the governing board of another school district for the education of those pupils for whom suitable quarters are not available, or who should be educated in another district, as determined by the Superintendent of Public Instruction. No contract for the education of pupils under this paragraph shall be authorized subsequent to the close of the third fiscal year following that in which the acquiring district is formed or reorganized, or the boundaries of the district changed, for all purposes.

Such contract shall provide for the payment of tuition in such amount and in the manner as may be agreed upon by the governing board of the district of attendance and the governing board of the district of residence. The tuition agreed upon shall not be an amount in excess of the actual cost to the district of attendance for the education of such pupils, less federal funds apportioned or allocated to the district of attendance on account of such pupils, and shall be payable during the current school year of attendance.

Any contract for the education of pupils residing in a school district made by the governing board of the district in accordance with the provisions of this section shall be deemed for all purposes to be or have been the maintenance of a school within the boundaries of the district. The average daily attendance of all pupils attending school in a district other than the district in which they reside, pursuant to such contract, shall be credited to the district of residence for apportionment purposes.

The provisions of this section shall apply to any contract made by governing boards of school districts pursuant to this section during the Fiscal Year 1953-54, and thereafter, and attendance of pupils under such a contract shall be credited in the manner prescribed by this section.

Same: Pupils of original district

11257. Notwithstanding anything in this code to the contrary, if under Section 11255 average daily attendance of an original district is credited to an acquiring district on or after July 1, 1953, as a result of the unification or other reorganization of school districts, or the change of boundaries, and if the Superintendent of Public Instruction determines that the original district does not have suitable quarters in which to maintain school for all the day pupils of the district, or that for other good and sufficient reasons the education of pupils in the original district is not practical or in the best interests of such pupils, the governing board of the original district shall contract with the governing board of the acquiring district for the education of those pupils for whom suitable quarters are not available, or who should be educated in another

district, as determined by the Superintendent of Public Instruction. No contract for the education of pupils under this paragraph shall be authorized subsequent to the close of the third fiscal year following that in which the acquiring district is formed or reorganized, or the boundaries of the district changed, for all purposes.

Such contract shall provide for the payment of tuition in such amount and in the manner as may be agreed upon by the governing board of the district of attendance and the governing board of the district of residence. The tuition agreed upon shall not be an amount in excess of the actual cost to the district of attendance for the education of such pupils, less federal funds apportioned or allocated to the district of attendance on account of such pupils, and shall be payable during the current school year of attendance.

Any contract for the education of pupils residing in a school district made by the governing board of the district in accordance with the provisions of this section shall be deemed for all purposes to be or have been the maintenance of a school within the boundaries of the district. The average daily attendance of all pupils attending school in a district other than the district in which they reside, pursuant to such contract, shall be credited to the district of residence for apportionment purposes.

The provisions of this section shall apply to any contract made by governing boards of school districts pursuant to this section during the Fiscal Year 1953-54, and thereafter, and attendance of pupils under such a contract shall be credited in the manner prescribed in this section.

Article 2. Elementary Schools

Computation of average daily attendance

11301. The units of average daily attendance in the elementary schools of a district for a fiscal year shall be computed by dividing the total number of days of pupils attendance in all kindergarten and elementary schools and classes of the district during the fiscal year by the number of days school was actually taught in the regular day elementary schools of the district during the fiscal year, plus the units of average daily attendance credited to the district on account of the education of seventh and eighth grade pupils in a junior high school pursuant to Section 11404.

Article 3. Emergency Schools

Same

11351. The units of average daily attendance for a fiscal year in an emergency school maintained by the county superintendent of schools shall be computed by dividing the total number of days of pupils' attendance in the emergency school during the fiscal year by 175.

Article 4. High Schools

11401. Units of average daily attendance in the high schools of a district other than evening high schools, continuation high schools, and continuation education classes, for a fiscal year are the quotient arising from dividing the total number of days of pupils' attendance in the regular day high schools, summer schools, special high school classes, and the part-time vocational courses of the district, exclusive of the number of days of pupils' attendance in the seventh and eighth grades of junior high schools, during the fiscal year by the number of days school was actually taught in the regular day schools of the district during the fiscal year. Units of average daily attendance in high schools

11402. The units of average daily attendance in the evening high schools, continuation high schools, and continuation education classes of a district for a fiscal year are the quotient arising from dividing the total number of days of pupils' attendance in such high schools and classes by 175. Same Evening high schools, etc

11403. The total units of average daily attendance in the high schools of a district shall be total units of average daily attendance computed under Sections 11401 and 11402. Total computation

11404. The units of average daily attendance for a fiscal year of pupils residing in any elementary school district and attending the seventh and eighth grades of a junior high school shall be determined separately and shall be computed by dividing the total number of days of pupils' attendance in said grades by the number of days school was actually taught during the fiscal year in the regular day high schools of the district maintaining the junior high school. The average daily attendance so computed shall be credited to the elementary school district in which the pupils reside. Re seventh and eighth grade pupils

Article 5. Junior Colleges

11451. The units of average daily attendance in grades 13 and 14 in each junior college of a district for a fiscal year shall be computed by dividing the total number of whole or partial class hours of pupils' attendance in the junior college during the fiscal year by 525. The class hour unit for the purposes of this section is defined as not less than 50 minutes exclusive of passing time. The State Board of Education may define partial class hours and make rules concerning the computation thereof. Computation of average daily attendance: Grades 13 and 14

11452. The units of average daily attendance in the eleventh and twelfth grades of each four-year junior college of the district shall be computed by dividing the total number of days of pupils' attendance in such grades of the junior college during the fiscal year by the number of days school was actually taught in the regular day junior colleges of the district during the fiscal year. Same Grades 11 and 12

11453. The total units of average daily attendance in the junior colleges of a district shall be the total of units of average daily attendance computed under Sections 11451 and 11452. Same Junior colleges

Article 6. Classes for Adults

Same: Adult pupils

11501. The units of average daily attendance in classes for adults for a fiscal year maintained by a district shall be computed by dividing the total days of pupils' attendance in such classes during the fiscal year by 175. The average daily attendance so computed shall be credited to the district maintaining the classes for adults.

Article 7. County School Service Fund

Same: Elementary physically handicapped pupils

11551. The average daily attendance of physically handicapped elementary pupils given instruction by a county superintendent of schools and whose attendance is credited to the county school service fund, shall be computed by dividing the total days of attendance of such pupils during the fiscal year by 175.

Same: Secondary physically handicapped pupils

11552. The average daily attendance of physically handicapped pupils of secondary grade given instruction by a county superintendent of schools and whose attendance is credited to the county school service fund, shall be computed by dividing the total days of attendance of such pupils during the fiscal year by 175.

Same: Mentally retarded minors

11553. The average daily attendance of mentally retarded minors given instruction by a county superintendent of schools shall be computed by dividing the total days of attendance of such pupils during the fiscal year by 175 and the average daily attendance so computed shall be credited to the county school service fund.

Same: Juvenile hall, etc., pupils

11554. The average daily attendance of pupils attending an elementary school or secondary school maintained by a county superintendent of schools for the education of persons in a juvenile hall or in a juvenile home or camp, shall be computed by dividing the total days of pupils attendance in the school during the fiscal year by 175 and the average daily attendance so computed shall be credited to the county school service fund.

Article 8. County School Tuition Fund

Same: Pupils attending school in adjoining state

11601. The average daily attendance for the fiscal year of pupils residing in any county of this State and attending a school in an adjoining state under Sections 20101 to 20251, inclusive, shall be computed by dividing the total number of days of attendance of such pupils in the school by the number of days the school was maintained during said fiscal year, but by not less than 175, and the average daily attendance so computed shall be credited to the county school tuition fund.

Article 9. Emergency Average Daily Attendance

11651. Where a school in a district maintaining more than one school is closed for a part of a term by order of a city or county board of health or of the State Board of Health, or because of fire, flood, impassable roads, epidemic, or other emergency, or by an order provided for in Section 17553, the average daily attendance of the school shall be estimated separately, as provided in Section 11653, and added to the average daily attendance of the other schools of the district. Estimation where emergency

11652. Whenever any attendance records of any district have been lost or destroyed, making it impossible for an accurate report on average daily attendance for the district for any fiscal year to be rendered, which fact shall be shown to the satisfaction of the Superintendent of Public Instruction by the affidavits of the members of the governing board of the district and the county superintendent of schools, the Superintendent of Public Instruction shall estimate the average daily attendance of such district. The estimated average daily attendance shall be deemed to be the actual average daily attendance for that fiscal year for the making of apportionments to the school district from the State School Fund. Lost or destroyed records

11653. Whenever the average daily attendance of any school district during any fiscal year has been materially decreased during any fiscal year because of fire, flood, impassable roads, epidemic, or other emergency, or because of an order provided for in Section 17553, which fact shall be established to the satisfaction of the Superintendent of Public Instruction by affidavits of the members of the governing board of the school district and the county superintendent of schools, the average daily attendance of the district for the fiscal year shall be estimated by the Superintendent of Public Instruction in such manner as to credit to the school district for determining the apportionments to be made to the district from the State School Fund approximately the total average daily attendance which would have been credited to the school district had the emergency not occurred or had the order not been issued. Estimation where emergency

CHAPTER 4. HEALTH SUPERVISION

Article 1. Powers and Duties of Governing Boards

11701. The governing board of any school district shall give diligent care to the health and physical development of pupils, and where sufficient funds are provided by district taxation, shall employ properly certified persons for the work. Health and physical development

11702. The governing board of any school district may provide for proper health supervision of the school buildings and pupils enrolled in the public schools under its jurisdiction. Health supervision

11703. Contracts between any city, county, or local health district and the governing board of any school district located Same: Contracts

wholly or partially within such city, county, or local health district for the performance by the health officers or other employees of the health department of such city, county, or local health district of any or all of the functions and duties set forth in Sections 11701 to 11907, inclusive, and Sections 12051 to 12059, inclusive, relating to health supervision of school buildings and pupils are hereby authorized.

In any such contracts the consideration shall be such as may be agreed upon by the governing board and the city, county, or local health district and shall be paid by the governing board at such times as shall be specified in the contract. This section shall not apply to any district which is under the control of a governing board which has under its control a district or districts having a total average daily attendance of 100,000 or more pupils.

Meals

11704. The governing board of any school district may provide, without charge, breakfasts and lunches, or either, for pupils within the district who do not otherwise receive proper nourishment.

Rules

11705. The governing board of any school district may establish rules by which to determine which pupils are entitled to meals without charge.

District tax

11706. For the purpose of providing funds with which to obtain breakfasts or lunches, or both, for needy pupils, the governing board of any school district may levy and collect a district tax over and above the maximum elsewhere specified in this code.

District funds

11707. District funds may also be used for the purchase of breakfasts or lunches, or both, for needy pupils.

Other public funds

11708. Each official and department of the State having charge of the administering of funds for the relief of indigents may contribute and pay any of the funds subject to his disposal to any school district within the State, to be used by the district for the purchase of breakfasts or lunches, or both, for needy pupils. Every county, city and county, and city within the State may pay any of its funds available for the relief of indigents to any school district, within or partly within the county, city and county, and city for this purpose.

Medical and hospital service

11709. The governing board of any school district or districts may provide, or make available, medical or hospital service, or both, through nonprofit membership corporations defraying the cost of medical service or hospital service, or both, or through group, blanket or individual policies of accident insurance from authorized insurer, for pupils of the district or districts injured while participating in athletic activities under the jurisdiction of, or sponsored or controlled by, the district or districts or the authorities of any school of the district or districts. The cost of the insurance or membership may be paid, from the funds of the district or districts, or by the insured pupil, his parent or guardian.

The insurance may be purchased from, or the membership may be taken in, only such companies or corporations as are authorized to do business in this State.

11710. If the governing board of any school district maintaining junior high schools or high schools does not provide or make available medical and hospital services for pupils of the district injured while participating in athletic activities, in accordance with Section 11709, the board shall notify, in writing, the parent or guardian of each pupil of the district participating in such athletic activities that the services are not provided or made available by the governing board. Notice of noninsurance

11711. The governing board of any school district or districts which does not employ at least five physicians as full time supervisors of health, or the equivalent thereof, may provide, or make available, medical or hospital service, or both, through nonprofit membership corporations defraying the cost of medical service or hospital service, or both, or through group, blanket or individual policies of accident insurance or through policies of liability insurance from authorized insurers, for injuries to pupils of the district or districts arising out of accidents occurring while in or on buildings and other premises of the district or districts during the time such pupils are required to be therein or thereon by reason of their attendance upon a regular day school of such district or districts or while being transported by the district or districts to and from school or other place of instruction, or while at any other place as an incident to school-sponsored activities and while being transported to, from and between such places. No pupils shall be compelled to accept such service without his consent, or if a minor without the consent of his parent or guardian. The cost of the insurance or membership may be paid, from the funds of the district or districts, or by the insured pupil, his parent or guardian. Same

Such insurance may be purchased from, or such membership may be taken in, only such companies or corporations as are authorized to do business in California.

11712. To facilitate the authority referred to in Sections 11709 and 11711 the governing board of the school district or school districts may authorize the distribution by district personnel of such printed matter as may be furnished by the insurer or membership corporation. Same Distribution of printed matter

Article 2. Employment of Physical Inspectors

11751. The governing board of any school district may appoint a supervisor of health, or supervisors of health, consisting of a physician, psychologist, psychiatrist, teacher, nurse, oculist, dentist, optometrist, otologist, chiropodist, school audiometrist, or any one or more of such persons. In case of the appointment of more than one supervisor of health the supervisors may, in the discretion of the board, all be chosen from any one of the classes designated. The board may also appoint such number of nurses and dental hygienists as it may deem necessary to work under the direction of the supervisor of health and may provide for the compensation of such em- Supervisor of health

ployees. No money set aside for the payment of teachers' salaries or for library purposes shall be used for this purpose.

Employment by more that one district

11752. The governing boards of two or more school districts in the same county may join in the employment of a supervisor of health, or supervisors of health, and may use funds not set aside for the payment of teachers' salaries or for library purposes for the expenses of the work. The boards may employ a nurse or nurses under the direction of a supervisor of health to examine the schools under their jurisdiction.

Health and development certificate

11753. No physician, psychiatrist, oculist, dentist, dental hygienist, optometrist, otologist, chiropodist, school audiometrist, or nurse not employed in such capacity by the State Department of Public Health, shall be, nor shall any other person be, employed or permitted to supervise the health and physical development of pupils unless he holds a health and development certificate. Any psychologist employed pursuant to Sections 11751 to 11754, inclusive, shall hold a school psychologist credential issued by the State Board of Education.

Immunization of pupils

11754. Anything to the contrary notwithstanding, the governing board of any school district shall co-operate with the local health officer in measures necessary for the prevention and control of communicable diseases in school age children. For that purpose the board may use any funds, property, and personnel of the district, and may permit any person licensed as a physician and surgeon to administer an immunizing agent to any pupil whose parents have consented in writing to the administration of such immunizing agent.

The provisions of this section shall be retroactive to April 12, 1955.

Duties

11755. A supervisor of health employed by the county superintendent of schools shall perform such duties in connection with the supervision of the health of pupils as are prescribed by the county superintendent of schools.

A parent or guardian having control or charge of any child enrolled in the public schools may file annually with the principal of the school in which he is enrolled a statement in writing, signed by the parent or guardian, stating that he will not consent to the physical examination of his child. Thereupon the child shall be exempt from any physical examination, but whenever there is a good reason to believe that the child is suffering from a recognized contagious or infectious disease, he shall be sent home and shall not be permitted to return until the school authorities are satisfied that any contagious or infectious disease does not exist.

Article 3. Provisions Relating to Mental Health

Report of principal

11801. Upon the report of the principal of a school that a pupil shows evidence of impaired mental health and that a mental examination is desirable, the governing body of the school district may, with the written consent of the pupil's parent or guardian provide for the mental examination of said pupil.

The principal shall not be liable for damages or for any civil or criminal penalty for any report made in good faith in carrying out the provisions of this section.

Rules

11802. The governing board of any school district shall make such rules for the mental examination, as provided in Section 11801, of the pupils in the public schools under its jurisdiction as will insure proper care of the pupils and proper secrecy in connection with any condition of impaired mental health noted by the supervisor of health or his assistant and as may tend to the correction of such condition, and any such governing board may consult and co-operate with the Department of Mental Hygiene in formulating such rules. The Department of Mental Hygiene shall co-operate to the full extent of its capacities in aiding and assisting school districts in carrying out the duties imposed by this article (commencing at Section 11801).

Report to parent etc.

11803. When evidence of impaired mental health has been noted by the supervisor of health or his assistant, a report shall be made to the parent or guardian of the child, asking the parent or guardian to take such action as will cure or correct the condition. Such report must be made on a form prescribed or approved by the Superintendent of Public Instruction and shall not include therein any recommendation suggesting or directing the pupil to a designated individual or class of practitioner for the purpose of curing or correcting any condition referred to in the report.

The provisions of this section do not prevent a supervisor of health from recommending in a written report that the child be taken to a public clinic or diagnostic and treatment center operated by a public hospital or by the state, county, or city department of public health.

Article 4. Vaccination

State Board of Health Smallpox control

11851. The control of smallpox is under the direction of the State Board of Health, and no rule or regulation on the subject of vaccination shall be adopted by school or local health authorities.

Article 5. Physical Examination of Pupils

Rules

11901. The governing board of any school district shall make such rules for the examination of the pupils in the public schools under its jurisdiction as will insure proper care of the pupils and proper secrecy in connection with any defect noted by the supervisor of health or his assistant and may tend to the correction of the physical defect.

Exemption

11902. A parent or guardian having control or charge of any child enrolled in the public schools may file annually with the principal of the school in which he is enrolled a statement in writing, signed by the parent or guardian, stating that he will not consent to a physical examination of his child.

Thereupon the child shall be exempt from any physical examination, but whenever there is a good reason to believe that the child is suffering from a recognized contagious or infectious disease, he shall be sent home and shall not be permitted to return until the school authorities are satisfied that any contagious or infectious disease does not exist.

Sight and hearing tests

11903. The governing board of any school district shall, subject to Section 11902, provide for the testing of the sight and hearing of each pupil enrolled in the schools of the district. The test shall be adequate in nature and shall be given only by duly qualified supervisors of health employed by the district, or by certificated employees of the district or of the county superintendent of schools who possess the qualifications prescribed by the State Board of Education, or by contract with a duly authorized agency, or accredited schools or colleges of optometry, osteopathy, or medicine. The records of the tests shall serve as evidence of the need of the pupils for the educational facilities provided physically handicapped individuals. The equipment necessary to conduct the tests may be purchased or rented by governing boards of school districts. The State, any agency, or political subdivision thereof may sell or rent any such equipment owned by it to the governing board of any school district upon such terms as may be mutually agreeable.

Use of audiometer

11904. A person employed by a school district in a position requiring certification qualifications who holds a valid special credential for teaching lip reading may, subject to Section 11902, test the hearing of pupils of the district through the use of an audiometer for the purpose of detecting pupils with impaired hearing.

Visual acuity examination

11905. Upon first enrollment of a child at school, or at the latest when the child reaches the third grade, the child's visual acuity shall be determined by the school nurse or other authorized person under Section 11903. This examination is to be made without cost to the parents. This examination may be waived, if the child's parents so desire, by their presenting of a certificate from a physician and surgeon or an optometrist setting out the results of a determination of the child's visual acuity.

The provision of this section shall not apply to any child whose parents or guardian file with the principal of the school in which the child is enrolling, a statement in writing that they adhere to the faith or teachings of any well recognized religious sect, denomination or organization and in accordance with its creed, tenets, or principles depend for healing upon prayer in the practice of their religion.

Reports to parents

11906. (a) When a defect other than a visual defect has been noted by the supervisor of health or his assistant, a report shall be made to the parent or guardian of the child, asking the parent or guardian to take such action as will cure or correct the defect. Such report, if made in writing, must be made on a form prescribed or approved by the Superintendent of Public

Instruction and shall not include therein any recommendation suggesting or directing the pupil to a designated individual for the purpose of curing or correcting any defect referred to in the report.

(b) When a visual defect has been noted by the supervisor of health or his assistant, a report shall be made to the parent or guardian of the child, asking the parent or guardian to take such action as will correct the defect. Such report, if made in writing, must be made on a form prescribed or approved by the Superintendent of Public Instruction and shall not include therein any recommendation suggesting or directing the pupil to a designated individual or class of practitioner for the purpose of correcting any defect referred to in the report.

(c) The provisions of this section do not prevent a supervisor of health from recommending in a written report that the child be taken to a public clinic or diagnostic and treatment center operated by a public hospital or by the state, county, or city department of public health.

Reports to governing boards

11907. The supervisor of health shall make such reports from time to time as he deems best to the governing board of the school district, or as the board may call for, showing the number of defective children in the schools of the district and the effort made to correct the defects.

Chapter 5. Protection of Pupils in All Schools

Article 1. First Aid Equipment

First aid kits

11951. The governing board of any school district, superintendent of schools, or principal in whom is vested the administration or supervision of any public or private school in the State shall equip the school with a first aid kit containing the articles mentioned in Section 11953, whenever any pupils of the school are conducted or taken on field trips under the supervision or direction of any teacher in, or employee or agent of, the school.

Field trips

11952. The teacher, agent, or employee shall have the first aid kit in his possession, or immediately available, while conducting the field trip.

Contents of kits

11953. Every first aid kit shall include the following articles and such other equipment as the school officials charged with the duty of maintaining it may consider useful or necessary for the purpose of this chapter:

(a) 12 3″ x 3″ sterile gauze packages
4 1″ gauze roller bandages
4 2″ gauze roller bandages
4 Triangular bandages
1 Roll adhesive tape 1″ (10 yds.)

(b) An American Red Cross first aid textbook or written instructions for use of contents of the first aid kit.

Snake bite kits

11954. Whenever a field trip is conducted into an area which is commonly known to be infested by poisonous snakes, the first aid kit shall include a snake bite kit.

Violations

11955. Any member of the governing board of any school district and any superintendent of schools, principal, teacher, or agent who wilfully violates the provisions of this article (commencing at Section 11951) is guilty of a misdemeanor.

Article 2. Uniform Fire Signals

California uniform fire code signal

12001. The signal system provided for in this article (commencing at Section 12001) shall be known as the California uniform fire code signal.

Fire alarm signals

12002 Every public, private, or parochial school building having an occupant capacity of fifty (50) or more students or more than one classroom shall be provided with a dependable and operative fire warning system. Every person and public officer managing, controlling, or in charge of any public, private, or parochial school shall cause the fire alarm signal to be sounded upon the discovery of fire and not less than once every calendar month in the manner prescribed in this article (commencing at Section 12001) except that when a fire alarm system having a distinctive tone, and which is used for no other purpose, is installed, the manner of sounding alarm shall not be subject to the provisions of Sections 12003, 12004, and 12005 of this article (commencing at Section 12001).

Intermittent sound signals

12003. When the signal is given by means of an apparatus emitting intermittent sound signals, the signal shall be given by repeated successive short intermittent signals for a full period of ten (10) seconds, to be immediately followed by an intermission or period of silence of five (5) full seconds before the signal is repeated.

Continuous sound signals

12004. When the signal is given by means of an apparatus emitting prolonged or continuous sound signals, the signal shall be given by prolonged whistle blast or other sound signal continuously sounded for a full period of ten (10) seconds, to be immediately followed by an intermission or period of silence of five (5) full seconds before the signal is repeated.

Duration

12005. In no case shall the signal be given for less than a one-minute period, and then only in the manner indicated.

Article 3. School Safety Patrols

Establishment and maintenance

12051. The governing board of any school district may, subject to such rules and regulations as shall be adopted by the State Board of Education, establish and maintain a school safety patrol in any of the schools of the district for the purpose of assisting pupils of such school in safely crossing streets and highways adjacent to or near such school.

Membership

12052. A school safety patrol established in any school as herein provided shall be composed of pupils attending in such school. The members of the patrol shall be under the supervision and control of a qualified employee of the district designated by the board, except as otherwise provided in Sections 11701 to 11907, inclusive, and Sections 12051 to 12059, inclu-

sive. The provisions of this section shall not, however, be deemed to require the physical presence of such employee at any particular street or highway location where any such school safety patrol is functioning.

Consent required

12053. The pupils who serve as members of a school safety patrol shall be designated by the principal of the school in which the patrol is established, but no pupil shall be designated to serve on any patrol unless the pupil and the person having legal custody of such pupil consent, in writing, thereto. Upon the revocation, in writing, of the consent of either such pupil or such person, the pupil shall cease to be a member of the patrol.

Rules, etc

12054. The State Board of Education is hereby authorized to adopt all rules and regulations necessary to effect the purposes of this act, and the governing board of each school district is hereby authorized to adopt additional rules and regulations not inconsistent therewith governing school safety patrols established under its jurisdiction.

Duties of members

12055. The members of a school safety patrol established hereunder shall be authorized and required only to give traffic signals and directions in order to assist pupils of the public schools in safely crossing streets and highways.

Police and Highway Patrol co-operation

12056. The chief of police in each city, and the Commissioner of the California Highway Patrol in unincorporated territory, may upon the request of the governing board of any school district, co-operate in the establishment, supervision and control of a school safety patrol to such extent as may be agreed upon.

Medical care

12057. The governing board of a school district which authorizes the establishment of a school safety patrol may provide for adequate hospital and medical attention to care for any injury or disability that may be suffered by any pupil while performing any act within and arising out of his duties as a member of a school safety patrol provided, however, that no pupil shall be compelled to accept such services if his parent or guardian objects.

Expenditures

12058. The governing board of any school district is hereby authorized to expend funds under its jurisdiction for the purpose of carrying out the provisions of Sections 11701 to 11907, inclusive, and Sections 12051 to 12059, inclusive.

Violations Misdemeanor

12059. Any person who shall disregard any traffic signal or direction given by a member of a school safety patrol, shall be guilty of a misdemeanor, and subject to the penalties provided in Section 762 of the Vehicle Code.

CHAPTER 6. COMPULSORY FULL-TIME EDUCATION

Article 1. Persons Subject To

Age

12101. Each parent, guardian, or other person having control or charge of any child between the ages of 8 and 16 years, not exempted under the provisions of this chapter (commenc-

ing at Section 12101), shall send the child to the public full-time day school for the full time for which the public schools of the city, city and county, or school district in which the child lives are in session.

Removal

12102. Any parent, guardian, or other person having control or charge of any minor between the ages of 8 and 16 years who removes the minor from any city, city and county, or school district before the completion of the current school term, shall enroll the minor in a public full-time day school of the city, city and county, or school district to which the minor is removed.

Article 2. Persons Exempt

Exemptions

12151. The classes of children described in this article (Sections 12151 to 12156, inclusive, and Section 12160), shall be exempted by the proper school authorities from the requirements of attendance upon a public full-time day school.

Physical and mental condition

12152. Children whose physical or mental condition is such as to prevent, or render inadvisable attendance at school or application to study shall be exempted, but the governing board of the school district may require satisfactory evidence of the condition to be furnished.

Distance of residence

12153. Children residing more than two miles from the schoolhouse by the nearest traveled road shall be exempted, but only upon the written approval of the superintendent of schools of the county, notice of which shall be filed with the clerk or the governing board of the school district.

Instruction in private schools

12154. Children who are being instructed in a private full-time day school by persons capable of teaching shall be exempted. Such school shall be taught in the English language and shall offer instruction in the several branches of study required to be taught in the public schools of the State. The attendance of the pupils shall be kept by private school authorities in a register, and the record of attendance shall indicate clearly every absence of the pupil from school for a half day or more during each day that school is maintained during the year.

Instruction by tutors

12155. Children not attending a private full-time day school, and who are being instructed in study and recitation for at least three hours a day for 170 days each calendar year by a private tutor or other person, in the several branches of study required to be taught in the public schools of this State and in the English language shall be exempted. The tutor or other person shall hold a valid state credential for the grade taught. The instruction shall be offered between the hours of 8 o'clock a.m. and 4 o'clock p.m.

Blindness

12156. Any child who is blind or deaf or partially blind or deaf to an extent which renders him incapable of receiving instruction in the regular elementary or secondary schools, but whose mental condition is such as to permit application to study shall be exempted from the provisions of this chapter

(commencing at Section 12101), only when he is resident of a city, city and county, or school district which does not maintain special classes for the admission of such pupils and when he may not be admitted to the State School for the Blind, or the State School for the Deaf, but he shall be exempted only upon the written approval of the superintendent of schools of the county.

Assignment to vocational course

12157. Upon the recommendation of the principal of the school which any minor over the age of 14 years is attending and has been attending during the next preceding school year, the supervisor of attendance, or, if there is no supervisor of attendance, the superintendent of schools having jurisdiction over the place of the school attendance may assign the minor to a vocational course in a place of employment. The employment shall be in lieu of the regular school course which the minor is pursuing.

Approval

12158. An assignment to a vocational course shall not be made until the recommendation of the school principal has been approved by the Superintendent of Public Instruction, and until a permit to work has been issued to the minor by the person authorized to issue permits to work. The permit to work shall specify the hours in which the minor shall be required to attend part-time continuation classes.

Return to classes

12159. Any minor assigned to a vocational course shall be continued under the jurisdiction of the school last attended and may at any time be returned to the classes therein by the supervisor of attendance making the assignment when in his judgment the educational, physical, or moral interests of the minor will be best served thereby.

Permits to work

12160. Children who hold permits to work shall be exempted, but such children shall be subject to compulsory attendance upon part-time classes.

Article 3. Enforcement

Absence

12201. No minor having a permit to work and no minor under 16 years of age, who is otherwise required by law to attend school, shall be out of school and unemployed for a period longer than 10 consecutive days while the public schools are in session, but shall enroll and attend school.

Notice

12202 Within five days after any minor has ceased to be employed by any employer, or has ceased to attend any school, the employer or school principal shall, in writing, notify the supervisor of attendance of the school district, in which the minor was employed or has been attending school, giving the latest correct address of the minor known to the employer or principal. The supervisor of attendance shall immediately notify the supervisor of attendance having jurisdiction in the place of the minor's residence, giving the latest known correct address of the minor and stating that he is out of work, or has dropped out of school.

Article 4. Permits to Work and Vacation Permits

Permit to work

12251. The superintendent of schools of any city or of any city and county in which any minor resides, or a person authorized by him in writing, may issue to certain minors permits to work. Where the minor resides in a portion of a county not under the jurisdiction of the superintendent of schools of any city, the permit to work shall be issued by the superintendent of schools of the county or by a person authorized by him, in writing.

Qualifications of pupil

12252. A permit to work may be issued to a minor under the age of 16 years and over the age of 15 years who has completed the equivalent of the seventh grade of a public school course.

Article 3. Enforcement

Work experience education

12253. A permit to work may be issued to a minor who is 16 or 17 years of age who is regularly enrolled in a high school or junior college and who will work part time as a properly enrolled pupil in a work experience education course that meets all the requirements of such course as provided in Sections 8351 to 8357, inclusive, of this code.

Same

12254. A permit to work may be issued to a minor under the age of 16 years and over the age of 14 years who holds a diploma of graduation from the prescribed elementary school course. A permit of this class shall be issued only when the parent, or foster parent, or guardian of the minor child presents a sworn statement that the parent or foster parent, or guardian of the minor is incapacitated for labor through illness or injury, or that through the death or desertion of the father of the minor the family is in need of the earnings of the minor and that sufficient aid cannot be secured in any other manner. In no case shall the permit be issued for a period of time to exceed six months from the date of issuance.

The person issuing the permit shall make a signed statement that he, or a competent person designated by him, has investigated the conditions under which the application for the permit has been made and has found that, in his judgment, the earnings of the minor are necessary for the family to support the minor and that sufficient aid cannot be secured in any other manner.

Issuance of vacation permits

12255. Vacation permits shall be issued by the superintendent of schools of the city or city and county in which the minor resides or by a person authorized by him, in writing. Where the minor resides in a portion of a county not under the jurisdiction of the superintendent of schools of any city, the vacation permit shall be issued by the superintendent of schools of the county or by a person authorized by him, in writing.

Contents

12256. Vacation permits shall contain the name and age of the minor to whom it is issued, and when issued for the regular vacation, the date of the termination of the vacation

for which it is issued; and when issued for the regular weekly school holiday, the termination of the school year for which it is issued. For employment in a mill, cannery, workshop, factory, or manufacturing establishment, the age of the minor shall be established pursuant to Section 12261.

Condition of issuance

12257. For the purpose of issuing vacation permits to minors under 16 years of age during regular summer vacation periods, the governing board of any school district may grant to a minor child a vacation permit or may designate the superintendent of schools so to do upon the submission of records showing the age of the minor pursuant to Section 12261. Permits shall be issued upon forms provided by and under instructions issued by the State Superintendent of Public Instruction.

Minors between 12 and 16 years of age

12258. Any minor over the age of 12 years and under the age of 16 years who holds a vacation permit may be employed on a regular weekly school holiday, and during the regular vacation of the public school and during the period of a specified occasional public school vacation in any of the establishments or occupations not otherwise prohibited by law.

Work outside school hours

12259. The person authorized to issue permits to work may also issue to any minor over the age of 14 years a permit to work outside of school hours for a period of time which when added to the time the minor is required by law to attend school does not exceed eight hours in any one day. The person issuing any permit to work outside of school hours shall immediately notify, in writing, the principal of the school which the minor is attending, and if at any time the teacher of the minor shows to the satisfaction of the person issuing the permit that the school work or the health of the minor is being impaired by the employment, the authority issuing the permit may revoke it.

Appearance

12260. No permit shall be issued until the minor accompanied by his parent or guardian, appears before the person authorized to issue the permit and makes application therefor.

Required papers

12261. No permit shall be issued until the issuing authority has received, examined, approved, and filed, the following papers duly executed:

(a) The school record of the minor giving age, grade, and attendance for the current term signed by the principal or teacher.

(b) Evidence of age, such as the school record of enrollment, or a certificate of birth, or a baptism certificate duly attested, or a passport, or affidavit of the parent, guardian, or custodian of the minor, such as shall convince the officer that the minor is of the age required by law.

(c) The written statement from a prospective employer that work is waiting for the minor and describing the nature of the work.

(d) A certificate signed by a physician appointed by the school board, or by other public medical officer, stating that the minor has been thoroughly examined by him, and, in his

opinion, is physically fit to pursue the work specified. No fee shall be charged the minor for the physical certificate.

Oath

12262. The parent, guardian, or custodian accompanying the minor shall make oath that his statement of the name, address, birthplace, and age of the minor as entered upon the application for the permit to work are true and correct to the best of his knowledge and belief.

Procedure for issuance

12263. Each application for a permit to work or to employ, or for a certificate of age shall be acted upon within three days after the date of the application. The person authorized to issue permits to work or to employ, or certificates of age, may administer the oath necessary for carrying out the provisions of this chapter (commencing at Section 12101), but no fees shall be charged for administering the oaths or issuing the permits or certificates.

Certificate of age

12264. The person authorized to issue permits to work or to employ may issue to any minor a certificate of age when the minor accompanied by his parent, guardian, or other person in control or charge of the minor, presents to the authority, the evidence of age specified in this article (commencing at Section 12251). The certificate of age shall serve as a permit to employ a minor who is not in attendance upon any California school in the next preceding school term, and who is otherwise required to hold a vacation permit.

Forms

12265. All permits to work or to employ, all certificates of age, and certificates of health pursuant to this chapter (commencing at Section 12101), shall be issued on forms prepared and provided by the Superintendent of Public Instruction.

Notice

12266. The authority issuing any permit to work shall immediately notify, in writing, the person in charge of the organization and maintenance of part-time continuation classes of the place of the minor's prospective employment, and the parent or guardian of the minor shall send the minor to the classes designated.

Inspection and cancellation

12267. Permits and certificates shall always be open to inspection by attendance or probation officers, by officers of the Division of Labor Law Enforcement, and by officers of the Superintendent of Public Instruction. All permits to work or to employ and all certificates of age shall be subject to cancellation at any time by the Superintendent of Public Instruction, or by the Labor Commissioner, or by the person issuing the permits or certificates whenever any such officer or person finds that the conditions for the legal issuance of the permits or certificates of age do not exist or did not exist at the time the permit was issued. A permit to work shall be revoked by the issuing authority when he is satisfied that the employment of the minor is impairing the health or education of the minor, or that any provision or condition of the permit is being violated.

Annual reports

12268. An annual report of all permits to work and to employ issued during the year shall be made by the issuing authority to the county or city and county superintendent of

schools. The reports shall be upon forms prepared and provided by the Superintendent of Public Instruction. The superintendent of schools of each county or city and county shall include in his annual report to the Superintendent of Public Instruction a summary of all such reports.

Work done for parent

12269. In order that children may be disciplined and trained in habits of work and industry by their parents, guardians, or other persons standing in the place of parents, nothing in this chapter (commencing at Section 12101) or in Chapter 7 (Sections 12551 to 12759, inclusive) of this division shall require a permit to work to be issued to any minor or require a permit to employ to be issued to the parent or guardian when the work or intended work to be performed by the minor is for or under the control of his parent or guardian and is performed upon or in connection with the premises owned, operated, or controlled by the parent or guardian. Nothing in this section shall be held to affect existing provisions of law which require permits to work to be issued to minors employed in manufacturing, mercantile, or similar nonagricultural commercial enterprises by their parents or guardians. All other provisions of law relating to compulsory education shall be effective as to the minor.

Notice by farm operator

12270. Every owner, tenant, or operator of a farm employing thereon as agricultural labor any parent or guardian having minor children in his immediate care and custody shall post at a conspicuous place on the property or place of employment where it may be easily read by those employed, a notice stating that minor children are not allowed to work upon the premises unless legally permitted to do so by law and unless permits to work have been secured by the minor children from duly constituted authorities. No owner, tenant, or operator posting the notice shall be held to have violated the provisions of this code because work has been performed upon the premises by minor children without permits to work unless minors are directly employed by or for him or under his direction or unless the owner, tenant, or operator has knowledge of the employment of minors on premises owned, leased, or operated by him and fails to ascertain if permits to work have been secured by the minors.

Article 5. Duties of Employer

Permits to employ: Issuance

12301. The person authorized to issue permits to work may issue to any employer a permit to employ any minor who has been granted a permit to work, or, who has been assigned to a vocational course in a place of employment, or to a work experience education course as provided in Sections 8351 to 8357, inclusive, of this code.

Statement of work

12302. No permit to employ shall be issued except upon a statement signed by the prospective employer that work is awaiting the minor and describing the nature of the work.

Contents

12303. The permit to employ shall contain:

(a) The name and address of the employer.

(b) The name, age, and address of the minor.

(c) The kind of work for which the permit is issued.

(d) The place and hours of compulsory part-time school attendance for the minor, or statement of exemption therefrom, the hours of compulsory full-time school attendance for the minor, if the permit is issued for outside of school hours.

(e) The date on which the permit expires.

Employment

12304. No person, firm, or corporation shall employ, suffer, or permit any minor under the age of 16 years to work in or in connection with any establishment or occupation except as provided in Section 12501, without a permit to employ, or a vacation permit issued by the proper educational officers in accordance with law.

Register and notice of hours

12305 Every person, firm, corporation, or agent or officer of a firm or corporation, employing minors under the age of 16 years shall keep a separate register containing the names, ages, and addresses of the minor employees, and shall post and keep posted in a conspicuous place in every room where the minors are employed, a written or printed notice stating the working hours per day for each day of the week required of the minors, and shall keep on file all permits to employ, or vacation permits for minors under the age of 16 years. The records and files shall be open at all times to the inspection of school attendance and probation officers and the officers of the Division of Labor Law Enforcement, of the Superintendent of Public Instruction, and of the State Board of Education.

Notice of termination of employment

12306. All permits to employ shall be kept on file by the employer during the term of the employment. Within five days after the termination of the employment, notification on the forms and in the manner prescribed on the permit to employ, shall be sent by the employer to the supervisor of attendance of the place of the employment. The notification shall contain the latest correct address of the minor known to the employer.

Custody of vacation permits

12307. All vacation permits shall be kept on file by the employer during the term of employment of the minors granted the vacation permits, and at the termination of the employment shall be returned to the minors.

Article 6. Supervisors of Attendance

Appointment

12351. The board of education of any city or city and county shall appoint a supervisor of attendance and such assistant supervisors of attendance as may be necessary for the city or city and county. The board shall fix the compensation, payable from the special school fund of the city or city and county, and shall prescribe the duties of the supervisor and assistant supervisors of attendance, not inconsistent with law.

12352. In any city or city and county no supervisor of attendance or assistant supervisors of attendance shall be appointed, unless he has been lawfully certificated for the work by the county board of education. Certificate

12353. The board of school trustees of any district of a county may appoint a district supervisor of attendance to act under the direction of the county supervisor of attendance. Appointment

12354. Two or more districts may unite in appointing a district supervisor of attendance and in paying his compensation. Employment by more than one district

12355. The compensation of the district supervisor of attendance and the actual and necessary expenses incurred by him in the discharge of his duties shall be paid from the special school fund of the district. Compensation

12356. In any district or districts with an average daily attendance of 1,000 or more school children, according to the annual school report of the last preceding school year, no district supervisor of attendance shall be appointed, unless he has been lawfully certificated for the work by the county board of education. Certificate

12357. Any teacher employed by a district at the time Chapter 885 of the Statutes of 1921 became effective may, without the special certification required by Sections 12353 to 12357, inclusive, be appointed to act as a district supervisor of attendance of the district and may be paid for the additional service. Teacher

12358. The authority appointing a supervisor of attendance may also appoint and remove at pleasure one or more deputy supervisors of attendance to serve without compensation. Deputies

12359. The attendance supervisor of any county, city and county, or school district in which any place of employment subject to the provisions of this chapter (commencing at Section 12101) is situated, or the probation officer of the county, may enter into any such place of employment for the purpose of investigating violations of the provisions of this chapter (commencing at Section 12101). Entrance into place of employment

12360. If any attendance or probation officer acting under the authority of Section 12359 is denied entrance to such place of employment, any magistrate may, upon the filing of an affidavit by the officer, setting forth the fact that he has good cause to believe that the provisions of this chapter (commencing at Section 12101) are being violated in the place of employment, issue an order directing him to enter the place of employment for the purpose of making the investigation. Order of magistrate

Article 7. Truants

12401. Any child may be reported as a truant, in the meaning of this article (commencing at Section 12401), who has been absent from school without valid excuse more than Truant

three days, or tardy on more than three days. Any absence for a part of a day is a tardiness.

Repeated absence

12402. Any child who has once been reported as a truant and who is again absent from school without valid excuse one or more days, or tardy on one or more days, may again be reported as a truant.

Habitual truant

12403. Any child is deemed an habitual truant who has been reported as a truant three or more times.

Same

12404. Any child who has once been declared an habitual truant and who, in a succeeding year is reported as a truant from school one or more days, or tardy on one or more days without valid excuse, may again be declared an habitual truant.

Arrest

12405. The attendance supervisor, any peace officer, or any school officer, shall arrest, during school hours, without warrant, any child between 8 and 16 years of age, found away from his home and who has been reported to him by the teacher, the superintendent of schools, or other person connected with the school department or schools as a truant from instruction upon which he is lawfully required to attend, within the county, city, or city and county, or school district.

Delivery of truant

12406. The arresting officer shall forthwith deliver the child arrested either to the parent, guardian, or other person having control, or charge of the child, or to the teacher from whom the child is a truant, or, if the child has been declared an habitual truant, he shall bring the child before a magistrate for commitment by him to a parental school.

Report

12407. The attendance supervisor or other arresting officer shall promptly report the arrest, and the disposition made by him of the child to the school authorities of the city, or city and county, or school district.

Complaint

12408. If any child in any district of a county where there is not a parental school is an habitual truant, or is irregular in attendance at school, as defined in this article (commencing at Section 12401), or is insubordinate or disorderly during attendance at schools, the county superintendent of schools shall make and file a complaint against him, in the superior court of the county, charging the facts.

Order of detention

12409. If the court upon the hearing of the complaint finds that the charge is sustained by the evidence, it shall render judgment that the child shall be detained and maintained in a parental school, if there is one in the county, during the remainder of the school term.

Order to parent

12410. If there is no parental school in the county, the court shall render judgment that the parent, guardian, or person having the control or charge of the child shall deliver him at the beginning of each school day, for the remainder of the school term, at the school from which he is a truant.

Bond

12411. If the parent, guardian, or other person having control or charge of the child, within three days after the rendition of the judgment executes a good and sufficient bond to the governing board of the school district, with sufficient

sureties in the sum of two hundred dollars ($200), conditioned that the child will, during the remainder of the current school year, regularly attend some public or private school in the city, or city and county, or school district, and not be insubordinate or disorderly during his attendance, then the court shall make an order suspending the execution of the judgment so long as the condition of the bond is complied with. The bond shall be approved by the judge of the court, and be filed with the secretary of the board of education, or clerk of the board of trustees.

Forfeiture

12412. If the condition of the bond is violated, the court upon receiving satisfactory evidence of the fact in any action brought therefor, shall make an order declaring the bond forfeited, and directing judgment to be enforced.

Execution

12413. The governing board of the school district may, at any time within one year after the bond has been declared forfeited, have execution issued against any of the parties to the bond to collect the amount thereof. All money paid or collected on the bond shall be paid over to the parental school fund of the city, or city and county, or school district.

Article 8. Violations

Investigation

12451. The governing board of any school district, shall, on the complaint of any person, make full and impartial investigation of all charges against any parent, guardian, or other person having control or charge of any child, for violation of any of the provisions of this chapter (commencing at Section 12101).

Complaint

12452. If it appears upon investigation that any parent, guardian or other person having control or charge of any child has violated any of the provisions of this chapter (commencing at Section 12101), the secretary of the board of education, except as provided in Section 12453, or the clerk of the board of trustees, shall make and file in the proper court a criminal complaint against the parent, guardian, or other person, charging the violation, and shall see that the charge is prosecuted by the proper authority.

Duty of attendance supervisor

12453. In counties, cities, and cities and counties, and in school districts having an attendance supervisor, the attendance supervisor shall make and file the complaint provided for by this article (commencing at Section 12451), and shall see that the charge is prosecuted by the proper authorities.

Penalty Custodian of child

12454. Any parent, guardian, or other person having control or charge of any child who fails to comply with the provisions of this chapter (commencing at Section 12101), unless excused or exempted therefrom, is guilty of a misdemeanor, and, is liable, for the first offense, to a fine of not more than ten dollars ($10), or to imprisonment for not more than five days. For each subsequent offense he is liable to a fine of not less than ten dollars ($10), or more than fifty dollars

($50), or to imprisonment for not less than five days, nor more than 25 days, or to both such fine and imprisonment.

Same Employer

12455. Any person, firm, corporation, or agent or officer of a firm or corporation that violates or omits to comply with any of the provisions of this chapter (commencing at Section 12101), or that employs, or suffers, or permits any minor to be employed in violation thereof, is guilty of a misdemeanor and is punishable by a fine of not less than fifty dollars ($50), or more than two hundred dollars ($200), or by imprisonment in the county jail for not more than 60 days, or by both such fine and imprisonment, for each and every offense.

Prima facie evidence

12456. A failure to produce any permit to employ, or vacation permit to work, or other permit issued under this chapter (commencing at Section 12101), or to post any notice required by this chapter (commencing at Section 12101) is prima facie evidence of the illegal employment of any minor for whom a permit to employ is not produced.

False statement

12457. Every person authorized to sign any certificate of age or any permit to work or to employ which allows employment of any minor during or outside school hours, during a vacation of the public schools, or upon the regular weekly school holiday who knowingly certifies to any false statement therein, is guilty of a misdemeanor, and is punishable by a fine of not less than five dollars ($5) or more than fifty dollars ($50), or imprisonment for not more than 30 days, or by both such fine and imprisonment.

Disposition of fines

12458. All fines paid as penalties for the violation of any of the provisions of this chapter (commencing at Section 12101) shall, when collected or received, be paid over by the justice or officer receiving them to the treasurer of the city, or city and county, in which the offense was committed, to be placed to the credit of the parental school fund of the city, or city and county, if there is such a fund, otherwise to the credit of the general school fund of the city, or city and county, or to the county treasurer to be placed to the credit of the school fund of the school district in which the offense was committed.

Jurisdiction

12459. Any judge of a municipal or justice court in which the school district is located, or in which the offense is committed, has jurisdiction of all offenses committed under this chapter (commencing at Section 12101).

Fees

12460. No fees shall be charged or received by any court or officer in any proceeding under this chapter (commencing at Section 12101).

Article 9. Child Labor Law Not Affected

Construction

12501. Nothing in this chapter (commencing at Section 12101) shall be construed to repeal or in any way modify the provisions of Sections 1298, 1390, 1394, 1395, 1396, and 1397 of the Labor Code.

CHAPTER 7. COMPULSORY CONTINUATION EDUCATION

Article 1. Persons Subject To

12551. All persons under 18 years of age who are too old to be subject to the provisions of Chapter 6 (Sections 12101 to 12501, inclusive) of this division, who have not been graduated from a high school maintaining a four-year course above the eighth grade of the elementary schools, or who have not had an equal amount of education in a private school or by private tuition, who are not disqualified for attendance upon these classes because of their physical or mental condition, or because of personal services that must be rendered to their dependents, and who are not in attendance upon a public or private full-time day school, or satisfactory part-time classes maintained by other agencies, shall attend upon special continuation education classes maintained by the governing board of the high school district in which they reside, or by the governing board of a neighboring high school district, for not less than four 60-minute hours per week for the regularly established annual school term. Age

12552. The local school authorities may accept, in lieu of the attendance required in this article (commencing at Section 12551), an equivalent amount of instruction at a place of employment under the direction of a duly certified instructor and in accordance with the standards and regulations established by the State Board of Education. Equivalent instruction

12553. Whenever a minor subject to the provisions of this chapter (Sections 12551 to 12759) cannot give satisfactory proof of regular employment he shall attend upon special continuation education classes for not less than three hours per day during the period of unemployment. Period of attendance

12554. The local school authorities may arrange with the parent, guardian, or other person responsible for any minor employed in a seasonal occupation and excused for a period from attendance upon continuation education classes for his full-time attendance upon a special class maintained for him at a convenient season and the parent, guardian, or other person is responsible for his attendance upon these classes for the period. Special classes

Article 2. Persons Exempt

12601. If it appears that the interest of any minor will suffer if he is compelled to attend a special continuation education class, the governing board of the high school district in which he resides may exempt him from compulsory attendance upon the class. Any high school board shall not exempt a number of minors which exceeds 5 percent of the total number of minors subject to attendance upon continuation education classes in its district. Exemption

The board shall cause to be issued to any exempted minor a permit to work, which shall contain a statement of the cause of, and the time covered by, the exemption.

Investigation 12602. If any controversy arise in any high school district as to whether any person is exempt from the compulsory attendance features of this chapter (commencing at Section 12551), the school superintendent having jurisdiction over the district shall provide for an investigation, and he shall render a decision.

Appeal 12603. Any party to any such controversy who is not satisfied with the decision of the superintendent of schools may appeal from the decision to the Superintendent of Public Instruction, who shall provide for further investigation, upon the findings of which he shall render a final decision.

Article 3. Permits to Work

Issuance 12651. The governing board of each high school district shall designate an officer of the board to issue in its name a permit to work to each minor enrolled in continuation education classes. He shall also issue a duplicate of the permit for the parent, guardian, or other person having control or charge of the minor, and from time to time such duplicates of the permits as are necessary for filing with his employer.

Form 12652. The form for the permit shall be prescribed by the State Department of Education.

Qualifications 12653. The permit shall be issued to persons complying with the provisions of Article 1 (commencing at Section 12551) of this chapter.

Expiration 12654. Permits to work issued during the first school term shall expire five days after the opening of the next succeeding school term of the year. Permits issued during the last term of the school year shall remain valid until five days after the opening of the first school term of the succeeding year.

Cancellation 12655. All permits to work or to employ and all certificates of age shall be subject to cancellation at any time by the Superintendent of Public Instruction or by the Labor Commissioner or by the person issuing the permits or certificates whenever such officer or person finds that the conditions for the legal issuance of the permits or certificates of age do not exist or did not exist at the time the permit was issued. A permit to work shall be revoked by the issuing authority when he is satisfied that the employment of the minor is impairing the health or education of the minor or that any provision or condition of the permit is being violated.

Article 4. Duties of Employers

Definition 12701. The employer of any minor subject to this chapter (commencing at Section 12551) shall require of him a permit to work issued by the governing board of the high school district in which he resides. The permit to work is the authoriza-

tion of the employer to employ the minor for the period between the date of the issuance of the permit and the date of its expiration.

Employment

12702. No person shall employ a minor under 18 years of age who is too old to be subject to compulsory full-time school attendance and who does not present the permit to work required by this chapter (commencing at Section 12551). The employer shall file and retain permanently the permit to work.

Notification of employment

12703. The employer of any minor subject to this chapter (commencing at Section 12551) shall, within five days after the beginning of employment, send to the officer of the high school board issuing the permit to work a written notification of the employment. The form of the notification shall be prescribed by the State Department of Education and shall be furnished to the employer by the officer. The employer shall retain and file with the permit to work a copy of the notification.

Hours

12704. Except in agricultural and home-making occupations, no employer shall employ a minor under 18 years of age for a greater number of hours each day than will, if added to the number of hours that the minor is compelled to attend school, equal eight hours.

Notification by principal

12705. The principal of the school which any pupil subject to this chapter (commencing at Section 12551) attends, shall add his hours of compulsory school attendance and employment, and if the sum of the school attendance and employment exceeds eight hours for any day of the week, the principal shall give notification to this effect to any employer who employs the pupil after he has already served during that day eight hours of time in compulsory school attendance and employment combined.

Termination of employment

12706. Within five days after any minor subject to this chapter (commencing at Section 12551) ceases to be employed by any employer, the employer shall in writing notify the person who issued the permit to work under which the minor was employed, that the minor has left his employ.

Article 5. Violations

Duty of custodian of child

12751. Each parent, guardian, or other person having control or charge of any minor required to attend special continuation education classes, shall compel the attendance of the minor upon the classes. He shall retain a copy of the permit to work and shall present it upon request of any officer of the law, or other person authorized to enforce the provisions of this chapter (commencing at Section 12551).

Investigation

12752. The governing board of any high school district in which a minor resides who violates the provisions of this chapter (commencing at Section 12551) shall, on the complaint of any person, make full and impartial investigation of all charges against any parent, guardian, or other person

having control or charge of the minor for violation of the provisions of Section 12751.

Complaint

12753. If it appears upon the investigation that any parent, guardian, or other person having control or charge of the minor has violated the provisions of Section 12751, the clerk of the board, or other person authorized by the board to bring such actions, shall make and file in the proper court a criminal complaint against the parent, guardian, or other person having control or charge of the minor, charging the violation, and shall see that the charge is prosecuted by the proper authorities.

Duty of attendance supervisor

12754. In cities, and in cities and counties, and in school districts having an attendance supervisor, the attendance supervisor shall make and file the complaint provided for in this article (commencing at Section 12751), and shall see that the charge is prosecuted by the proper authorities.

Action

12755. The clerk of the high school board, a supervisor of attendance, or other person authorized by the board shall bring an action against any person, firm, corporation, or agent or officer of a firm or corporation that employs a minor in violation of the provisions of this chapter (commencing at Section 12551).

Penalty Custodian of child

12756. Any parent, guardian, or other person having control or charge of any minor subject to this chapter (commencing at Section 12551) who fails to perform any of the duties imposed upon him by the provisions of Section 12751 is guilty of a misdemeanor, and is liable for the first offense to a fine of not more than ten dollars ($10), or to imprisonment for not more than five days. For each subsequent offense he is liable to a fine of not less than ten dollars ($10), nor more than fifty dollars ($50), or to imprisonment for not less than five days, nor more than 25 days, or to both such fine and imprisonment.

Same Employer

12757. Any person, firm, corporation, or agent or officer of a firm or corporatin, that violates or omits to comply with any of the provisions of this chapter (commencing at Section 12551), or that employs or suffers any minor under 18 years of age who is too old to be subject to compulsory full-time school attendance to be employed in violation thereof, is guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars ($50), nor more than two hundred dollars ($200), or by imprisonment in the county jail for not more than 60 days, or by both such fine and imprisonment for each and every offense.

Prima facie evidence

12758. Failure to produce a permit to work and a duplicate of the written notification of employment sent to the officer or the high school board are prima facie evidence of the illegal employment of any minor whose permit to work is not produced.

Disposition of fines

12759. Any fine collected under this chapter (commencing at Section 12551) shall be paid into the high school fund of the high school district in which the minor resides.

CHAPTER 8. COMPULSORY EDUCATION FOR THE DEAF

12801. Every parent, guardian, or other person having control of any minor over five years of age and less than 20 years of age who, by reason of deafness or impaired hearing, is unable to benefit materially by the methods of instruction in use in the public schools, shall send the minor to a school or class for the deaf maintained by a school district or by the State for the full time for which the school or class is in session. The minor shall attend the school or class year after year until completion of the prescribed course of study or until discharged for good reason by the principal or other person in charge of the school or class with the approval of the governing board. School or class for deaf

12802. Every attending or consulting physician who examines any child under 20 years of age found to be totally deaf, or with impaired hearing, as defined by the State Board of Education, shall report at once to the Department of Education the name, age, residence, and the name of the parent or guardian of the minor. Reports of deafness

DIVISION 10. EMPLOYEES

CHAPTER 1. PROVISIONS APPLYING TO ALL EMPLOYEES

Article 1. General Provisions

12901. Unless the context otherwise requires, the definitions set forth in Sections 12901 to 12913, inclusive, and Section 13251 shall govern the construction of this part. Definitions

12902. "Educational position" includes every type of service for which certification qualifications are established by Sections 12901 to 12913, inclusive, Sections 13101 to 13112, inclusive, Sections 13117 to 13186, inclusive, and Section 13251. "Educational position"

12903. A "county certificate" is a document issued or approved by a county board of education authorizing the holder to engage in a specified school service. "County certificate"

12904. A "credential" is a document issued by the State Board of Education upon which the holder may secure a county certificate of like grade and kind authorizing him to engage in the service specified in the credential. "Credential"

12905. A "life diploma" is a document issued on the basis of a credential upon completion by the applicant of specified requirements. "Life diploma"

12906. The word "certificate" used as a noun refers to the document issued by a county board of education to license the holder to perform the service specified in the certificate. "Certificate"

12907. The word "certificate" used as a verb refers to the act of licensing individuals for employment in educational positions. "Certificate"

"Certificated person"

12908. The term "certificated person" refers to a person who holds one or more documents such as a certificate, a credential, or a life diploma, which singly or in combination license the holder to engage in the school service designated in the document or documents.

"Certification document"

12909. The term "certification document" as used in this code includes only certificates, credentials and life diplomas.

Termination of probation and dismissal of accusation

12910. A termination of probation and dismissal of an accusation or information pursuant to Section 1203.4 of the Penal Code shall not, for the purpose of Sections 997 to 1002, inclusive, Sections 12901 to 13004, inclusive, Sections 13006 to 13553, inclusive, and Sections 13555 to 14775, inclusive, have any effect.

Conviction of sex offense

12911. A plea or verdict of guilty or a finding of guilt by a court in a trial without a jury is deemed to be a conviction within the meaning of Sections 13130, 13207, 13218, 13255, and 13586 of this code, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing the withdrawal of the plea of guilty and entering of a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusations or information. The record of such conviction of a sex offense as defined in Section 12912 shall be sufficient proof of conviction of a crime involving moral turpitude for the purposes of Sections 13313, 13327 and 13338, and Sections 13403 to 13441, inclusive, of this code, relating to the dismissal of permanent employees.

"Sex offense"

12912. "Sex offense" as used in Sections 13130, 13207, 13218, 13255, and 13586 of this code means any offense defined in Sections 266, 267, 285, 286, 288, 288a, 647a, subdivision 3 or 4 of Section 261, subdivision 5 of Section 647, or subdivision 2 of Section 311 of the Penal Code; or any offense defined in subdivision 1 of Section 311 of the Penal Code committed on or after the effective date of the amendment of this section made at the 1955 Regular Session by the Legislature; or any offense involving lewd and lascivious conduct under Section 702 of the Welfare and Institutions Code; or any attempt to commit any of the above-mentioned offenses; or any offense committed or attempted in any other state which, if committed or attempted in this State, would have been punishable as one or more of the above-mentioned offenses.

Record of conviction

12913. Any record of conviction of any applicant for, or holder of, a certification document, shall, for the purposes of this division, be admissible in evidence in any civil action or administrative proceedings pertaining to the issuance, suspension or revocation of such certification document, any provision of law to the contrary notwithstanding.

Vacation employment

12914. In order to assist school district employees to secure employment during vacation periods in occupations which tend to contribute to their rendering improved service as employees of the school district, any governing board of a school district or districts, in which the average daily attendance of

all said districts combined is in excess of 200,000, is authorized to provide service necessary for aiding its employees in securing such employment.

Article 2. Prohibition of Communist Party Membership

12951. The Legislature of the State of California finds that: Legislative findings

(a) There exists a world-wide revolutionary movement to establish a totalitarian dictatorship based upon force and power rather than upon law.

(b) This world-wide revolutionary movement is predicated upon and it is designed and intended to carry into execution the basic precepts of communism as expounded by Marx, Lenin, and Stalin.

(c) Pursuant to the objectives of the world communism movement, in numerous foreign countries the legally constituted governments have been overthrown and totalitarian dictatorships established therein against the will of the people, and the establishment of similar dictatorships in other countries is imminently threatening. The successful establishment of totalitarian dictatorships has consistently been aided, accompanied, or accomplished by repeated acts of treachery, deceit, teaching of false doctrines, teaching untruth, together with organized confusion, insubordination, and disloyalty, fostered, directed, instigated, or employed by communist organizations and their members in such countries.

(d) Within the boundaries of the State of California there are active disciplined communist organizations presently functioning for the primary purpose of advancing the objectives of the world communism movement, which organizations promulgate, advocate, and adhere to the precepts and the principles and doctrines of the world communism movement. These communist organizations are characterized by identification of their programs, policies, and objectives with those of the world communism movement, and they regularly and consistently cooperate with and endeavor to carry into execution programs, policies, and objectives substantially identical to programs, policies, and objectives of such world communism movement.

(e) One of the objectives of the world communism movement is to place its members in local government positions and in the Public School System. If this objective is successful, propaganda can be disseminated by the members of these organizations among public school pupils by those members who would have the opportunity to teach them and to whom, as teachers, they would look for guidance, authority, and leadership. The members of such groups would use their positions to advocate and teach their doctrines and teach the prescribed Communist Party line group dogma or doctrine without regard to truth or free inquiry. This type of propaganda is sufficiently subtle to escape detection in the classroom.

There is a clear and present danger, which the Legislature of the State of California finds is great and imminent, that in order to advance the program, policies and objectives of the world communism movement, communist organizations in the State of California and their members will engage in concerted effort to hamper, restrict, interfere with, impede, or nullify the efforts of the governing boards of school districts to comply with and enforce Section 8455 of the Education Code of the State of California which prohibits the advocacy or teaching of communism with the intent to indoctrinate any pupil with or inculcate a preference in the mind of any pupil for communism for the purpose of undermining the patriotism for and the belief in the Government of the United States and of the State of California in the minds of the pupils of the Public School System.

The Legislature specifically finds that the requirement that all persons (certificated or noncertificated) now employed by the school districts of this State, or hereafter making application for employment by any of such districts, shall declare under oath that they are not knowingly members of the Communist Party, is a reasonable measure to meet the clear and present danger hereinabove found.

The Legislature further specifically finds that an indirect or evasive answer to a question relating to any of the matters specified in Section 12955 or 12956, or an answer which neither affirms nor denies shall, for the purposes of this act and chapter, be considered as a failure and refusal to answer, regardless of the ground or explanation given for any such answer.

School district employees Oath

12952. No person who is knowingly a member of the Communist Party shall after September 9, 1953, be employed by, or, except as provided in Section 12953, retained in the employment of, any school district. Prior to the first day of service as an employee of any school district, the applicant shall state under oath whether or not he is knowingly a member of the Communist Party. If the applicant states that he is knowingly a member of the Communist Party, he shall not become an employee of any school district.

Verified statement of *non-membership*

12953. Any employee of any school district who on September 9, 1953, is or since October 3, 1945, was knowingly a member of the Communist Party, and who has not previously filed the statement required by this section, shall within ninety (90) days of the effective date of the amendment of this section made at the 1955 Regular Session of the Legislature, file with the governing board of the school district employing him a verified statement that he is no longer a member of the Communist Party and that such membership has been terminated in good faith. Any such employee who fails to file such a statement within the time specified shall be guilty of insubordination and guilty of violating this section and shall be suspended and dismissed from his employment in the manner provided by law.

12954. Any employee of any school district who after September 9, 1953, knowingly becomes a member of the Communist Party shall be guilty of insubordination and guilty of violating this section and shall be suspended and dismissed from his employment in the manner provided by law. Suspension and dismissal

12955. It shall be the duty of any employee of any school district who may be subpenaed by a United States Congressional Un-American Activities Committee or a subcommittee thereof or a California Legislative Un-American Activities Committee or a subcommittee thereof or any other committee or subcommittee of the United States Congress or the California Legislature or of either house of either thereof to appear before said committee or subcommittee and specifically to answer under oath a question or questions propounded by any member or counsel of the committee or subcommittee relating to: Appearance before legislative committees, etc.

(a) Present personal advocacy by the employee of the forceful or violent overthrow of the Government of the United States or of any state or political subdivision.

(b) Present knowing membership in any organization which, to the knowledge of such employee, advocates the forceful or violent overthrow of the Government of the United States or of any state or political subdivision

(c) Past knowing membership at any time since October 3, 1945, in any organization which, to the knowledge of such employee, during the time of the employee's membership advocated the forceful or violent overthrow of the Government of the United States or of any state or political subdivision.

(d) Past knowing membership of such employee in the Communist Party at any time since October 3, 1945.

(e) Present knowing membership of such employee in the Communist Party.

(f) Present personal advocacy by the employee of the support of a foreign government against the United States in the event of hostilities.

Any employee who fails or refuses to answer under oath on any ground whatsoever any such question propounded by any member or counsel of any such committee or subcommittee shall be guilty of insubordination and guilty of violating this section and shall be suspended and dismissed from his employment in the manner provided by law.

12956. It shall be the duty of any employee of any school district who is ordered to appear before the governing board of the employing school district to appear and specifically to answer under oath a question or questions propounded by a member or counsel of the governing board or by the superintendent of schools relating to any of the matters specified in Section 12955. Appearance before governing boards

Any employee who fails or refuses to appear or to answer under oath on any ground whatsoever any such question propounded by a member or counsel of the governing board or by

the superintendent of schools shall be guilty of insubordination and guilty of violating this section and shall be suspended and dismissed from his employment in the manner provided by law.

Cause for suspension and dismissal

12957. It shall be sufficient cause for the suspension and dismissal, in the manner provided by law, of any employee of a school district when such employee is knowingly a member of the Communist Party.

Same Certificated employees

12958. Any certificated employee of a school district who violates any of the provisions of Sections 12952 to 12957, inclusive, of this code shall be guilty of unprofessional conduct and shall be suspended and dismissed in the manner provided by law.

Article 3. Rights and Duties of Employees

Failure to make report

13001. Any principal, teacher, employee, or school officer of any elementary or secondary school who refuses or wilfully neglects to make such reports as are required by law is guilty of a misdemeanor and is punishable by a fine of not more than one hundred dollars ($100).

Traveling expenses

13002. The governing board of any school district shall provide for the payment of the actual and necessary traveling expenses of any employee of the district when performing services for the district under the direction of the governing board. The governing board may direct any employee of the district to attend any convention or conference or to visit schools for the discussion or observation of any school matter appertaining to the duties of the employee or any question of interest to the school district.

Automobile allowance

13003. The governing board of any school district may provide for the reimbursement of employees of the district for the use of automobiles owned by the employees and used in the performance of regularly assigned duties, by establishing an allowance for such use on a mileage or monthly basis.

Political activities

13004. Neither any local legislative body nor any school district governing board shall enact or enforce any ordinance or promulgate or enforce any rule or regulation which limits, during their off-duty hours, the participation of school employees in political activities not prohibited by this code.

Permanent employees

13005. Every permanent employee of a school district which becomes in its entirety a part of a unified school district, and every permanent employee of a school district employed in a school located in a portion of a district which becomes a part of a unified school district, where the whole of the district does not become a part of a unified school district, shall become a permanent employee of the unified school district.

CHAPTER 2. CERTIFIED EMPLOYEES

Article 1. Licensing of Certified Personnel

Accredited institution

13101. The State Board of Education shall accredit any teacher education institution meeting such standards as may be prescribed by this board as an institution authorized to give the training required for credentials and to recommend to the State Board of Education the issuance of such credentials to persons who have successfully completed prescribed requirements.

The State Board of Education may appoint an accreditation committee of not more than 20 members who shall be educators. The members of such committee shall receive no compensation but shall be allowed actual traveling expenses.

Commission of Credentials

13102. There is continued in existence a Commission of Credentials, consisting of the Superintendent of Public Instruction, and four persons appointed by the Superintendent of Public Instruction.

Duties of Commission of Credentials

13103. The State Board of Education may assign to the Commission of Credentials such duties as it may see fit relating to certification, the issuance of credentials and life diplomas, and to the accreditation of institutions for purposes of certification.

State college graduates

13104. The State Board of Education shall grant the appropriate credential or credentials to an applicant who is the holder of a diploma granted by a state college and who has completed a teacher training course prescribed by the State Board of Education, upon the presentation of the diploma to the State Board of Education within four months after such diploma was issued. If such an applicant does not present his diploma within the period specified, his application shall be acted upon pursuant to the provisions of Section 13106.

County teaching certificate holders

13105. Whenever a person has completed a teacher's training course and has received a diploma granted by the University of California or by a state college and has thereafter been issued a county teaching certificate which has been renewed regularly and has taught for a period of 25 years in the grades authorized by the diploma and has been a member of and made contributions to the State Teachers' Retirement System for said period, the State Board of Education shall grant the appropriate credential or credentials to such person upon presentation of the diploma and a certificate of the county superintendent of schools setting forth the facts of such teaching; provided, however, that no credential shall be issued pursuant to this section to any person who has had a county teaching certificate revoked for any cause whatsoever. The certificate so issued shall authorize the same type of service as the original diploma.

The teaching, service, status, and payment of any person meeting the requirements of this section is hereby validated and confirmed.

Examinations

13106. The State Board of Education shall examine applications for credentials and life diplomas, and when it is satisfied that any candidate fully meets the standards set by the State Board of Education it shall issue the proper credentials and life diplomas.

Period of validity

13107. Each certification document issued by the State Board of Education in accordance with provisions of law and State Board of Education regulations shall be valid for the purpose and for the period for which it is issued.

Appeal from decision

13108. Any applicant for a credential or life diploma who is dissatisfied with any action taken by the Commission of Credentials may appeal to the State Board of Education which shall examine the application and either issue the document or deny the application.

Hearing

13109. When a hearing is held under Sections 13104 to 13110, inclusive, the proceeding shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the State Board of Education shall have all the powers granted therein.

Administration of oath

13110. Any oath required of an applicant for a credential may be administered by any of the persons enumerated in Section 61 and by such employees of the Department of Education as the Director of Education may designate.

Permitted service

13111. Each certification document issued by the State Board of Education shall clearly state the kind of service that it authorizes, the grades or classes, or the types of schools in which it authorizes service, and shall have such other content as the board may prescribe or as may be prescribed by authority of the board.

Other content

13112. Each certification document issued shall contain its date of expiration and shall be issued on a form prescribed by the State Board of Education, and shall bear the signatures of the secretary and the president of the board or their facsimile signatures countersigned by an assistant secretary of the board, who shall be appointed by the board for this purpose on the recommendation of the secretary of the board

Existing primary certificates

13113. Holders of existing primary certificates, or of such certificates when hereafter renewed, shall be eligible to teach in any grades of the day or evening elementary schools below the sixth year and not including the kindergarten grades.

Special certificates

13114. The holders of special city or city and county certificates are eligible to teach the special branches mentioned in their certificates in the grades of all the schools in the city or city and county in which the certificates were granted corresponding to the grade of the special certificates.

Territorial limits

13115. The holders of city or city and county certificates are eligible to teach in cities or cities and counties in which the certificates are granted, in schools or classes of grades corresponding to the grades of the certificates.

13116. The holder of a valid school administration certificate may supervise general instruction in all subjects. School administrative certificates

13117. Provisional credentials may be issued in accordance with regulations adopted by the State Board of Education. Provisional credentials

13118. The minimum standard for a provisional credential shall be such as may be prescribed by the State Board of Education. Standard

13119. The regulations adopted by the State Board of Education prescribing the minimum standards for a provisional credential shall give consideration to training and to teaching experience in California schools. Regulations

It is not the intent of the Legislature to exclude from credentials applicants who have given satisfactory service in the schools of this State in positions requiring certification qualifications.

13120. Any state, county, or city and county superintendent, or any state, county, or city and county board of education, who issues a certification document except as provided for by law is guilty of a misdemeanor. Penalty

13121. Except as provided in this code, no certification document shall be granted to any person unless and until he has subscribed to the following oath or affirmation: "I solemnly swear (or affirm) that I will support the Constitution of the United States of America, the Constitution of the State of California, and will by precept and example, promote respect California, and the laws of the United States and the State of for the Flag and the statutes of the United States and of the State of California, reverence for law and order, and undivided allegiance to the Government of the United States of America." The oath or affirmation shall be subscribed before any person authorized to administer oaths or before any member of the governing board of a school district or of any county board of education and filed with the State Board of Education. Any certificated person who is a citizen or subject of any country other than the United States, and who is employed in any capacity in any of the public schools of the State shall, before entering upon the discharge of his duties, subscribe to an oath to support the institutions and policies of the United States during the period of his sojourn within the State. Upon the violation of any of the terms of the oath or affirmation, the State Board of Education shall suspend or revoke the credential which has been issued. Teacher's oath

13122. No person is eligible to teach in any public school in the State or to receive a certification document who has not attained the age of 18 years. Age requirement

13123. No certification document shall be issued to an applicant who does not meet citizenship requirements established by the State Labor Code except in the case of an exchange teacher who is not a citizen of the United States. Citizenship

13124. When required by the State Board of Education, the application for a certification document or the renewal thereof shall be accompanied by a certificate in such form as Medical certificate

shall be prescribed by the State Board of Education, from a physician and surgeon licensed under the provisions of the Business and Professions Code showing that the applicant is free from any contagious and communicable disease or other disabling disease or defect unfitting the applicant to instruct or associate with children.

Blindness

13125. No person otherwise qualified shall be denied the right to receive credentials from the State Board of Education on the grounds he is totally or partially blind.

Evidence of identification and good moral character

13126. The State Board of Education shall adopt, in addition to any other regulations authorized by law, regulations requiring every applicant for a credential or life diploma, or for the renewal of a credential, to submit reasonable evidence of identification and good moral character.

Application for life diploma, etc.

13127. Each applicant for a life diploma or credential or for the renewal of a credential shall submit with his application, duplicate personal identification cards provided by the Department of Education upon which shall appear the legible fingerprints and a personal description of the applicant.

The State Board of Education is authorized to, and shall adopt such regulations as may in its judgment be necessary for the administration of this section.

Investigation of applicant

13128. The State Board of Education is authorized to secure information, records, reports, and other data relative to the identification or fitness of any applicant for a life diploma or a credential or for the renewal of a credential from any agency or department of the State and for that purpose, any provision of law to the contrary notwithstanding, the State Bureau of Criminal Identification and Investigation shall furnish, upon application of the State Board of Education, all information pertaining to any applicant of whom there is a record in its office.

Denial of application: Grounds

13129. The State Board of Education may deny any application for the issuance of a credential or a life diploma or for the renewal of a credential made by any applicant who:

(a) Lacks the qualifications which are prescribed by law or regulations adopted by the State Board of Education pursuant thereto.

(b) Is physically so disabled as to be rendered unfit to perform the duties authorized by the credential or life diploma for which he applies.

(c) Is addicted to the use of intoxicating beverages to excess.

(d) Is addicted to the use of narcotics or habit-forming drugs.

(e) Has committed any act involving moral turpitude.

(f) Has had a certification document revoked.

(g) Has intentionally practiced or attempted to practice any material deception or fraud in his application.

(h) Fails or refuses to furnish reasonable evidence of identification or good moral character.

(i) Has been convicted of any offense defined in subdivision 1 of Section 311 of the Penal Code prior to the effective date of the amendment of this section made at the 1955 Regular Session by the Legislature.

Same

13130. The State Board of Education shall deny any application for the issuance of a credential or a life diploma or for the renewal of a credential made by any applicant who has been determined to be a sexual psychopath under the provisions of Chapter 4, Part 1, Division 6 of the Welfare and Institutions Code or under similar provisions of law of any other state or who has been convicted of any sex offense as defined in Section 12912.

Minimum standards

13131. The minimum general standards for each type of credential shall be as prescribed in Sections 13131 to 13156, inclusive.

Constitution of United States

13132. For the junior college credential, general secondary credential, junior high school credential, general elementary credential, and kindergarten-primary credential, there is required (1) the passing of a satisfactory examination on the provisions and principles of the Constitution of the United States in a junior college, college, or university of recognized merit in the State or, as to a provisional credential, given by a county superintendent of schools in the State or (2) the satisfactory completion of two semester units of work on the provisions and principles of the Constitution of the United States in any university or college from which undergraduate credits earned are accepted by the State Board of Education as meeting undergraduate credit requirements for credentials issued by the State Board of Education or in any publicly supported junior college in the State. Such a credential, valid only to the credential expiration date in the year next following the date of first issuance of the credential, may be granted without the passing of this examination or the completion of this work; provided, that credentials so granted shall be issued to remain valid for not less than 12 calendar months.

Junior college

13133. The minimum standard for the junior college credential shall be the holding of a master's or a doctor's degree granted by an institution approved by the State Board of Education, and such additional requirements as may be prescribed by said board.

This credential shall authorize service as a teacher in a junior college.

General secondary school

13134. The minimum standard for the general secondary school credential shall be five years of university or college, or of university, college, and normal school education of present-day standard, including: (a) a baccalaureate degree, (b) a fifth year of collegiate education secured in an institution or institutions accredited by the State Board of Education for this purpose, and (c) such additional requirements as may be prescribed by said board.

This credential shall authorize service as a teacher in any secondary school and in grades seven and eight of any elementary school.

Junior high school

13135. The minimum standard for the junior high school credential shall be four years of collegiate training, including a baccalaureate degree secured in an institution accredited by the State Board of Education for this purpose, and such additional requirements as may be prescribed by said board.

This credential shall authorize service as a teacher in grades seven, eight and nine of any elementary or secondary school.

General elementary school

13136. The minimum standard for the general elementary credential shall be the number of years and the same standard of collegiate training required at the time for graduation from a California state college, and such additional requirements as may be prescribed by the State Board of Education.

Each applicant for the general elementary credential shall present evidence showing that he is proficient in the following studies: reading, English, grammar and composition, English and American literature, spelling and defining, penmanship, drawing, vocal music, arithmetic, geography (physical, political, and industrial), physiology and hygiene, history of the United States, civics, history (ancient, medieval, and modern), school law, methods of teaching, fire prevention, public safety and accident prevention, manners and morals, alcohol and narcotics and their effects upon the human system as determined by science, and elementary science.

This credential shall authorize service as a teacher in any elementary school, in grades seven and eight of any junior high school and, if issued prior to October 1, 1949, as principal of a junior high school.

Kindergarten-primary

13137. The minimum standard for the kindergarten-primary credential shall be the number of years and the same standard of collegiate training required at the time for graduation from a California state college, and such additional requirements as may be prescribed by the State Board of Education.

This credential shall authorize service as a teacher in any kindergarten and in grades one, two, and three of any elementary school.

Special secondary

13138. The minimum standard for the special secondary credential shall be as high a general standard for each of the different subjects as conditions at the time will warrant.

No certification to teach, in any grade whatever, a vocational subject shall be granted, unless the candidate has had, as a minimum, three years' experience as a journeyman, or, where this terminology does not apply, its equivalent, in the vocation in which he desires certification.

This credential shall authorize service as a teacher in the subject or subjects named therein in any elementary or secondary school.

Instruction supervisor

13139. The minimum standard for an instruction supervisor's credential in each grade level shall be a credential or a

teacher's certificate authorizing the holder to teach the corresponding grade level in the public schools, and such other professional requirements as may be prescribed by the State Board of Education.

This credential shall authorize service as a supervisor of instruction in the grade level named therein.

13140. The minimum standard for the school administrator's credential of each grade level shall be: (a) the possession of a valid credential or certificate authorizing the holder to teach the corresponding grade level in the public schools of the State, (b) a minimum of not less than two years of experience as a teacher, supervisor, or school administrator, and (c) such additional requirements as may be prescribed by the State Board of Education.

School administrator

This credential shall authorize service in the capacities named in the credential.

13141. The State Board of Education shall issue an elementary school administration credential to the holder of a valid general secondary school credential issued prior to December 31, 1936, or a life diploma based upon a county certificate issued upon such a credential who (1) at the time of application holds a valid credential authorizing secondary school administration or supervision, (2) has had not less than two years of successful teaching experience in public elementary schools in California, and (3) has earned at least six semester hours of college credit in elementary education, including work in elementary principles, elementary curriculum and elementary administration.

Elementary school administration credential

13142. The State Board of Education shall upon application issue a general secondary school life diploma, authorizing the holder to teach in elementary and secondary schools, to the holder of a life diploma issued subsequent to December 30, 1936, on a county certificate which in turn is based upon a general secondary school credential issued prior to December 31, 1936.

General secondary school life diploma

13143. The minimum standard for the librarianship credential shall be four years of collegiate training, including a baccalaureate degree secured in an institution accredited by the State Board of Education for that purpose, and such additional requirements as may be prescribed by said board.

Standards for credentials Librarianship

This credential shall authorize service as a teacher of librarianship and as a librarian in any elementary or secondary school.

13144. The minimum standard for the child welfare and supervision of attendance credential shall be the same as for a general elementary credential or an equivalent in training, and such additional requirements as may be prescribed by the State Board of Education.

Child welfare and attendance

This credential shall authorize service as a child welfare and supervision of attendance officer in any school district or under any county superintendent of schools.

Health and development

13145. The minimum standard for the health and development credential authorizing service as a supervisor of health in the capacity of a school physician, school nurse, school oculist, school optometrist, school otologist, school audiometrist, school dentist, school chiropodist or school dental hygienist shall be the possession of a valid license issued by the California state board or agency in charge of the applicant's profession in California, and such additional requirements as may be prescribed by the State Board of Education.

This credential shall authorize service as a supervisor of health in the capacity shown therein.

Effective period of credentials

13146. Any standard for the granting of any credential, except a provisional credential, when adopted, shall remain in force for not less than four years.

Adult education

13147. The minimum standard for any adult education credential shall be as high a general standard for each of the subjects as conditions at the time will warrant.

This credential shall authorize service as a teacher in any class for adults in the subjects named therein.

Military science and tactics

13148 The standard for the military science and tactics credential shall be the recommendation of the Adjutant General of the State of California.

This credential shall authorize service as a teacher of basic military drill in high school and junior college cadet companies established under Chapter 1 of Part 2 of Division 2 of the Military and Veterans Code. The credential shall be issued only to those who shall qualify as to character in the same manner as required for holders of secondary teaching credentials

Service under such credential shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.

Exchange teacher

13149. The standard for the exchange teacher credential shall be as prescribed by the State Board of Education pursuant to Section 13271.

This credential shall authorize service as an exchange teacher.

Supervisors and administrators

13150. The State Board of Education may establish standards for, and issue, certificates and credentials for the following positions:

(a) Supervising the work of instructors.

(b) Supervising educational and vocational counseling and placement.

(c) Supervising the planning of courses of study

(d) Supervising the selection, collection, preparation, classification, or demonstration of material for any course of study.

(e) Supervising the examination, selection, or assignment of teachers, principals, or other educational administrators.

(f) Supervising the preparation of budgets of funds to be used for educational purposes when this is the major function of a given position.

(g) Supervising the interpretation or evaluation from an educational standpoint of equipment, material, and housing when this is the major function of a given position.

(h) Supervising original research connected with the evaluation and the efficiency of the educational program.

(i) Administering or supervising the school health service.

(j) Administering or supervising the activities connected with the enforcement of the laws relating to compulsory education, co-ordination of child welfare activities involving the school and the home, and school adjustments of the socially maladjusted pupils.

(k) Administering or supervising the library service.

(*l*) Administering or supervising the production and distribution of visual aids, instruction in their use and evaluation of illustrative material.

(m) Administering and supervising menus and diet for the school cafeterias throughout the district.

(n) Administering or arranging institute sessions and other extracurricular educational activities.

(o) Supervising the interpretation and evaluation of school information in terms of educational significance and from an educational standpoint or viewpoint.

Limited credentials

13151. The State Board of Education may issue credentials limiting the service authorized by such credentials to service in the schools or classes specified on the credential.

Education of mentally retarded children

13152. The minimum standard for the credential for the education of mentally retarded children shall be prescribed by the State Board of Education.

Psychologist

13153. The minimum standard for the credential authorizing service as a psychologist shall be graduation with a master's degree in psychology or educational psychology from a higher institution of learning approved by the State Board of Education and such additional requirements as may be prescribed by said board.

For service under psychologist

13154. The standards for the credential authorizing service under the supervision of a psychologist shall be such as are prescribed by the State Board of Education.

General pupil personnel services

13155. The minimum standard for the general pupil personnel services credential in the fields of child welfare and supervision of attendance, psychology, and psychometry, as authorized by Sections 13144, 13153, and 13154, respectively, and, for pupils in the regular elementary and secondary day schools of the Public School System, in the fields of pupil counseling and social work, shall be a baccalaureate degree secured in an institution accredited by the State Board of Education and such additional requirements as may be prescribed by said board.

This credential shall authorize such service as may be prescribed by the State Board of Education.

Teaching blind, deaf, etc.

13156. The minimum standard for each of the following credentials shall be such as may be prescribed by the State Board of Education:

(a) Credential for teaching the blind;
(b) Credential for teaching the partially seeing;
(c) Credential for teaching the deaf;
(d) Credential for teaching the hard of hearing;
(e) Credential for teaching the speech handicapped; and
(f) Credential for teaching the orthopedically handicapped.

Each of these credentials shall authorize such service as may be prescribed by the State Board of Education.

Registration of certification, etc

13157. Each county or city and county board of education may provide for the registration of any valid certification or other document authorizing the holder thereof to serve in a position requiring certification qualifications as an employee of the county superintendent of schools of such county or city and county or of a school district under the jurisdiction of such county superintendent of schools. Such registration shall be deemed to be the issuance of a certificate to the holder of such certification or other document. Such registration shall authorize the service of the holder as an employee of the county superintendent of schools or of any school district under his jurisdiction in the capacity in which and for the period of time for which the certification or other document is valid.

Preliminary certificates

13158. The superintendent of schools of each county shall issue to persons in training for the teaching service preliminary certificates of a temporary character.

Same Student teaching, etc

13159. A preliminary certificate shall be issued to the holder of a recommendation from a state college, the University of California, or any private university or college accredited by the State Board of Education to train teachers. The certificate shall specifically authorize the holder to do student teaching and to do supervised field experience in such areas as may be called for in the requirements of the various authorized credentials for public school service without salary from district funds, and no student teaching or supervised field experience may be performed without such a certificate. The holder shall be deemed a certificated employee of the district with respect to acts performed by him at the direction, suggestion, or consent of the certificated employees under whose supervision and control the holder performs his duties whether or not such duties are performed entirely in the presence of the employees of the district assigned to supervise the holder.

Practice teaching

13160. Practice teaching shall be of the same kind in the same grades, classes, or types of schools as specified in the recommendation.

Period of certificate, etc.

13161. No preliminary certificate shall be granted for a period exceeding two years, nor shall the superintendent of schools collect a fee therefor.

13162. Each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to teachers whose credential applications are being processed. The applicant for such a temporary certificate shall make a statement under oath that to the best of his knowledge no reason exists why he should not be issued a certificate. Such certificate shall be valid for not more than 60 days and only until the credential originally requested is either issued or denied by the State Department of Education. Temporary certificates

13163. The State Board of Education shall grant life diplomas to qualified applicants. Each life diploma shall be valid during the life of the person to whom issued unless sooner suspended or revoked. Life diploma

13164. The service authorized by each life diploma granted shall be that authorized by a valid credential, other than a credential issued on an emergency basis, held by the applicant at least one year prior to the granting of the life diploma. Authorized service

13165. Each applicant for a life diploma must have held for at least one year immediately preceding the issuance of a life diploma, a valid credential other than a credential issued on an emergency basis, of the same grade and type as the life diploma applied for. Qualification for life diploma

13166. Each candidate for a life diploma shall submit over his oath a complete application on a form provided by the State Board of Education. Application

13167. The application shall be accompanied by evidence showing that the applicant is competent to perform the service of the life diploma applied for and by a recommendation from the county board of education of the California county in which the applicant was last employed for one full school year to the effect that the candidate has rendered successful educational service in the public schools of the county for a period of not less than eight consecutive school months and that the candidate is a fit person to possess a life diploma. The recommendation shall be based upon a resolution of the county board approved by at least a majority of its members. Evidence of competency

13168. Only candidates are eligible who have had at least 48 school months of successful school experience, at least 21 of which have been in the public schools of the State or in schools maintained for minors by publicly controlled California institutions. Experience

13169. In computing the school experience of a candidate, no credit shall be allowed for experience had by the candidate while serving under an emergency credential or a provisional credential. Credit for service

13170. Valid certification documents shall be renewed under such conditions as the State Board of Education may prescribe, except as otherwise provided in Sections 13170 to 13180, inclusive. Renewal Generally

13171. A provisional credential may be renewed in accordance with regulations adopted by the State Board of Education. Provisional credential

Same

13172. A certification document may not be renewed after it has expired, but applicants may secure a new one at any time by meeting all standards then in force.

Appeal

13173. Any applicant for the renewal of a certification document who is dissatisfied with any action taken by the Commission of Credentials may appeal to the State Board of Education which shall examine the application and either issue the document or deny the application.

Hearing

13174. When a hearing is held under Sections 13170 to 13180, inclusive, the proceeding shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the State Board of Education shall have all the powers granted therein.

Expiration date Generally

13175. The State Board of Education shall establish the expiration date for each kind of certification document, except as otherwise provided in Sections 13170 to 13180, inclusive.

Period of renewal

13176. The State Board of Education shall establish the period during which each kind of certification document may be renewed.

Certificates issued prior to October 1, 1945

13177. County boards of education may renew any certificate legally issued by them prior to October 1, 1945, and now in force; provided, that no certificate granted upon a credential issued by the State Board of Education for a limited period shall be renewed or extended unless the credential upon which it was issued has been renewed or extended, and then only for the period of the renewal or extension of the state board credential.

Military service, etc

13178. Whenever the date of expiration of any certification document occurs while the person holding the credential or certificate is in the active military service of the United States of America or of the State of California, including active service in any uniformed auxiliary of, or to, any branch of such military service created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California or in the service of the United States Merchant Marine, or in the full-time paid service of the American Red Cross, during any national emergency declared by the President of the United States of America, or during a war in which the United States of America is engaged, or within six months after such person honorably leaves such service or has been placed on inactive duty, such certification document is hereby continued in force until six months after such person honorably leaves such service or has been placed on inactive duty.

The holder of a certification document so extended shall be entitled to a renewal of the certification document prior to its date of expiration as herein fixed, subject to provisions of this code relating to the renewal of certification documents.

Renewals validated

13179. The renewal heretofore of a certification document of any person mentioned in Section 13178 which expired within six months after the person honorably left such service

or was placed on inactive duty is hereby confirmed, ratified and validated for the time for which the renewal was made.

Discontinued credentials

13180. Whenever an application is made for the renewal of a credential of a type not provided for by the law then existing, the application shall be issued, in lieu of the renewal of such credential, a credential of the grade and type authorized by law most similar to the credential held by him and which will authorize not less than the same service as the credential then held by him.

Credentials, life diplomas, etc., issued prior to September 9, 1953

13181. All teaching, administrative service and supervisory service credentials, life diplomas, California normal school diplomas, university documents, normal documents, state teachers college and state college credentials, city, city and county, and county certificates of all grades granted prior to September 9, 1953, not heretofore revoked, shall be continued in full force and effect for the full time for which they were granted and shall be valid for all purposes and to the full extent of time that they were intended to be unless revoked or suspended by the State Board of Education.

Fees

13182. The fee for each credential or life diploma or for the renewal of a credential shall be four dollars ($4).

Appropriation

13183. All of the fees prescribed by Sections 13182 to 13184, inclusive, are hereby appropriated for the support of the Department of Education to be used for the issuance of teachers credentials in addition to such other amounts as may be appropriated therefor by the Legislature. Such fees shall augment such support appropriation of the Department of Education current at the date of issuance of the State Controller's receipt thereof as may be designated by the Department of Education prior to their deposit in the State Treasury.

Refund

13184. Any fee or excess amount of fee paid under Sections 13182 to 13184, inclusive, may be refunded by the Director of Education when the applicant does not qualify for a credential or when such fee or excess is paid in error and the amount of any such refund is hereby appropriated for the making of such refund.

Lost, etc., documents

13185. Whenever satisfactory proof is presented to the issuing authority by any person to whom the said authority has heretofore granted a certification document that the same has been lost or destroyed, the issuing authority shall, without fee, issue to him, a new certification document of the same kind, grade, character, and tenure as that lost or destroyed.

Proof

13186. Satisfactory proof shall consist of an affidavit by the person, giving the kind of the certification document, the date of issue, if possible, and the basis upon which it was issued, together with such other information as the issuing authority may require.

Article 2. Revocation and Suspension of Diplomas and Certificates

Failure to fulfill contract

13201. Should any person employed by a school district in a position requiring certification qualifications refuse, without good cause, to fulfill a valid contract of employment with such district or leave the service of such district without the consent of the superintendent, if any, or the governing board, of such district except in the manner provided for by law, the State Board of Education shall, after proof of such fact is made to it, suspend the credentials, including life diplomas and other documents, theretofore issued to him by the State Board of Education for not exceeding one year.

If the credentials, life diplomas and other documents issued to persons by the State Board of Education have once been suspended pursuant to this section, the State Board of Education may, if such credentials, life diplomas and other documents again become subject to suspension under this section, suspend such credentials, life diplomas and other documents for not more than two years.

Revocation of credentials, etc

13202. The State Board of Education shall revoke or suspend for immoral or unprofessional conduct, or for persistent defiance of, and refusal to obey, the laws regulating the duties of persons serving in the Public School System, or for any cause which would have warranted the denial of an application for a certification document or the renewal thereof, or for evident unfitness for service, life diplomas, documents, or credentials issued pursuant to this code.

Hearing

13203. When a hearing is held to suspend or revoke a certification document pursuant to the authority granted the State Board of Education by Sections 13201 or 13202 of this code, the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the State Board of Education shall have all the powers granted therein.

Hearing by county board of education

13204. Whenever the holder of any life diploma or other credential or document issued by the State Board of Education is charged with immoral or unprofessional conduct or evident unfitness for service or persistent defiance of, and refusal to obey, the laws regulating the duties of his position, the State Board of Education in its discretion after notifying the person charged of its intention to do so, may require the county board of education of the county in which he is serving or has last served to give notice of, and conduct, a hearing of the charges in the manner prescribed by law for the hearing of charges for the revocation or suspension of a certificate by a county board of education.

The county board of education, after the hearing, shall report to the State Board of Education its findings, and a summary of the evidence, and shall make a definite recommendation concerning the revocation or suspension of the life diploma or other credential or document.

Upon receipt of a copy of the findings, summary of evidence, and recommendation, the State Board of Education may suspend or revoke the life diplomas or other credential or document for the causes stated, or order the charges dismissed.

Revocation at request of holder

13205. Whenever the holder of any life diploma or other teacher's credential or document issued by the State Board of Education requests in writing that the diploma, credential, or document held by him be revoked, the State Board of Education shall revoke such credential.

Conviction of crime

13206. Upon the becoming final of the conviction of the holder of any credential, including a life diploma, or document, issued by the State Board of Education of a violation, or attempted violation, of any one or more of Penal Code Sections 187 to 191, 192 insofar as said section relates to voluntary manslaughter, 193, 194-232, both inclusive, 244, 245, 261 to 267, both inclusive, 273a, 273f, 273g, 278, 285 to 288a, both inclusive, 424, 425, 484 to 488, both inclusive, 503 and 504, or of Welfare and Institutions Code Section 702, the State Board of Education shall forthwith revoke the credential, life diploma, or document.

Same Sex offense

13207. Whenever the holder of any credential, life diploma, or document issued by the State Board of Education has been convicted of any sex offense as defined in Section 12912, the State Board of Education shall forthwith suspend the credential, life diploma, or document. If the conviction is reversed and the holder is acquitted of the offense in a new trial or the charges against him are dismissed, the board shall forthwith terminate the suspension of the credential, life diploma, or document. When the conviction becomes final or when imposition of sentence is suspended the board shall forthwith revoke the credential, life diploma, or document.

Sexual psychopath

13208. Whenever the holder of any credential, life diploma, or document issued by the State Board of Education has been determined to be a sexual psychopath under the provisions of Chapter 4, Part 1, Division 6 of the Welfare and Institutions Code or under similar provisions of law of any other state, the State Board of Education shall forthwith suspend the credential, life diploma, or document. If the determination is reversed and the holder is determined not to be a sexual psychopath in a new proceeding or the proceeding to determine whether he is a sexual psychopath is dismissed, the board shall forthwith terminate the suspension of the credential, life diploma, or document. When the determination becomes final, the board shall forthwith revoke the credential, life diploma, or document.

Powers of county board of education

13209. County boards of education may revoke or suspend, for immoral or unprofessional conduct, evident unfitness for teaching, or persistent defiance of, and refusal to obey the laws regulating the duties of teachers the certificates granted by them.

Hearing and vote

13210. No certificate shall be revoked or suspended, except upon the written request of its holder, until after a hearing

before the county board of education, and then only upon the affirmative vote of at least four members of the board.

Charges

13211. All charges of immoral or unprofessional conduct, of evident unfitness for teaching, or persistent defiance of, and refusal to obey the laws regulating the duties of teachers, shall be presented to the board in writing and shall be verified under oath.

Notice

13212. Notice of the time of hearing and a full and complete copy of the charges shall be furnished to the accused at least 10 days before the hearing.

Hearing

13213. The accused shall be given a fair and impartial hearing and shall have the right to be represented by counsel.

Same

13214. The hearing shall be governed by and conducted under the rules of the board.

Unauthorized departure from service

13215. If any teacher employed by a board of school trustees for a specified time, leaves the school before the expiration of the time, without the consent of the trustees, in writing, the teacher is guilty of unprofessional conduct, and the board of education of the county, upon receiving notice of the fact, may suspend the certificate of the teacher for the period of one year.

Grounds for revocation

13216. Each city or city and county board of examination may for immoral and unprofessional conduct, profanity, intemperance, or evident unfitness for teaching, recommend to the city or city and county board of education, the revocation of any certificate previously granted by the board of education in the city or city and county.

Conviction of crime

13217. Upon the becoming final of the conviction of the holder of a certificate issued by a county board of education of a violation or attempted violation of any one or more of Penal Code Sections 187 to 191, 192 insofar as said section relates to voluntary manslaughter, 193, 194-232, both inclusive, 244, 245, 261 to 267, inclusive, 273a, 273f, 273g, 278, 285 to 288a, both inclusive, 424, 425, 484 to 488, both inclusive, 503 and 504, or of Welfare and Institutions Code Section 702, the county board of education shall forthwith revoke the certificate.

Same: Sex offense

13218. Whenever the holder of a certificate issued by a county board of education has been convicted of any sex offense as defined in Section 12912, the county board of education shall forthwith suspend the certificate. If the conviction is reversed and the holder is acquitted of the offense in a new trial or the charges against him are dismissed, the board shall forthwith terminate the suspension of the certificate. When the conviction becomes final or when imposition of sentence is suspended the board shall forthwith revoke the certificate.

Sexual psychopath

13219. Whenever the holder of a certificate issued by a county board of education has been determined to be a sexual psychopath under the provisions of Chapter 4, Part 1, Division 6 of the Welfare and Institutions Code or under similar provisions of law of any other state, the county board of education shall forthwith suspend the certificate If the determination is reversed and the holder is determined not to be a sexual psy-

chopath in a new proceeding or the proceeding to determine whether he is a sexual psychopath is dismissed, the board shall forthwith terminate the suspension of the certificate. When the determination becomes final, the board shall forthwith revoke the certificate.

Article 3. Employment

Employment of qualified persons

13251. Governing boards of public school districts shall employ in positions for which certification qualifications are established by this code only such persons as are certificated in accordance with the provisions of this code.

Employment

13252. Governing boards of school districts shall employ persons in public school service requiring certification qualifications as provided in this code.

Employment ratification

13253. The employment, heretofore, by governing boards of school districts of all persons in positions requiring certification qualifications and the payment of compensation to such persons is hereby ratified, confirmed and validated provided all of the following conditions have been met:

(a) Each such person has heretofore filed or registered, with the appropriate agency a valid certification document authorizing him to serve in the position in which he was employed.

(b) The application for such certification document was made to the issuing authority on or before the date upon which the actual service of such person in such position commenced.

Validation of prior employment

13254. The employment prior to the effective date of the amendment of this section by the Legislature at the 1957 Regular Session, by governing boards of school districts of all persons in positions requiring certification qualifications and the payment of compensation to such persons for all services rendered to school districts during that period is hereby authorized, ratified, confirmed and validated; provided, all of the following conditions have been met:

(a) Each such person has heretofore filed or registered with the appropriate agency a valid certification document authorizing him to serve in the position in which he was employed.

(b) The application for such certification document was made to the issuing authority on or before the date upon which the actual service of such person in such position commenced.

Employment of persons convicted of sex offenses

13255. Governing boards of school districts shall not employ or retain in employment persons in public school service who have been convicted of any sex offense as defined in Section 12912. If, however, any such conviction is reversed and the person is acquitted of the offense in a new trial or the charges against him are dismissed, this section does not prohibit his employment thereafter.

Employment of sexual psychopath

13256. Governing boards of school districts shall not employ or retain in employment any person in public school service who has been determined to be a sexual psychopath under the provisions of Chapter 4, Part 1, Division 6 of the Welfare and Institutions Code or under similar provisions of law of

any other state. If, however, such determination is reversed and the person is determined not to be a sexual psychopath in a new proceeding or the proceeding to determine whether he is a sexual psychopath is dismissed, this section does not prohibit his employment thereafter.

Military service statement

13257. The governing board of a school district shall, as a condition to employment, require an applicant for a position requiring certification qualification to furnish a statement of the military service of the applicant and, if any was rendered, a copy of the discharge or release from service. If no such document is available, the governing board may accept other suitable evidence of the conditions under which the military service of the applicant was terminated.

Election

13258. Persons in positions requiring certification qualifications may be elected for the next ensuing school year on and after the first day of May, and each person so elected shall be deemed re-elected from year to year except as provided in Sections 1000 and 1001, Sections 13113 to 13116, inclusive, Sections 13252 to 13312, inclusive, Sections 13314 to 13318, inclusive, Sections 13320 to 13326, inclusive, and Sections 13328 to 13337, inclusive.

At any time after the thirty-first day of December, any person not then employed in the school district may be elected for the next ensuing school year to a position requiring certification qualifications.

Acceptance

13259. Any certificated employee not under permanent tenure who fails to signify his acceptance within 20 days after notice of his election or employment has been given him, or mailed to him by United States registered mail with postage thereon prepaid at his last known place of address, by the clerk or secretary of the governing board of the school district, shall be deemed to have declined the employment.

Failure to notify governing board

13260. If, without good cause, a permanent employee of a school district fails prior to July 1st of any school year to notify the governing board of the district of his intention to remain or not to remain in the service of the district, as the case may be, during the ensuing school year if a request to give such notice, including a copy of this section, shall have been personally served upon him not later than the preceding June 10th, all credentials and certificates held by such employee may be suspended for not exceeding one year by the issuing authorities thereof.

Notice of employment

13261. The county superintendent of schools shall be given immediate notice in writing by the governing board of the district of the employment of persons for positions requiring certification qualifications. The notice shall include but not be limited to such data as may be prescribed by the Superintendent of Public Instruction, in regulations he is herewith authorized to adopt.

First acceptance of employment

13262. Except as otherwise provided in Sections 13252 to 13273, inclusive, every probationary or permanent employee employed before July 1, 1947, shall be deemed to have been

employed on the date upon which he first accepted employment in a probationary position.

In case two or more employees accepted employment on the same date, the governing board of the district shall determine the order of employment by lots drawn by the employees concerned.

Paid service, etc.

13263. Every probationary or permanent employee employed after June 30, 1947, shall be deemed to have been employed on the date upon which he first rendered paid service in a probationary position.

In any district in which appointments are made from eligible lists established by examination, if two or more employees rendered their first paid service on the same date, the board shall determine the order of employment of employees so appointed by lot drawn as follows:

First, those who were highest on their respective eligible lists, except as they have waived appointment, shall draw lots for preferred order as among such employees.

Second, those who were next highest on their respective eligible lists shall similarly draw lots for preferred order as among themselves.

In like manner, drawings shall continue until the order of employment of all shall have been determined. Employees appointed subject to examination shall draw last of all.

In districts in which employees are not appointed from eligible lists, all who first rendered paid service on the same date shall participate in a single drawing.

General provisions

13264. The following general provisions shall apply regardless of date of employment:

The order once determined by lot shall be permanent, and shall be entered on the permanent records of the district.

Records showing date of employment, whether kept by the district or by the county, shall be accessible, on demand, to any certificated employee of the district or to his designated representative.

In the absence of records as to any of the matters referred to in the two preceding sections, the board, in accordance with evidence presented, shall determine the order of employment after giving employees a reasonable opportunity to present such evidence.

The governing board of every junior college district shall establish the order of employment of all probationary and permanent employees of the district in the manner prescribed by Sections 13252 to 13273, inclusive, and shall keep a roster of same as a public record.

Whether or not such a roster is kept in other districts, the order of employment in all districts, when required, shall be determined as prescribed by Sections 13252 to 13273, inclusive.

The board shall have power and it shall be its duty to correct any errors discovered from time to time in its records showing the order of employment.

School transferred from one district to another

13265. When any school or part thereof shall have been transferred from one district to another, employment for any employees who transfer with said school or part thereof shall date from the time said employees first accepted employment (if before July 1, 1947) or rendered paid service (if after June 30, 1947) as probationary employees in the district from which the school or part thereof and the said employees were transferred.

Resignation or dismissal of employee, etc

13266. When any certificated employee shall have resigned or been dismissed for cause and shall thereafter have been re-employed by the board, his date of employment shall be deemed to be the date on which he first accepted re-employment (if re-employed before July 1, 1947) or rendered paid service (if re-employed after June 30, 1947) after his re-employment.

When an employee's services are terminated for lack of enrollment or discontinuance of service or are otherwise interrupted in a manner declared by law not to constitute a break in service, his original order of employment shall stand.

Deprivation of rights

13267. Nothing in Sections 997 to 1002, inclusive, Sections 12901 to 13004, inclusive, Sections 13006 to 13553, inclusive, and Sections 13555 to 14775, inclusive, shall be construed in such manner as to deprive any person of his rights and remedies in a court of competent jurisdiction on a question of law and fact.

Charter provisions

13268. Nothing in Sections 997 to 1002, inclusive, Sections 12901 to 13004, inclusive, Sections 13006 to 13553, inclusive, and Sections 13555 to 14775, inclusive, shall be construed so as to repeal or negate any provisions concerning employees of school districts contained in the charter of any city, county, or city and county, adopted and approved in conformity with Article XI of the Constitution of this State.

Amendments

13269. All employments under the provisions of Sections 1000 and 1001, Sections 13113 to 13116, inclusive, Sections 13252 to 13312, inclusive, Sections 13314 to 13318, inclusive, Sections 13320 to 13326, inclusive, and Sections 13328 to 13337, inclusive, shall be subordinate to the right of the Legislature to amend or repeal Sections 1000 and 1001, Sections 13113 to 13116, inclusive, Sections 13252 to 13312, inclusive, Sections 13314 to 13318, inclusive, Sections 13320 to 13326, inclusive, and Sections 13328 to 13337, inclusive, or any provision or provisions thereof at any time, and nothing herein contained shall be construed to confer upon any person employed pursuant to the provisions hereof a contract which will be impaired by the amendment or repeal of Sections 1000 and 1001, Sections 13113 to 13116, inclusive, Sections 13252 to 13312, inclusive, Sections 13314 to 13318, inclusive, Sections 13320 to 13326, inclusive, and Sections 13328 to 13337, inclusive, or of any provision or provisions thereof.

Temporary employment

13270. Nothing in this code shall be construed as prohibiting the employment of persons in positions requiring certifica-

tion qualifications for less than a full school year in temporary schools or classes.

"Exchange employee"

13271. The governing board of any school district, subject to the rules and regulations prescribed by the State Board of Education, and notwithstanding anything to the contrary in Article 2 of Chapter 2 of Part 7 of Division 2 of the Labor Code may enter into an agreement with the proper authorities of any foreign country, or of any state, territory, or possession of the United States, or other district within the State, for the exchange and employment of regularly credentialed employees and employees of public schools of any foreign country, state, territory, or possession, or other district within this State, of a grade corresponding to that in which the certificated employees of the district are employed. Any certificated person so employed as provided in this section shall be known as an "exchange employee." No exchange shall be made without the consent of the employee to be exchanged.

No person may be employed as an exchange employee by a school district in the State unless he holds the necessary valid credential or credentials issued by the State Board of Education authorizing him to serve as a teacher or administrator in the school district proposing to employ him for a period not to exceed one year, except that, by unanimous consent of the governing board, and of the certificated employees concerned, this period may be extended to two years. The State Board of Education may establish minimum standards for the credentials for exchange certificated employees.

Rights

13272. Acceptance of any exchange position by an employee of any school district in the State shall not affect his right to the permanent classification to which he is entitled, at the time of the acceptance, or any of his rights under the state teachers retirement salary provisions of this code, or under any local or district retirement plan, or system, and the time served in the exchange position shall be counted as time served in the service of the district in which he is employed immediately prior to acceptance of the exchange position in determining his status under the provisions of Sections 997 to 1002, inclusive, Sections 12901 to 13004, inclusive, Sections 13006 to 13553, inclusive, and Sections 13555 to 14775, inclusive, and under the provisions of this code relating to state retirement salary, and under any local or district retirement plan.

Payment of salary

13273. If the teacher from the district within the State who serves as an exchange teacher without the State and the governing board regularly employing him so agree, the district may pay his regular salary, making all deductions provided by law for retirement purposes, during the period of the exchange teaching. In such case the district shall not pay the salary of the exchange teacher from without the State, serving the district in exchange for its regular teacher.

In the event a teacher from a district within this State serving as an exchange teacher without the State and to whom the governing board of such district is paying the regular salary

of such teacher as herein provided, is compelled to absent herself from her duties because of injury, illness or quarantine, the governing board of the district within this State may pay the substitute employed to take the place of such teacher and shall deduct the amount so paid the substitute from the compensation of the teacher.

Employment of certificated persons

13274. Governing boards of school districts shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It shall be contrary to the public policy of this State for any person or persons charged, by said governing boards, with the responsibility of recommending such persons for employment by said boards to refuse or to fail to do so for reasons of race, color, religious creed, or national origin of said applicants for such employment.

Registration of certification document

13275. Each person employed by the governing board of a school district for a position requiring certification qualifications must, not later than 60 days after the date fixed by the governing board of the district for the commencement of his service, register in the manner prescribed by Section 13157 a valid certification document, issued on or before said date, authorizing him to serve in the position for which he was employed, and must, not later than 60 days after the renewal thereof, register the renewed certification document in the manner prescribed by Section 13157. If any person so employed is the holder of a California state college, or state teachers college, diploma accompanied by the certificate of the State Board of Education, or of an educational or life diploma of this State, and has presented the same to, and has had his name recorded by, the county superintendent of schools of the county as heretofore provided by this code, such person shall be deemed to have registered such diploma under Section 13157.

Tuberculosis certificate

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

Affidavit in lieu of tuberculosis certificate

13276. In lieu of the certificate from a physician and surgeon required under Section 13275, any person who adheres to the faith or teachings of any well-recognized religious sect, denomination, or organization, and in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion, may file with the county superintendent of schools an affidavit stating such adherence and dependence and that to the best of his knowledge and belief he is free from active tuberculosis, and said affidavit shall be deemed equivalent of such certificate; provided, that if at any time there should be probable cause to believe that such affiant is afflicted with active tuberculosis, he may be excluded from service until

the governing board of the employing district is satisfied that he is not so afflicted.

Discrimination in employment

13277. The Legislature hereby declares that it is contrary to the interest of this State and of the people thereof for any person or persons charged by the governing board of any school district with the responsibility of interviewing and recommending persons for employment in positions requiring certification qualifications to fail or refuse to do so for reason of the age or marital status of any applicant for such employment, except as otherwise provided in this code.

Qualification of principal

13278. No person shall be employed as principal of a school of six or more teachers, including the principal, unless he is the holder of a valid teacher's certificate and a valid school administration certificate of the same grade as the school to be administered.

Substitute principal

13279. A substitute principal holding a valid teacher's certificate of the same grade as the school to be administered may be employed without an administration certification to meet an emergency for not more than five months of any school year.

Teacher

13280. The qualifications for a teacher shall be a life diploma of this State or a special credential in physical education, and a health and development certificate.

Age of teacher

13281. No person is eligible to teach in any public school in the State, or to receive a certificate to teach who has not attained the age of 18 years.

Grade of certificate

13282. No teacher shall be employed to teach in any way in any school if the certificate held by him is of a grade below that of the school or class to be taught.

Subjects

13283. No teacher holding a special certificate shall be employed to teach any subject not authorized in the certificate.

Teachers in joint elementary district

13284. Each teacher in a joint elementary district shall hold a valid certificate in the county in which the schoolhouse is located.

Teachers of beginners

13285. In all schools having more than two teachers, beginners shall be taught by teachers who have had at least two years' experience, or by teachers who have had training equivalent to such experience as determined by the State Department of Education.

Home teachers

13286. The qualifications of a home teacher shall be a valid kindergarten-primary, elementary, or secondary certificate to teach in the schools of the State and special fitness to perform the duties of a home teacher.

Same Physically handicapped pupils

13287. The qualifications of a home instructor of physically handicapped pupils shall be a valid kindergarten-primary, elementary, or secondary certificate to teach in the schools of the State

Parental schools

13288. Teachers in parental schools shall have the same qualifications and shall be employed in the same manner as in other primary and grammar schools of the city, city and county, or school district in which the parental school is situated.

Librarian

13289. No person shall be employed as a librarian for more than two hours a day in any elementary or secondary school, unless he holds a valid certificate of proper grade authorizing service as a librarian, or a valid elementary school teacher's certificate if he is employed to serve in an elementary school, or a secondary school certificate if he is employed to serve in a secondary school.

Same

13290. Any librarian when employed full time as librarian or serving full time, partly as librarian and partly as teachers, shall rank as a teacher.

Supervision certificate

13291. No one shall be employed to supervise the work of teachers for more than half time during any school week unless he is the holder of a valid teacher's certificate authorizing him to teach in the schools and classes in which he is to supervise instruction and a valid supervision certificate.

Districts with merit systems

13292. In school districts which have adopted the merit system for employees in positions not requiring certification qualifications in addition to positions specifically required by this code to be filled by persons holding certification qualifications, all employees of the districts whose principal duties are specifically set forth in Section 13150, shall hold general or special supervisory or administrative certification documents or such special educational certification documents as may be specified and issued by the State Board of Education.

Supervisors of health

13293. The qualifications of supervisors of health shall be as provided in Section 13280 and Sections 13294 to 13298, inclusive.

Physician

13294. The qualifications for a physician shall be an unrevoked certificate to practice medicine and surgery issued by this State and a health and development certificate.

Oculist

13295. The qualifications for an oculist shall be a certificate to practice medicine and surgery in this State and a health and development certificate.

Dentists and dental hygienist

13296. The qualifications for a dentist or a dental hygienist shall be a certificate issued by the Board of Dental Examiners of California and a health and development certificate.

Nurse

13297. The qualifications for a nurse shall be a certificate of registration issued by the Board of Nurse Examiners of the State of California and a health and development certificate.

Optometrist

13298. The qualifications for an optometrist shall be a certificate issued by the State Board of Optometry and a health and development certificate.

Otologist

13299. The qualifications for an otologist shall be a physician's and surgeon's certificate and a health and development certificate.

School audiometrist

13300. The qualifications for school audiometrist shall be a certificate of registration as a school audiometrist issued by the State Board of Public Health and a health and development certificate.

Special lecturers

13301. The principal of any public school may employ when so directed by the governing board of the school dis-

trict, special lecturers well qualified in their subjects to speak before classes and assemblies of students of the school, without the lecturer being required to hold a teacher's credential or certificate.

No such lecturer may be employed by the principal of any school for more than four lectures in any term.

Same

13302. The principal of any day or evening secondary school in which there are special day and evening classes, at his discretion may employ when so directed by the governing board of the school district, special lecturers well qualified in their subjects to speak before such classes, without the lecturer being required to hold a teacher's certificate.

Permission for the employment of the lecturer shall be previously obtained from the Commission of Credentials of the State Department of Education.

Such lecturer shall not be employed in any school for more than four lectures each term.

Permanent employees

13303. Every employee of a joint union or union high school district, having an average daily attendance of 850 or more, maintaining eight or more schools lying not less than six miles apart, who, after having been employed by the district has served for three complete consecutive school years in a position or positions requiring certification qualifications, in a school having an average daily attendance of 850 or more, is re-elected for the next succeeding school year to a position requiring certification qualifications shall, at the commencement of the succeeding school year, be classified as and become a permanent employee of the district.

Same

13304. Every employee of a school district of any type or class having an average daily attendance of 850 or more, except a joint union or union high school district maintaining eight or more schools lying not less than six miles apart, who, after having been employed by the district for three complete consecutive school years in a position or positions requiring certification qualifications, is re-elected for the next succeeding school year to a position requiring certification qualifications shall, at the commencement of the succeeding school year be classified as and become a permanent employee of the district.

Continuing contracts

13305. Every certificated employee of a school district of any type or class having an average daily attendance of less than 850 may be offered a continuing contract to cover a period longer than one year but not to exceed four years.

Same

13306. At the discretion of the governing board of a district with 60,000 average daily attendance or more every employee of the district who, after having been employed by the district for two consecutive school years in a position or positions requiring certification qualifications, is re-elected for the next succeeding school year to a position requiring certification qualifications may, at the commencement of the succeeding school year, be classified as and become a permanent employee of the district. If such board is the governing board of more than one district it may exercise the discretionary power given

it by this section in each district under its jurisdiction, whether or not each of such districts has 60,000 average daily attendance.

Classification by governing board

13307. Every employee of a school district of any type or class having an average daily attendance of less than 850 pupils, who, after having been employed by the district for three complete consecutive school years in a position or positions requiring certification qualifications, is re-elected for the next succeeding school year to a position requiring certification qualifications, may be classified by the governing board of the district as a permanent employee of the district. If the classification is not made the employee shall not attain permanent status and may be re-elected from year to year thereafter without becoming a permanent employee until the classification is made.

Same

13308. Every employee of a joint union or union high school district having an average daily attendance of 850 or more, maintaining eight or more high schools lying not less than six miles apart, who, after having been employed by the district has served for three complete consecutive school years in a position or positions requiring certification qualifications in a school having an average daily attendance of less than 850, and is re-elected to a position requiring certification qualifications, may be classified by the governing board of the district as a permanent employee of the district. If the classification is not made the employee shall not attain permanent status and may be re-elected from year to year thereafter without becoming a permanent employee until the classification is made. If the classification is not made the employee may be dismissed from the service of the district only by an unanimous vote of all the members of the governing board of the district, on the recommendation of the superintendent of schools, if there is one, of the district.

Classes for adults Teacher's tenure

13309. When a teacher of classes for adults serves sufficient probationary time as provided in Sections 13303 to 13308 and 13328 to be eligible for election to permanent classification in that district, his tenure shall be for such service as is equivalent to the average number of hours per week which he has served during his probationary years. In no case shall such an employee be classified as permanent for more than one full-time assignment. The service for which such a person has acquired tenure may be reduced in conformity with Sections 13447 and 13448.

Teacher's tenure Restriction

13310. No employee of a school district or districts, in which the average daily attendance of all said districts combined is in excess of 200,000, governed by the same governing board shall hereafter acquire permanent certificated tenure or permanent noncertificated status, or a combination of such tenure and status, for more than one full-time position. Any employee who hereafter acquires any combination of permanent certificated tenure or permanent noncertificated status or both which exceeds that for one full-time position shall have a

choice which tenure or status to retain so long as that retained does not exceed one full-time position.

It is the intent of this section that an employee holding permanent certificated tenure or permanent noncertificated status for a full-time position may not have permanent tenure or status protection for any additional time in either a certificated or a noncertificated position under any such school district governed by the same governing board.

Employees in day and evening schools

13311. Nothing in Sections 13303 to 13308, inclusive, shall be construed to give permanent classification to a person in the evening school who is already classified as a permanent employee in the day school. In case a teacher obtains permanent classification in the evening school and later is eligible for the same classification in the day school by reason of having served the probationary period therein, he shall be given his choice as to which he shall take.

Construction

13312. Nothing in Sections 13303 to 13311, inclusive, shall be construed as affecting the classification of any employee as it existed on September 13, 1941.

Insufficient funds

13313. No permanent employee of a school district shall be dismissed without his consent or deprived of his classification as a permanent employee of the district when the district does not have sufficient funds to pay his salary.

Advancement to administrative or supervisory position

13314. A permanent employee when advanced from a teaching position to an administrative or supervisory position, or assigned any special or other type of work, or given special classification or designation requiring certification qualifications, shall retain his permanent classification as a classroom teacher.

Administrative or supervisory position

13315. A person employed in an administrative or supervisory position requiring certification qualifications upon completing a probationary period, including any time served as a classroom teacher, in the same district, shall, in a district having an average daily attendance of 850 or more pupils, be classified as and become a permanent employee as a classroom teacher. In a district having an average daily attendance of less than 850 pupils, he may be so classified.

Employment by more than one district

13316. A person employed in an administrative or supervisory position by more than one district shall be given permanent classification in whichever district he may select for the permanent classification. Other permanent classification shall be given to such an employee in a district situated wholly or partly within a city or city and county where the charter of the city or city and county provides for other classification.

Transfer of district

13317. Any certificated employee having permanent classification in any district who is transferred from the district to another district, the governing board of which is composed of the same persons as the first district, shall retain the permanent classification in the district in which the permanent classification has been attained, until permanent classification has been attained in the district to which he is transferred.

Junior college district: Status of high school district employee

13318. A permanent employee of a high school district who was classified as such while serving in a junior college maintained by the high school district shall, if the high school district is included in a junior college district, be classified as a permanent employee of the junior college district if employed by the junior college district in a position requiring certification qualifications.

Teachers in state institution at junior college

13319. Any employee in a position requiring certification qualifications of a junior college school district who teaches in a four-year state institution of higher education maintained on the campus of the junior college pursuant to contracts entered into between the State Director of Education and said district, shall, without regard to subject or grade taught, whether of junior college level or higher, acquire and retain all rights to employment in said district the same as though said employee were teaching exclusively in a junior college of the said district; provided, that nothing in this section shall be construed to prevent said employee from resigning from employment in said district pursuant to the provisions of Section 13401 of this code.

Employment in more than one district

13320. A certificated employee who has served in a position or positions requiring certification qualifications in two or more districts, each having an average daily attendance of 850 or more and governed by governing boards of identical personnel, for a total of three complete consecutive school years, upon being elected for the fourth consecutive school year to a position or positions requiring certification qualifications in any of the districts, shall be classified as a permanent employee of the last district in which he was employed prior to his election for the fourth consecutive school year.

Change in organization of district

13321. The division, uniting, unionization, unification, or consolidation of any school district or districts, or any change in school district boundaries or organization, shall not affect the classification of certificated employees already employed by any school district affected. Such employees shall have the same status with respect to their classification by the district, including time served as probationary employees of the district after the division, uniting, unionization, unification, or consolidation, or change in school district boundaries or organization as they had prior thereto. If such division, uniting, unionization, unification, or consolidation, or change in school district boundaries or organization results in the school or other place in which any such employee is employed being maintained by another district, any such employee, if a permanent employee of the district which formerly maintained such school or other place of employment, shall be employed as a permanent employee of the district which thereafter maintains the school or other place of employment, unless such employee elects to continue in the employ of the first district. If such employee is a probationary employee of the district which formerly maintained such school or other place of employment, he may be employed by the district which

thereafter maintains the school or other place of employment, and, if so employed, his status with respect to classification by such district shall be the same as it would have been had the school or other place of employment continued to be maintained by the district which formerly maintained it.

As used in the preceding paragraph of this section "any change in school district boundaries or organization" includes, but is not limited to, the formation of a junior college district which includes a high school district maintaining a junior college.

In case the unionization, unification, uniting, or consolidation of two or more school districts results in a district in which, under the provisions of this code then in effect, the certificated employees are entitled to probationary or permanent classification, the employees of the union, unified, or consolidated district, or of the school district formed by uniting two or more school districts shall be given such classification on the same basis as certificated employees in other districts of like average daily attendance.

Same

13322. On the unionization, unification, uniting, or consolidation of one or more school districts in which the average daily attendance for the preceding school year was less than 850 pupils, with a district or districts in which the average daily attendance was or, as a result of the unionization, uniting, consolidation, or unification, becomes 850 or more pupils, the regular three-year probationary period shall be served after the effective date of the unionization, unification, uniting, or consolidation, by any probationary employee who has been serving in a district of less than 850 average daily attendance. The elected governing board of any such union, unified, or consolidated district, or of the school district formed by uniting two or more school districts, at its option, may classify as a permanent employee of the district, any probationary employee of the districts making up the union, unified, or consolidated district, or of the school district formed by uniting two or more school districts, who, prior to the unionization, unification, uniting, or consolidation of the districts, had been employed by any of the districts for three complete, consecutive school years in a position or positions requiring certification qualifications.

Reorganizations since January 1, 1931

13323. Sections 13321 and 13322 shall apply to any division, uniting, unionization, unification, or consolidation of school districts, or change in school district boundaries or organization, made at any time subsequent to January 1, 1931, to the same extent as changes made subsequent to April 10, 1937, and the provisions hereof shall be retroactive to January 1, 1931.

Construction

Nothing in this section or in Sections 13321 and 13322 shall be construed to nullify or in any manner affect the classification of any employee of a district now or hereafter classified as a permanent employee thereof by operation of this or any other provision of law.

Decrease in average daily attendance

13324. Nothing in Sections 13303 to 13312, inclusive, Sections 13314 to 13318, inclusive, Sections 13320 to 13326, inclusive, and Sections 13328 to 13337, inclusive, shall be construed as affecting any permanent employee classified as such on August 14, 1931. No decrease in the average daily attendance of any school district shall operate to deprive any permanent employee of the district of his classification.

Attainment of age 65

13325. Except in districts situated wholly or partly within the boundaries of a city of city and county where the charter of the city or city and county provides an age at which employees, including certificated employees of the districts, shall be retired, when a permanent employee reaches the age of 65 years, his permanent classification shall cease and thereafter employment shall be from year to year at the discretion of the governing board. Any certificated employee who is not re-employed under the provisions of this section, and who has not completed the requirements for full retirement salary, shall be deemed to have been retired on account of physical disability.

Age of compulsory retirement

13326. Every certificated permanent employee of any school district which has provided a retirement salary for employees supplementary to the state retirement salary, shall be retired at the close of the school year in which he attains the age of compulsory retirement provided in the teacher retirement plan of the district, if such age is not less than 65 years. Any certificated employee retired under the provisions of this section and who has not completed the requirements for full retirement salary, shall be deemed to have been retired on account of physical disability.

Retirement

13327. The retirement of any employee of a school district under the provisions of any retirement law shall automatically effect the dismissal of the employee from the employ of the district at the end of the current school year.

Complete school year

13328. A probationary employee who, in any one school year, has served for at least 75 percent of the number of days the regular schools of the district in which he is employed are maintained shall be deemed to have served a complete school year. In case of evening schools, 75 percent of the number of days the evening schools of the district are in session shall be deemed a complete school year.

Defense and war training

13329. Service by a person under a credential authorizing service in the public schools only as an instructor in defense training classes for adults or in classes organized for training war production workers in special day and evening classes for adults or in classes conducted under contract with public or private agencies for training in or for military service or for war production shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.

Computation of service

13330. The following service by a person shall not be included in computing the service required as a prerequisite

to attainment of, or eligibility to, classification as a permanent employee of a school district:

(1) Service under an emergency credential;

(2) Service under a war emergency credential.

Inclusion in service computation

13331. Service by a person under a provisional credential shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.

Summer school employment

13332. Nothing in Sections 13303 to 13312, inclusive, Sections 13314 to 13318, inclusive, Sections 13320 to 13326, inclusive, and Sections 13328 to 13337, inclusive, shall be construed as permitting a certificated employee to acquire permanent classification with respect to employment in a summer school maintained by a school district, and service in connection with any such employment shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of the district. The provisions of this section do not constitute a change in, but are declaratory of, the pre-existing law.

Substitute and probationary employment

13333. If an employee of a school district has served as a probationary employee of the district in a position requiring certification qualifications, for one complete school year, and in the year immediately preceding the service as probationary employee has served as a substitute employee, or as a substitute and probationary employee, serving in both capacities during the same school year in the schools of the district, at least 75 percent of the number of days the regular schools of the district were maintained, the governing board of the district may count the year of employment as a substitute or as a substitute and probationary employee as one year of the probationary period which he is required by law to serve as a condition to being classified as a permanent employee of the district.

Probationary employees

13334. Governing boards of school districts shall classify as probationary employees, those persons employed in positions requiring certification qualifications for the school year, who have not been classified as permanent employees or as substitute employees.

Time of classification

13335. The classification shall be made at the time of employment and thereafter in the month of July of each school year.

Substitute employees

13336. Governing boards of school districts shall classify as substitute employees those persons employed in positions requiring certification qualifications, to fill positions of regularly employed persons absent from service.

Temporary employees

13337. Governing boards of school districts shall classify as temporary employees those persons requiring certification qualifications, other than substitute employees, who are employed to serve from day to day during the first three school months of any school term to teach temporary classes not to exist after the first three school months of any school term or

to perform any other duties which do not last longer than the first three school months of any school term, or to teach in special day and evening classes for adults or in schools of migratory population for not more than four school months of any school term. If the classes or duties continue beyond the first three school months of any school term or four school months for special day and evening classes for adults, or schools for migratory population, the certificated employee, unless a permanent employee, shall be classified as a probationary employee. The school year may be divided into not more than two school terms for the purposes of this section.

In any district in which appointments are made from eligible lists established by examinations, the governing board may, to prevent the stoppage of school district business when an actual emergency arises and persons on eligible lists are not immediately available, make an appointment to a position on a temporary basis for a period not to exceed 20 working days. The person so appointed shall be deemed to be a temporary employee who is employed to serve from day to day. Service by a person in such an appointment on a temporary basis shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.

Termination of extra assignment

13338. In the event a permanent employee of a school district has tenure as a full-time employee of the district, any assignment or employment of such employee in addition to his full-time assignment may be terminated by the governing board of the district at any time.

Article 4. Teachers' Institutes

Annual institute

13361. The superintendent of schools of every county in which there are 20 or more school districts, and of every city and county, and of every city school district governed by a city board of education and employing 70 or more teachers, may hold an annual teachers' institute in each year.

Same

13362. In any county in which there are less than 20 school districts, the county superintendent of schools may hold an annual teachers' institute.

Uniting of institutes

13363. The superintendents of schools of counties, or cities and counties, or city school districts may unite for the purpose of holding a joint teachers' institute, and shall direct the teachers of their respective counties, cities and counties, or city school districts to attend the joint teachers' institute in lieu of all or a designated part of the annual teachers' institute of the county, city and county, or city school district. Attendance shall be under the same conditions and compensations as provided for the annual teachers' institute of the county, city and county, or city school district.

Local institutes or in-service meetings

13364. In lieu of an annual teachers' institute, the superintendent of schools of any county, or of any city and county, or of any city school district governed by a city board of edu-

cation, or of any other school district employing 200 or more teachers, may hold during the school year, at places in the county, or city and county, or city school district, chosen by the superintendent for their convenience and accessibility to teachers and patrons of the schools, local day or evening institutes or teachers' inservice meeting which shall provide at each of the chosen places, not less than the number of hours of institute work or teachers' inservice meetings as may be determined by the superintendent.

Combined annual and local institutes

13365. The annual teachers' institute may be combined with local institutes, by holding an annual teachers' institute in the county, or city and county, or city school district, or other school district employing 200 or more teachers, and also holding during the school year local day or evening teachers' institutes or teachers' inservice meetings at convenient places in the county, or city and county, or city school district, the whole to provide not less than the number of hours of institute work as may be determined by the superintendent.

Duties of superintendent

13366. The superintendent of schools of each county, city and county, or city school district shall preside over teachers' institutes held therein, and shall secure the attendance of lecturers competent to instruct in the art of teaching.

Report of absence teachers

13367. Each superintendent of schools holding an institute, whether separately or as part of a joint institute, shall report to the governing board of each school district under his jurisdiction the names of all teachers of the district failing to attend any session of the institute.

Attendance of teachers

13368. Every teacher employed in the schools of the county, city and county, or city school district holding an institute shall attend the institute and participate in its proceedings.

Payment of salaries and traveling expenses

13369. Every teacher shall be paid his regular salary for the time covered by his attendance upon an institute. He shall also receive his actual and necessary traveling expenses incurred in attending the institute, not exceeding twenty-five cents ($0.25) a mile, excluding the first six miles, one way from the place of his employment to the place of the institute or thirty-five dollars ($35), whichever is the lesser amount. Claims for traveling expenses are payable from the same fund as teachers' salaries upon verification and approval by the county superintendent of schools. When the institute is held during the time that teachers are employed in teaching, their pay shall not be diminished by reason of their attendance.

Attendance at other institutes

13370. The superintendent of schools of any district or county holding an annual institute may, in his discretion and for good reason, authorize any teacher of the district or county, in lieu of attending one or more days of the institute held by him, to attend an institute held by the superintendent of schools of another district or county, or to attend an educational meeting held by the State Department of Education, or by a recognized institution or organization in the same or another district or county, for an equivalent period.

The period of the attendance of a teacher upon an institute or meeting under the provisions of this section shall be equivalent to attendance for the same period upon the institute he is otherwise required to attend, but shall not constitute attendance upon an institute for the payment of traveling expenses under Section 13369.

Accounts

13371. The county superintendent, the city and county superintendent, and the district superintendent, and the city superintendent shall each keep an accurate account of the actual expenses incurred by him in holding any teachers' institute or teachers' inservice meetings whether separate or joint.

Payment by county

13372. Each county superintendent of schools shall draw his requisition upon the county auditor, who shall draw his warrants on the county school service fund to pay the expenses of the county institute or teachers' inservice meetings.

Payment by city and county

13373. Each city and county superintendent shall draw his requisition upon the city and county auditor, who shall draw his warrant upon the funds of the school district or districts within the city and county to pay the expenses of the city and county institute.

Payment by city

13374. Each city superintendent of schools shall present a statement of the expenses incurred by him in holding the city district institute to the governing board of the city school district, which shall pay the expenses from the funds of the school district in the same manner as other claims against the funds of the district are paid

Expenses of joint institutes

13375. The expense of a joint teachers' institute shall be borne proportionately by the counties, city and county, and city school districts participating therein The amount paid by any county, city and county, or city school district toward the expenses of a joint institute shall not exceed the amount authorized to be expended by the county, city and county, or city school district for a separate annual teachers' institute

Limitation of expenses of separate institutes

13376. Not more than six hundred dollars ($600) shall be paid for the expenses of any separate annual teachers' institute held by the superintendent of schools of any county, city and county, or city school district having less than 100 teachers regularly employed in the elementary and secondary schools of the county, city and county, or city school district. Where the number of teachers regularly employed in the elementary and secondary schools of any county, city and county, or city school district exceeds 100 teachers at the time of holding any separate annual teachers' institute, the superintendent of schools may expend money, in addition to six hundred dollars ($600), at the rate of two dollars ($2) per teacher for each teacher in excess of 100 teachers regularly employed at the time of holding the separate institute.

Expenses of local institutes

13377. Whenever the superintendent of any county, or city and county, or city school district, elects to hold local teachers' institutes, or the combination of annual teachers' institute with a local institute, he may expend money, in addition to the amount provided in Section 13376 for the expenses of any

separate annual teachers' institute in his county, or city and county, or city school district at the rate of ten dollars ($10) per teacher for each teacher regularly employed at the time of holding the first series of local institutes in any school year.

Limitations

13378. The total expenditures for local institutes shall not at any time in the school year exceed one hundred dollars ($100) multiplied by the number of local institutes held.

Computation of time

13379. Whenever the superintendent holds the combination of annual institute with local institutes each day of the annual institute shall be considered for purposes of expenditure the same as one series of local institutes.

Payment

13380. All expenses of local institutes and of combined annual and local institutes shall be paid in the same manner and from the same funds as are the expenses of separate and of joint institutes.

Article 5. Resignation, Dismissal and Leaves of Absence

Effective date

13401. Governing boards of school districts shall accept the resignation of any employee and shall fix the time when the resignation takes effect, which shall not be later than the close of the school year during which the resignation has been received by the board.

Re-employment of permanent certificated employee

13402. Whenever any certificated employee of any school district who, at the time of his resignation, was classified as permanent, is re-employed within 39 months after his last day of paid service, the governing board of the district shall classify him as, and restore to him all of the rights, benefits and burdens of, a permanent employee, except as otherwise provided in this code; provided, that time spent in active military service, as defined in Section 13552, subsequent to the last day of paid service shall not count as part of the aforesaid 39-month period; and provided further, that any such employee who has engaged in active military service subsequent to his last paid service and who resigned more than 39 months prior to October 1, 1949, shall be deemed to have complied with all requirements of this section if he is or has been re-employed before July 1, 1950.

Grounds for dismissal

13403. No permanent employee shall be dismissed except for one or more of the following causes:

(a) Immoral or unprofessional conduct.

(b) Commission, aiding, or advocating the commission of acts of criminal syndicalism, as prohibited by Chapter 188, Statutes of 1919, or in any amendment thereof.

(c) Dishonesty.

(d) Incompetency.

(e) Evident unfitness for service.

(f) Physical or mental condition unfitting him to instruct or associate with children.

(g) Persistent violation of or refusal to obey the school laws of the State or reasonable regulations prescribed for the government of the public schools by the State Board of Education or by the governing board of the school district employing him.

(h) Conviction of a felony or of any crime involving moral turpitude.

(i) Violation of Section 8455 of this code or conduct specified in Section 1028 of the Government Code, added by Chapter 1418 of the Statutes of 1947.

(j) Violation of any provision in Section 12952 to 12958, inclusive, of this code.

(k) Knowing membership by the employee in the Communist Party.

Charges

13404. Upon the filing of written charges, duly signed and verified by the person filing them, with the governing board of the school district, or upon a written statement of charges formulated by the governing board, charging that there exists cause for the dismissal of a permanent employee of the district, the governing board may, upon majority vote, except as provided in Sections 13313, 13327 and 13338, and Sections 13403 to 13441, inclusive, if it deems the action necessary, give notice to the permanent employee of its intention to dismiss him at the expiration of 30 days from the date of service of the notice, unless the employee demands a hearing as provided in Sections 13313, 13327 and 13338, and Sections 13403 to 13441, inclusive.

Notice

13405. The notice shall not be given between May 15th and September 15th in any year. It shall be in writing and be served upon the employee personally or by United States registered mail addressed to him at his last known address. A copy of the charges filed together with a copy of Sections 13313, 13327 and 13338, and Sections 13403 to 13441, inclusive, shall be attached to the notice.

Waiver of hearing

13406. If the employee does not demand a hearing, he may be dismissed at the expiration of the 30-day period.

Incompetency

13407. The governing board of any school district shall not act upon any charges of incompetency unless during the preceding term or half school year prior to the date of the filing of the charge, and at least 90 days prior to the date of the filing, the board or its authorized representative has given the employee against whom the charge is filed, written notice of the incompetency, specifying the nature thereof with such particularity as to furnish the employee an opportunity to correct his faults and overcome his incompetency. "Incompetency" as used in this section means, and refers only to, the incompetency particularly specified as a cause for dismissal in Section 13403 and does not include any other cause for dismissal specified in that section.

Suspension

13408. Upon the filing of written charges, duly signed and verified by the person filing them with the governing board of a school district, or upon a written statement of charges formulated by the governing board, charging a permanent employee of the district with immoral conduct, conviction of a felony or of any crime involving moral turpitude, with incompetency due to mental disability, with violation of Section 8455 of this code, with knowing membership by the employee

in the Communist Party or with violation of any provision in Sections 12952 to 12958, inclusive, of this code, the governing board may, if it deems such action necessary, immediately suspend the employee from his duties and give notice to him of his suspension, and that 30 days after service of the notice, he will be dismissed, unless he demands a hearing.

If the permanent employee is suspended upon charges of knowing membership by the employee in the Communist Party or for any violation of Section 8455, 12952, 12953, 12954, 12957 or 12958 of this code, he may within 10 days after service upon him of notice of such suspension file with the governing board a verified denial, in writing, of the charges. In such event the permanent employee who demands a hearing within the 30-day period shall continue to be paid his regular salary during the period of suspension and until the entry of the superior court judgment, if and during such time as he furnishes to the school district a suitable bond, or other security acceptable to the governing board, as a guarantee that the employee will repay to the school district the amount of salary so paid to him during the period of suspension in case the superior court judgment is that he may be dismissed. If the judgment determines that the employee may not be dismissed, the school district shall reimburse the employee for the cost of the bond.

Compulsory leave of absence: Sex offenses

13409. Whenever any certificated employee of a school district is charged with the commission of any sex offense as defined in Section 12912 by complaint, information or indictment filed in a court of competent jurisdiction, the governing board of the school district shall immediately place the employee upon compulsory leave of absence for a period of time extending for not more than 10 days after the date of the entry of the judgment in the proceedings. The governing board of the school district may extend the compulsory leave of absence of the employee beyond such period by giving notice to the employee within 10 days after the entry of judgment in the proceedings that the employee will be dismissed at the expiration of 30 days from the date of service of the notice, unless the employee demands a hearing as provided in Sections 13313, 13327 and 13338, and Sections 13403 to 13441, inclusive.

Any employee placed upon compulsory leave of absence pursuant to this section shall continue to be paid his regular salary during the period of his compulsory leave of absence if and during such time as he furnishes to the school district a suitable bond, or other security acceptable to the governing board, as a guarantee that the employee will repay to the school district the amount of salary so paid to him during the period of the compulsory leave of absence in case the employee is convicted of such charges, or fails or refuses to return to service following an acquittal of the offense or dismissal of the charges. If the employee is acquitted of the offense, or the charges against him are dismissed, the school district shall

reimburse the employee for the cost of the bond upon his return to service in the school district.

If the employee does not elect to furnish bond, or other security acceptable to the governing board of the district, and if the employee is acquitted of the offense, or the charges against him are dismissed, the school district shall pay to the employee his full compensation for the period of the compulsory leave of absence upon his return to service in the school district.

Notice

13410. The notice of suspension and intention to dismiss, shall be in writing and be served upon the employee personally or by United States registered mail addressed to the employee at his last known address. A copy of the charges filed, together with a copy of Sections 13313, 13327 and 13338, and Sections 13403 to 13441, inclusive, shall be attached to the notice. If the employee does not demand a hearing within the 30-day period, he may be dismissed upon the expiration of 30 days after service of the notice.

Mental disability

13411. No employee shall be suspended on a charge of incompetency due to mental disability until the governing board has appointed an independent recognized psychiatrist to examine him, nor unless the psychiatrist reports in writing to the governing board that the employee is, in his opinion, suffering from mental disability of such character as to render him incompetent to perform his duties. The employee against whom the charge is filed shall submit to the examination, but shall be entitled to be represented thereat by a psychiatrist or physician of his own choice, and the report of the psychiatrist or physician selected by him shall be filed with the governing board at the request of the employee. The employee shall, upon request, and before action by the board, be furnished with a complete copy of all reports made by the psychiatrist appointed by the governing board.

Demand for hearing

13412. When any employee who has been served with notice of the governing board's intention to dismiss him demands a hearing, the governing board shall have the option either (a) to rescind its action, or (b) to file a complaint in the superior court of the county in which the school district or the major part thereof is located, setting forth the charges against the employee and asking that the court inquire into the charges and determine whether or not the charges are true, and if true, whether or not they constitute sufficient grounds for the dismissal of the employee, under the provisions of this code, and for judgment pursuant to its findings.

Complaint

13413. If the board elects to file a complaint, the complaint shall be filed within 30 days from the date of the employee's demand for hearing. If the complaint is not filed within such period the board's action shall be deemed to be rescinded and all charges dismissed.

Appearance of defendant

13414. The employee within 10 days after service upon him of the summons and a copy of the complaint may demur to the complaint or may file an answer, to which the governing

board may demur. If the employeee fails to answer or demur within the 10-day period, or any extension thereof, made by stipulation or order of court, his default shall be entered and judgment shall be entered by the court declaring the right of the governing board to dismiss the employee.

Procedure

13415. Both the complaint and the answer shall be verified. Demurrers to the complaint or answer may be upon any of the grounds specified in the Code of Civil Procedure for demurrer to a complaint or answer, and procedure on the demurrer shall be the same as in any civil proceeding.

Setting for trial

13416. When the employee has filed his answer to the complaint, either party may, upon five days' notice to the other, move the court to set the matter for trial. The proceeding shall be set for trial at the earliest possible date and shall take precedence over all other cases, except older matters of the same character and matters to which special precedence is given by law.

Expert witnesses

13417. Upon any such trial, the court or any party may call and examine expert witnesses to testify as to any matter of professional or personnel standards, skill, fitness, competency, performance, or other such professional matters as may be involved in the subject matter at issue. Any such expert witness so called shall be examined as to his competency and qualifications as an expert and as to his bias, by the party or the court calling him. He shall be subject to objection as to such competency and qualifications or bias. If any such witness is called and examined by the court, the rights of the parties shall be those provided by Section 1871 of the Code of Civil Procedure.

If the court determines that any such witness is competent and qualified to testify as an expert as to any issue or matter involved in the trial, the court may also receive and consider as evidence any report thereon, or any relevant portions thereof, submitted by such expert witness individually or as a member of a commission on personnel standards, or a panel thereof, maintained by a statewide professional educational association or by a statewide organization of governing boards of school districts, but only if during such trial all members of such commission or panel are subject to the process of the court. The members of the commission, or of the panel which prepared the report may be called by the court or by any party to the proceeding to testify as expert witnesses as to the matters reported upon.

Before any such report or portion thereof may be introduced as evidence, a copy shall have been served upon the defendant at least 10 days before trial. Any report so received, and all testimony, statements and other proceedings before the commission, or the panel thereof, shall be deemed to be in connection with judicial proceedings within the meaning of Section 47 of the Civil Code.

The court may fix, and apportion and charge, the compensation and necessary expenses of any such expert or experts

in the manner provided by Section 1871 of the Code of Civil Procedure.

Referees

13418. Upon motion of either party, the court in its discretion, or on its own motion, may appoint three disinterested persons over 21 years of age as referees, to ascertain the facts and report their findings to the court.

Qualifications

13419. The persons appointed as referees shall be persons of suitable experience and educational qualifications, and in sympathy with the merit system for employing teachers.

Compensation

13420. The compensation of the referees shall be fixed by the court but shall not exceed ten dollars ($10) for each day served.

Oath, etc

13421. Each of the referees within five days after his appointment shall take and file with the court an oath to discharge his duties faithfully and impartially. If any referee fails to qualify, or resigns, or is removed by order of court, or is, or becomes unable to act, the vacancy shall be filled by the court.

Date and place of hearing

13422. The referees shall at once organize by electing one of their number chairman. They shall fix a date and place for a hearing which shall be not less than 10 days and not more than 20 days after the date of their appointment. Either the board or the employee shall have the right to one continuance for a period of not more than 10 days.

Notice

13423. Written notice of the time and place of the trial or hearing shall be served upon the employee or his attorney at least five days before the date of the hearing.

Public hearing

13424. The hearing shall be open to the public except upon stipulation of the parties.

Hearing

13425. Upon the date set for the trial or hearing, both the board and the employee shall have the right to be represented by counsel, and to introduce such testimony and other evidence as may be relevant to the issue. The referees may examine witnesses under oath, to be administered by any of them, or on affirmation. The referees and either party may have subpenas issued by the clerk of the court requiring the attendance of witnesses or the production of evidence before them.

Rules of evidence

13426. Technical rules of evidence shall not apply to hearings before the referees.

Report

13427. The referees shall make and file with the court a written report of their findings, and of their necessary expenses, within 30 days after their appointment, but the time may be extended by the court, for good cause shown for an additional period not exceeding 60 days. If any vacancy in the referees is created and filled, or if new referees are appointed, or a new report from the same referees ordered, the time for the filing of the report shall run from the date of filling the vacancy or appointing of new referees or ordering a new report from the same referees. Any majority of the referees, who have been present during the entire hearing or trial and who agree thereto may make the report.

13428. A complete transcript of all the testimony and evidence, taken by a competent reporter, who shall be paid by the governing board, shall be attached to the report. A copy of the report and transcript shall be delivered to each of the parties. Transcript

13429. Upon the filing of the report the court, upon motion of either party, shall set a day for hearing the report, not over 15 days thereafter. Notice of the time and place of the hearing shall be served upon the other party at least five days before the time set. Notice of hearing report

13430. Either party may file exceptions, in writing, to the report, specifying the grounds upon which the exceptions are based, at any time within not less than two days prior to the hearings. Any party filing exceptions may appear at the hearing of the report and contest the report. Exceptions

13431. After hearing the report and any exceptions thereto, the court may either confirm the report, or may set aside the report and order a new report from the same referees or from other referees appointed by it. If a new report is ordered, the same procedure shall be had as upon the first reference. New reports

13432. The court in its discretion may take additional evidence of or concerning any fact with respect to which the report of the referees is not sufficient to justify a judgment. Additional evidence

13433. No witness shall be permitted to testify at the trial or hearing before the referees, except upon oath or affirmation. No testimony shall be given or evidence introduced relating to matters which occurred more than three years prior to the date of the filing of the complaint. This shall not be construed to prevent the introduction in evidence of records regularly kept by the governing board concerning the employee, but no judgment permitting the dismissal or suspension of any employee shall be made or entered based on charges or evidence of any nature relating to matters occurring more than three years prior to the filing of the complaint. Evidence

13434. All records regularly kept by the governing board concerning employees which relate to the employee charged shall be admissible in evidence, but no dismissal of the employee, or judgment that the governing board may dismiss him may be made on the records alone. Records of governing board

13435. After the trial or after hearing the report of the referees, the court shall make and enter its judgment. The judgment may be at variance with any report of any referees appointed by the court, and shall determine whether or not the governing board may dismiss the employee. Judgment

13436. If the judgment determines that the employee may be dismissed, the governing board may dismiss him upon entry of the judgment. Otherwise the employee may not be dismissed as the result of the charges or of any charges which could have been made or heard at the hearing. Dismissal

13437. If the cause is incompetency due to physical or mental disability, in lieu of dismissal the judgment may require the Incompetency

employee to take a leave of absence for only such period as may be necessary for rehabilitation from the incompetency. The leave of absence shall not exceed two years. During the leave of absence, the employee shall be entitled to the benefits authorized by this code to employees of school districts absent from their duties on account of sickness.

Costs

13438. If the judgment determines that the employee may be dismissed, it shall provide that each party shall pay its own costs. If the judgment determines that the employee may not be dismissed, it shall provide that the district shall pay the costs and necessary disbursements of the employee. A memorandum of costs and disbursements may be filed and taxed by the court within the time and in the manner specified by Section 1033 of the Code of Civil Procedure relating to costs in actions in the superior and municipal courts.

Reinstatement

13439. If the employee has been suspended pending the hearing, he shall be reinstated within five days after the entry of judgment in his favor, and shall be paid full salary by the governing board for the period of his suspension.

Appeal

13440. Either the employee or the governing board may appeal from the judgment to the District Court of Appeal or Supreme Court

Immoral conduct or conviction of crime

13441. If an employee is dismissed for immoral conduct or conviction of a felony or crime involving moral turpitude, the governing board shall transmit to the State Board of Education and to the county board of education which issued the certificate under which the employee was serving at the time of his dismissal, a copy of the reporter's transcript of the hearing accompanied by a request that any certificate issued by the county board of education to the employee be revoked if the employee is not reinstated upon appeal.

Dismissal during school year

13442. Governing boards of school districts shall dismiss probationary employees during the school year for cause only, as in the case of permanent employees.

Notice of dismissal

13443. On or before the fifteenth day of May in any year the governing board may give notice in writing to a probationary employee that his services will not be required for the ensuing year.

The notice shall be deemed sufficient and complete when delivered in person to the employee by the clerk or secretary of the governing board of the school district or deposited in the United States registered mail with postage prepaid, addressed to the employee at his last known place of address.

Dismissal for cause

13444. Anything in Section 13443 to the contrary notwithstanding, governing boards of school districts having an average daily attendance of 85,000 or more pupils shall dismiss probationary employees for cause only. The determination of the board as to the sufficiency of the cause for dismissal shall be conclusive, but the cause shall relate solely to the welfare of the schools and the pupils thereof.

In case a hearing is requested by the employee the proceeding shall be conducted in accordance with Chapter 5 of Part

1 of Division 3 of Title 2 of the Government Code and the governing board shall have all the power granted to an agency in said Chapter 5, except that the respondent shall file his notice of defense, if any, within five days after service upon him of accusation and he shall be notified of such five-day period for filing in the accusation. All expenses of the hearing, including the cost of the hearing officer, shall be paid by the governing board from the district funds.

The board may adopt from time to time such rules and procedures not inconsistent with provisions of this section, as may be necessary to effectuate this section.

Time of dismissal

13445. Governing boards of school districts may dismiss substitute employees at any time at the pleasure of the board.

Same

13446. Governing boards of school districts may dismiss temporary employees requiring certification qualifications at the pleasure of the board. A temporary employee who is not dismissed during the first three school months, or in the case of migratory schools during the first four school months of the school term for which he was employed and who has not been classified as a permanent employee shall be deemed to have been classified as a probationary employee from the time his services as a temporary employee commenced.

Decrease in number of permanent employees

13447. No permanent employee shall be deprived of his position for causes other than those specified in Sections 13313, 13327 and 13338, and Sections 13403 to 13441, inclusive, except in accordance with the provisions of Section 13319 and Sections 13447 to 13452, inclusive.

Whenever in any school year the average daily attendance in all of the schools of a district for the first six months in which school is in session shall have declined below the corresponding period of either of the previous two school years, or whenever a particular kind of service is to be reduced or discontinued not later than the beginning of the following school year, and when in the opinion of the governing board of said district it shall have become necessary by reason of either of such conditions to decrease the number of permanent employees in said district, the said governing board may terminate the services of not more than a corresponding percentage of the certificated employees of said district, permanent as well as probationary, at the close of the school year; provided, that the services of no permanent employee may be terminated under the provisions of this section while any probationary employee, or any other employee with less seniority, is retained to render a service which said permanent employee is certificated and competent to render.

Notice of such termination of services for reduction in attendance shall be given before the fifteenth of May in the manner prescribed in Section 13443 of this code, and services of said employees shall be terminated in the inverse of the order in which they were employed, as determined by the board in accordance with the provisions of Sections 13262 and 13263 of this code.

The board shall make assignments and reassignments in such a manner that employees shall be retained to render any service which their seniority and qualifications entitle them to render.

Rights of employees

13448. Any permanent employee whose services have been terminated as provided in Section 13447 shall have the following rights:

1. For the period of 39 months from the date of such termination, any employee who in the meantime has not attained the age of 65 years shall have the preferred right to reappointment, in the order of original employment as determined by the board in accordance with the provisions of Sections 13252 to 13273, inclusive, if the number of employees is increased or the discontinued service is re-established, with no requirements that were not imposed upon other employees who continued in service; provided, that no probationary or other employee with less seniority shall be employed to render a service which said employee is certificated and competent to render.

2. The aforesaid right to reappointment may be waived by the employee, without prejudice, for not more than one school year, unless the board extends this right, but such waiver shall not deprive the employee of his right to subsequent offers of reappointment.

3. As to any such employee who is reappointed, the period of his absence shall be treated as a leave of absence and shall not be considered as a break in the continuity of his service, he shall retain the classification and order of employment he had when his services were terminated, and credit for prior service under any state or district retirement system shall not be affected by such termination, but the period of his absence shall not count as a part of the service required for retirement.

4. During the period of his preferred right to reappointment, any such employee shall, in the order of original employment, be offered prior opportunity for substitute service during the absence of any other employee who has been granted a leave of absence or who is temporarily absent from duty; provided, that his services may be terminated upon the return to duty of said other employee, that the compensation he receives shall be not less than the amount he would receive if he were being reappointed, and that said substitute service shall not affect the retention of his previous classification and rights.

4a. During the period of the employee's preferred right to reappointment, the governing board of the district, if it is also the governing board of one or more other districts, may assign him to service, which he is certificated and competent to render, in said other district or districts; provided, that the compensation he receives therefor may in the discretion of the governing board be the same as he would have received had he been serving in the district from which his services were terminated, that his service in the said other district or districts shall be counted toward the period required for both state and local retirement, as defined by Section 13822 of this code, as though rendered in

the district from which his services were terminated, and that no permanent employee in said other district or districts shall be displaced by him.

It is the intent of this subsection that the employees of a school district, the governing board of which is also the governing board of one or more other school districts, shall not be at a disadvantage as compared with employees of a unified school district.

5. At any time prior to the completion of one year after his return to service, he may continue or make up, with interest, his own contributions to any state or district retirement system, for the period of his absence, but it shall not be obligatory on State or district to match such contributions.

6. Should he become disabled or reach retirement age at any time before his return to service, he shall receive, in any state or district retirement system of which he was a member, all benefits to which he would have been entitled had such event occurred at the time of his termination of service, plus any benefits he may have qualified for thereafter, as though still employed.

Rights of probationary employees

13449. If the services of any probationary employee are terminated, or if such employee is dismissed, because of a reduction in the attendance of pupils or the discontinuance of a particular kind of service, and such employee is re-employed within a period of 39 months from the last day of the school year within which his service was so terminated, or within 39 months after the cessation of hostilities, if such reduction in attendance or discontinuance of service was due to war conditions, the period of his absence shall not count as a part of the service required as a condition precedent to the classification of such employee as a permanent employee of the district, but such absence shall not be construed as a break in the continuity of the service of such employee.

Every such probationary employee who has been re-employed as indicated in this section shall have all of the rights enumerated in Section 13319 and Sections 13447 to 13452, inclusive, for permanent employees, except the right of reappointment, subject only to the prior rights of permanent employees.

The provisions of this section shall apply to any probationary employee who shall be or who shall have been dismissed or terminated after January 1, 1949, because of reduction in attendance or discontinuance of a particular kind of service

Rights of permanent certificated employees

13450. As to any permanent certificated employee whose services have been terminated because of the effect of wars in which the United States is engaged upon the attendance of pupils or upon the maintenance of a particular kind of service, the effective period covered by all rights enumerated in Section 13448 is extended until two years after the cessation of hostilities, and in addition thereto for a like period the said employees shall have the following rights:

1. He may voluntarily accept termination of service in other than the order of original employment and retain all of the other rights herein provided.

2. If he is engaged in any form of civilian or military war service, any credential or certificate he holds is continued in full force and effect until 90 days after the termination of his employment therein.

3. If, either before or after such termination, he engages in any form of war service for which provision is made in Section 13552 of this code or elsewhere in the laws of this State, he shall retain all rights granted by such war service legislation as though still employed; provided, that the right to reappointment shall be in the order of original employment, as determined in accordance with the provisions of Sections 13262 and 13263 of this code.

The services of all permanent certificated employees dismissed since December 7, 1941, because of the effect of the wars upon attendance of pupils or the maintenance of service shall be deemed to have been terminated in accordance with the provisions of Section 13447, as amended, and said employees shall have all of the rights in this section provided.

Termination of substitute service

13451. The services of any permanent certificated employee referred to in Section 13450 who has been appointed to substitute service in place of another employee who is on leave of absence for civilian or military war service may be terminated upon the return of said other employee from such leave of absence, but only at the end of the current semester or quarter and not less than 30 days after written notice that his services will no longer be required.

"War"

13452. In specifying or defining the rights of employees in Section 13319 and Sections 13447 to 13452, inclusive, the effect of war refers to "war" as defined in Section 49.

Powers of governing board

13453. Governing boards of school districts may grant leaves of absence to persons employed in positions requiring certification qualifications.

Same

13454. When any provision of this code expressly authorizes or requires the governing board of a school district to grant a leave of absence for any purpose or for any period of time to persons employed in positions requiring certification qualifications, that express authorization or requirement does not deprive the governing board of the power to grant leaves of absence with or without pay to such employees for other purposes or for other periods of time, so long as the governing board does not deprive any employee of any leave of absence to which he is entitled by law.

Accident or illness

13455. The governing board of any school district may provide for the leave of absence from duty and may grant compensation during the leave of absence to any employee of the district who is employed in a position requiring certification qualifications and who is compelled to absent himself from his duties because of accident or illness, whether or not the cause of absence arises out of and in the course of the

employment of the employee, or because of quarantine which results from his contact with other persons having a contagious disease while performing his duties, or because of temporary inability to perform the services required of him because of illness, accident, or quarantine.

Pregnancy

13456. The governing board of any school district may provide for such leave of absence from duty as it deems appropriate for any female employee of the district who is employed in a position requiring certification qualifications and who is required to absent herself from her duties because of pregnancy or convalescence following childbirth, and may adopt rules and regulations prescribing the manner of proof of pregnancy, the point during the course of the pregnancy at which leave of absence shall be taken, and the length of time for which the leave of absence shall continue after birth of the child. Anything in Sections 13467 and 13469 to the contrary notwithstanding, the board may also provide in the rules and regulations the amount to be deducted from the salary due the employee for the period in which the absence occurs.

Nothing in this section shall be construed so as to deprive any employee of sick leave rights under other sections of this code for absences due to illness or injury resulting from pregnancy.

The leave provided for in this section is in addition to any other leave provided for by law.

Purpose of study

13457. The governing board of any school district may grant any employee of the district employed in a position requiring certification qualifications, a leave of absence for not to exceed one year for the purpose of permitting study or travel by the employee which will benefit the schools and pupils of the district.

Sabbatical leaves

13458. No leave of absence shall be granted to any employe under Section 13457 who has not rendered service to the district for at least seven consecutive years preceding the granting of the leave, and not more than one such leave of absence shall be granted in each seven-year period. The governing board granting the leave of absence may, subject to the rules and regulations of the State Board of Education, prescribe the standards of service which shall entitle the employee to the leave of absence. No absence from the service of the district under a leave of absence, other than a leave of absence granted pursuant to Section 13457, granted by the governing board of the district shall be deemed a break in the continuity of service required by this section, and the period of such absence shall not be included as service in computing the seven consecutive years of service required by this section. Service under a national recognized fellowship or foundation approved by the State Board of Education, for a period of not more than one year, for research, teaching or lecturing shall not be deemed a break in continuity of service, and the period of such absence shall be included in computing the seven consecutive years of service required by this section.

Compensation

13459. Every employee granted a leave of absence pursuant to Section 13457 may be required to perform such services during the leave as the governing board of the district, with the approval of the county superintendent of schools, and the employee may agree upon in writing, and the employee shall receive such compensation during the period of the leave as the governing board, with the approval of said county superintendent, and the employee may agree upon in writing, which compensation shall be not less than the difference between the salary of the employee on leave and the salary of a substitute employee in the position which the employee held prior to the granting of the leave. However, in lieu of such difference, the board may pay one-half of the salary of the employee on leave or any additional amount up to and including the full salary of the employee on leave.

Payment

13460. Compensation granted by the governing board to the employee on leave may be paid in two equal annual installments during the first two years of service rendered in the employ of the governing board following the return of the employee from the leave of absence. The compensation shall be paid the employee while on the leave of absence in the same manner as if the employee were teaching in the district, upon the furnishing by the employee of a suitable bond indemnifying the governing board of the district against loss in the event that the employee fails to render at least two years' service in the employ of the governing board following the return of the employee from the leave of absence. The bond shall be exonerated in event the failure of the employee to return and render two years' service is caused by the death or physical or mental disability of the employee. If the governing board finds and by resolution declares that the interests of the district will be protected by the written agreement of the employee to return to the service of the district and render at least two years' service therein following his return from the leave, the governing board in its discretion may waive the furnishing of the bond and pay the employee on leave in the same manner as though a bond is furnished.

Service in one or more districts

13461. Where one governing board serves as the governing board of two or more separate districts, an employee may fulfill the service requirements provided in Section 13458 or in 13460, or both, by service in any one or more of the districts under the jurisdiction of such governing board. At the option of the governing board the provisions of this section may apply in whole or in part to service rendered prior to October 1, 1949.

Reinstatement

13462. At the expiration of the leave of absence of the employee, he shall, unless he otherwise agrees, be reinstated in the position held by him at the time of the granting of the leave of absence.

Liability for death or injury

13463. Both the governing board of any district and the district shall be freed from any liability for the payment of any compensation or damages provided by law for the death

or injury of any employee of the district employed in a position requiring certification qualifications when the death or injury occurs while the employee is on any leave of absence granted under the provisions of Sections 13453 to 13466, inclusive.

Effect of leave

13464. No leave of absence when granted to a probationary employee shall be construed as a break in the continuity of service required for the classification of the employee as permanent. The time during which the leave of absence is taken shall not be considered as employment within the meaning of Sections 13303 to 13312, inclusive, Sections 13314 to 13318, inclusive, Sections 13320 to 13326, inclusive, and Sections 13328 to 13337, inclusive.

High school district employee employed by junior college district

13465. Whenever any permanent or probationary employee of a high school district is employed by a junior college district pursuant to Section 13318 or 13321 such employee shall be entitled to retain all sickness and injury, sabbatical and other leave rights accumulated by service prior to such employment and the district shall recognize and grant such rights, including any accumulated rights allowed by the governing board of the high school district, as fully as if there was no change in the district maintaining the junior college.

Transfer of school, etc.: Effect

13466. When any school or other place of employment shall have been transferred from one district to another, any certificated employees who transfer with said school or other place of employment shall be entitled to retain all sickness and injury, sabbatical and other leave rights accumulated by service prior to such transfer and the district to which such school or other place of employment has been transferred shall recognize or grant such rights, including any accumulated rights allowed by the governing board of the district from which the school or other place of employment was transferred, as fully as if there had been no change in the district maintaining such school or other place of employment.

Payment during illness

13467. When a person employed in a position requiring certification qualifications is absent from his duties on account of illness or accident for a period of five school months or less, whether or not the absence arises out of or in the course of the employment of the employee, the amount deducted from the salary due him for any month in which the absence occurs shall not exceed the sum which is actually paid a substitute employee employed to fill his position during his absence.

Excepting in a district the governing board of which has adopted a salary schedule for substitute employees of the district, the amount paid the substitute employee during any month shall be less than the salary due the employee absent from his duties.

When a person employed in a position requiring certification qualifications is absent from his duties on account of illness for a period of more than five school months, or when a person is absent from his duties for a cause other than illness, the amount deducted from the salary due him for the month

in which the absence occurs shall be determined according to the rules and regulations established by the governing board of the district. Such rules and regulations shall not conflict with rules and regulations of the State Board of Education.

Nothing in this section shall be construed so as to deprive any district, city, or city and county of the right to make any reasonable rule for the regulation of accident or sick leave or cumulative accident or sick leave without loss of salary for persons requiring certification qualifications.

This section shall be applicable whether or not the absence from duty is by reason of a leave of absence granted by the governing board of the employing district.

Certificated employees. Sick leave

13468. Every person employed five days a week by a school district in a position requiring certification qualifications shall be entitled to 10 days' leave of absence for illness or injury and such additional days in addition thereto as the governing board may allow for illness or injury, exclusive of all days he is not required to render service to the district, with full pay for a school year of service. A certificated employee employed for less than five school days a week shall be entitled, for a school year of service, to that proportion of 10 days' leave of absence for illness or injury as the number of days he is employed per week bears to five and is entitled to such additional days in addition thereto as the governing board may allow for illness or injury to certificated employees employed for less than five school days a week; pay for any day of such absence shall be the same as the pay which would have been received had the employee served during the day. Credit for leave of absence need not be accrued prior to taking such leave by the employee and such leave of absence may be taken at any time during the school year. If such employee does not take the full amount of leave allowed in any school year under this section the amount not taken shall be accumulated from year to year with such additional days as the governing board may allow.

The governing board of each school district shall adopt rules and regulations requiring and prescribing the manner of proof of illness or injury for the purposes of this section Such rules and regulations shall not discriminate against evidence of treatment and the need therefor by the practice of the religion of any well-recognized church or denomination.

Nothing in this section shall be deemed to modify or repeal any provision of law contained in Article 3 of Chapter 6 of Division 3 of the Health and Safety Code.

The provisions of Section 13467 relating to compensation, shall not apply to the first 10 days of absence on account of illness or accident of any such employee employed five days a week or to the proportion of 10 days of absence to which such employee employed less than five days a week is entitled hereunder on account of illness or accident or to such additional days granted by the governing board.

13469. Section 13467 shall not apply to any school district which adopts and maintains in effect a rule which provides that when a person employed in a position requiring certification qualifications is absent from his duties on account of illness or accident for a period of five school months or less whether or not the absence arises out of or in the course of the employment of the employee, he shall receive 50 percent or more of his regular salary during the period of such absence and nothing in Section 13467 shall be construed as preventing the governing board of any district from adopting any such rule. Exception to sick leave rules when district adopts rule

Notwithstanding the foregoing, when a person employed in a position requiring certification qualifications is absent from his duties on account of illness for a period of more than five school months, or when a person is absent from his duties for a cause other than illness, the amount deducted from the salary due him for the month in which the absence occurs shall be determined according to the rules and regulations established by the governing board of the district. Such rules and regulations shall not conflict with rules and regulations of the State Board of Education.

Nothing in this section shall be construed so as to deprive any district, city, or city and county of the right to make any reasonable rule for the regulation of accident or sick leave or cumulative accident or sick leave without loss of salary for persons requiring certification qualifications.

This section shall be applicable whether or not the absence from duty is by reason of a leave of absence granted by the governing board of the employing district.

13470. Every person employed by a school district in a position requiring certification qualifications is entitled to three days' leave of absence for the death of any member of his immediate family, and to such additional days therefor as the governing board of the district may allow. No deduction shall be made from the salary of such employee on account of such leave of absence. The governing board may enlarge the benefits of this section. Bereavement leave

"Member of his immediate family" as used in this section means the mother, father, husband, wife, son, daughter, brother, or sister of the employee, or any relative living in the immediate household of the employee.

Article 6. Salaries

13501. Females employed as teachers in the public schools of the State shall, in all cases, receive the same compensation as is allowed male teachers for like services, when holding the same grade certificates Female teachers

13502. The governing board of any school district shall fix and order paid the compensation of persons in public school service requiring certification qualifications employed by the board unless otherwise prescribed by law. School districts

Full-time employees

13503. Every person employed by the district in a position requiring certification qualifications in a day school of the district for not less than the minimum school day for each day the schools of the district are maintained during the school year is a full-time employee and his compensation shall be fixed accordingly. With respect to a unified school district, for the purposes of this section all day kindergarten and elementary schools of the unified school district shall be deemed to be maintained by one district, all day high schools of the unified school district shall be deemed to be maintained by a second and separate district, and all day junior colleges of the unified school district shall be deemed to be maintained by a third and separate district.

City boards of education

13504. City boards of education shall have full power to fix the salary of all employees.

Supervising principals

13505. Any supervising principal shall receive such compensation from each board of trustees jointly employing him as may be agreed upon by the boards joining in his employment.

Teachers

13506. In cities, teachers of beginners shall be ranked in the salary schedule with the highest salaried teachers in the elementary grades of equal training and experience.

Uniform allowance may be made in any schedule of salaries for years of training and for years of service.

In no case shall the governing board of a school district draw orders for the salary of any teacher in violation of this section, nor shall any superintendent draw any requisition for the salary of any teacher in violation thereof.

This section shall not apply to teachers of special day and evening classes in elementary schools, special classes for elementary pupils, and special day and evening high school classes.

Teachers in parental schools

13507. Teachers in a parental school shall be paid in the same manner as in other elementary schools of the city, city and county, or the school district in which the parental school is situated.

Substitutes

13508. The governing board of any school district may employ such substitute employeees of the district as it deems necessary from month to month and may adopt a salary schedule for substitute employees.

This section shall not be construed as modifying or repealing any law fixing a minimum annual salary for employees of districts.

Home teachers

13509. The salaries of home teachers shall be paid from the city or district special school funds.

Salary increases

13510. The governing board of a school district may during any school year increase the annual salaries of persons employed by the district in positions requiring certification qualifications at any time; provided, the board has retained the right to increase the salaries of such employees during the school year by appropriate rules and regulations adopted by the board prior to the commencement of the school year or by

appropriate provisions in the contracts of employment entered into with such employees.

Payment of salaries to certificated employees

13511. No order for a warrant shall be drawn in favor of any person employed in a position requiring certification qualifications, unless such person is at the time the holder of a proper certification document in full force for the full time for which the requisition is drawn, and on file or registered as required by law at the time and unless he is employed by the governing board of the school district or by the county superintendent of schools as provided in this code.

Same: On failure of district to pay

13512. If any school district fails to pay the salary of any person employed by it in a position requiring certification qualifications who has on file a contract of employment held valid by the legal adviser of the county superintendent of schools having jurisdiction over the district, such county superintendent of schools may transfer sufficient money from the funds of the district to the county school service fund and pay such salary from such fund.

Payment of salary withheld

13513. Notwithstanding any other provisions of law, if, prior to May 8, 1953, payment of the salary of any person employed in a position requiring certification qualification has been withheld because the certification document of such person was not in force for the period such salary was earned and the credentials of such person have been renewed within 60 days after the end of such period, the district may pay the person the amount of salary withheld.

Same

13514. Notwithstanding any other provisions of law, if, prior to July 7, 1955, payment of the salary of any person employed in a position requiring certification qualification has been withheld because the certification document of such person was not in force for the period such salary was earned and the credentials of such person have been renewed within 90 days after the end of such period, the district may pay the person the amount of salary withheld.

Same

13515. Notwithstanding any other provisions of law, if, prior to June 7, 1957, payment of the salary of any person employed in a position requiring certification qualification has been withheld because the certification document of such person was not in force for the period such salary was earned and the credentials of such person have been renewed within 90 days after the end of such period, the district may pay the person the amount of salary withheld.

Same

13516. Notwithstanding any other provisions of law, if, prior to April 14, 1958, payment of the salary of any person employed in a position requiring certification qualification has been withheld because the certification document of such person was not in force for the period such salary was earned and the credentials of such person have been renewed within 90 days after the end of such period, the district may pay the person the amount of salary withheld.

Number of payments

13517. The governing board of any school district may arrange to pay the persons in positions requiring certification

qualifications employed by it in 10 or 11 or 12 equal payments instead of by the school month.

Monthly installments

13518 Where the governing board of any school district arranges to pay persons employed by it in 12 equal payments for the year, it may pay each monthly installment at the end of each calendar month, whether or not the persons are actually engaged in teaching during the month.

Notwithstanding the provisions of Section 13520, in the event any such person dies during the school year, his estate shall be entitled to receive, as salary owed to the decedent, an amount equal to the salary paid the decedent prior to his death subtracted from the amount equal to that portion of his annual salary as bears the same ratio to the established annual salary for his position as the number of days of the school year (as defined in Section 5101) during which he was employed prior to his death bears to the total number of days of the school year.

The provisions of this section shall apply to the payment of salaries earned during the 1956-57 school year and thereafter.

Withholding

13519. The governing board of any school district not paying the annual salaries of persons employed by the district in 12 equal monthly payments may withhold from each payment made to each employee an amount equal to 16⅔ percent thereof.

The total of the amounts deducted from the salary of any employee during any school year shall be paid to him in two equal installments, one installment to be paid not later than the fifth day of August next succeeding, and one installment to be paid not later than the fifth day of September next succeeding.

In the event any employee leaves the service of the district by death or otherwise before receiving such moneys as may be due him, the amount due him shall be paid within 30 days to him or to any other person entitled thereto by law.

Service less than full year

13520. A person in a position requiring certification qualifications who serves less than a full school year shall receive as salary only an amount that bears the same ratio to the established annual salary for the position as the time he serves bears to the annual school term. For the purpose of this section, the school term as it applies to each certificated employee shall include each day the schools of the district are in session, each school holiday as defined in Sections 5201 to 5210, inclusive, and Sections 5713, 5901, and 6362 of this code, each day of teachers' institute and any other day when the employee is required by the governing board to be present at the schools of the district or to perform services for the district, and the employee shall be deemed to have served the district on each of said days unless he fails to perform the duties required of him for the day and is not entitled to a leave of absence from such duties with pay. This section shall not be so construed as to prevent the payment of compensation to a person while on leave of absence when the payment of the compensation is authorized by law.

13521. Each salary payment for any calendar month shall be paid not later than the fifth day of the succeeding calendar month; provided, that teachers employed for less than full time in an evening high school may be paid on or before the tenth day of the succeeding calendar month

Time of payment

13522. Instead of issuing a single warrant to each employee for salary or wages the district may use a payroll form of warrant making payment to two or more employees on one payroll warrant.

Pay roll warrants

13523. When the payroll form of warrant is used, the approved and allowed payroll warrant shall be deposited with the county treasurer, who shall make payment to the employee or his order.

Deposit with county treasurer

13524. When the payroll form of warrant is used the name of each employee shall be listed and in case of an attachment of the salary or wages of any employee the attachment shall affect only the salary or wages of that employee.

Attachment

13525 The governing board of each school district shall pay to each person employed in a day school of the district for full time in a position requiring certification qualifications and serving under other than an emergency or provisional credential an annual salary of not less than three thousand four hundred dollars ($3,400).

Minimum teachers' salaries

The governing board of each school district shall pay to each person employed for less than full time in a position requiring certification qualifications and serving under other than an emergency or provisional credential an annual salary of not less than an amount which bears the same ratio to three thousand four hundred dollars ($3,400) as the time required of the person bears to the time required of a person employed full time.

"Full time" means not less than the minimum school day for each day the schools of the district are maintained during the school year.

The provisions of this section shall not be construed as applying to substitute employees of a school district.

This section shall become effective on July 1, 1959

13525 1. The governing board of each school district shall pay to each person employed in a day school of the district for full time in a position requiring certification qualifications and serving under other than an emergency or provisional credential an annual salary of not less than four thousand two hundred dollars ($4,200).

Same

The governing board of each school district shall pay to each person employed for less than full time in a position requiring certification qualifications and serving under other than an emergency or provisional credential an annual salary of not less than an amount which bears the same ratio to four thousand two hundred dollars ($4,200) as the time required of the person bears to the time required of a person employed full time.

"Full time" means not less than the minimum school day for each day the schools of the district are maintained during the school year.

The provisions of this section shall not be construed as applying to substitute employees of a school district.

This section shall remain in effect until July 1, 1959.

Same

13526. The governing board of each school district shall pay to each person employed in a day school of the district for full time in a position requiring certification qualifications and serving under an emergency credential or provisional credential an annual salary of not less than two thousand four hundred dollars ($2,400).

The governing board of each school district shall pay to each person employed for less than full time in a position requiring certification qualifications and serving under an emergency credential or provisional credential an annual salary of not less than an amount which bears the same ratio to two thousand four hundred dollars ($2,400) as the time required of the person bears to the time required of a person employed full time.

"Full time" means not less than the minimum school day for each day the schools of the district are maintained during the school year.

The provisions of this section shall not be construed as applying to substitute employees of a school district.

Payment

13527. Except as otherwise provided in this code, no warrant shall be drawn in favor of any teacher, unless the officer whose duty it is to draw the warrant is satisfied that the teacher has faithfully performed all the duties prescribed.

Employees of two districts

13528. Whenever a person is employed by two or more districts under the jurisdiction of a single county superintendent of schools, the governing boards of the districts may authorize, in writing, the county superintendent of schools to act as their agent in the payment of the salaries due such person from the districts. If such authorization is given, the county superintendent of schools may draw a warrant on the unapportioned county elementary school fund in payment of the total salaries due such person and shall immediately draw requisitions in favor of the unapportioned county elementary school fund against the proper funds of each district for the amount paid by him to such person on account of such district.

Filing reports before salary payments

13529. The salary payment due a certificated employee for his last month of service in any district during any fiscal year shall not be approved by the county superintendent of schools until all reports required from the employee have been filed with said superintendent.

Military or naval service: Salary computation

13530. For the purposes of Military and Veterans Code Section 395 or any other provision of law providing for the payment of salary or compensation as such employee to an employee of a school district while absent from duty because engaged in ordered military or naval duty, his salary or compensation as such employee for 30 days shall (a) with respect

to an employee serving in a position requiring certification qualifications be deemed to be one-tenth of the annual salary established for such position and (b) with respect to an employee serving in a position not requiring certification qualifications be deemed to be one month's salary.

Method of payment

13531. The governing board of each school district when drawing an order for the salary payment due to employees of the district, shall without charge reduce the order by the amount which it has been requested in a revocable written authorization by the employee to deduct for any or all of the following purposes: paying premiums on any policy or certificate of group life insurance for the benefit of the employee or for group disability insurance, or both, for the benefit of the employee or his dependents issued by an admitted insurer on a form of policy or certificate approved by the Insurance Commissioner, or paying rates, dues, fees, or other periodic charges on any hospital service contract for the benefit of the employee, or his dependents, issued by a nonprofit hospital service corporation on a form approved by the Insurance Commissioner pursuant to the provisions of Chapter 11A of Part 2 of Division 2 of the Insurance Code. The governing board of the district shall each month draw its order upon the funds of the district in favor of the insurer which has issued the policies or certificates or in favor of the nonprofit hospital service corporation which has issued hospital service contracts, for an amount equal to the total of the respective deductions therefor made during the month.

Deductions for organization dues

13532. The governing board of each school district when drawing an order for the salary payment due to a certificated employee of the district, may with or without charge reduce the order by the amount which it has been requested in a revocable written authorization by the employee to deduct for the purpose of paying the dues of the employee for membership in any local professional organization or in any statewide professional organization, or in any other professional organization affiliated or otherwise connected with a statewide professional organization which authorizes such statewide organization to receive membership dues on its behalf and for the purpose of paying his pro rata share of the costs incurred by the district in making the deduction. No charge shall exceed the actual cost to the district for such dues deduction. The governing board shall each month draw its order upon the funds of the district in favor of the organization designated by the employee for an amount equal to the total of the dues deductions made with respect to such organization during the month. The district shall retain and deposit in the general fund of the district the total amounts deducted from the employee's salary payment for the purpose of paying the employee's pro rata share of the costs incurred by the district in making the dues deductions provided for in this section. If the employees of a district do not authorize the board to make a deduction to pay their pro rata share of the costs of making deductions

for the payment of dues, the board shall deduct from the amount transmitted to the organization on whose account the dues payments were deducted the actual costs of making such deduction.

Article 7. Rights and Duties of Certified Employees

Liability for injuries to pupils

13551. No superintendent, principal, teacher, or other employee of a school district employed in a position requiring certification qualifications shall be held personally liable for the death of, or injury to, any pupil enrolled in any school of the district, resulting from the participation of the pupil in any classroom or other activity to which he has been lawfully assigned as a pupil in the school unless negligence on the part of the employee is the proximate cause of the injury or death.

Employees in active military service, etc.

13552. Every person employed by a school district as a probationary or permanent employee in a position requiring certification qualifications who enters the active military service of the United States of America or of the State of California, including active service in any uniformed auxiliary of, or to, any branch of such military service, created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California, or in the service of the United States Merchant Marine, or in full-time paid service of the American Red Cross, during any period of national emergency declared by the President of the United States of America or during any war in which the United States of America is engaged, shall be entitled to absent himself from his duties as an employee of the district.

Such absence shall not affect in any way the classification of such employee. In the case of a probationary employee, the period of such absence shall not count as part of the service required as a condition precedent to the classification of such employee as a permanent employee of the district, but such absence shall not be construed as a break in the continuity of the service of such employee for any purpose.

The dismissal or termination of any probationary employee because of reduced attendance due to war conditions, after his entry into the active military service or service in the American Red Cross, shall not deprive him of any of the benefits of this section.

Within six months after such employee honorably leaves such service or has been placed on inactive duty he shall, subject to the provisions of this section, be entitled to return to the position held by him at the time of his entrance into such service, at the salary to which he would have been entitled had he not absented himself from the service of the school district under this section.

If such employee was employed under a lawful contract for a period in excess of one year in a position in which he had not become a permanent employee of the district, he shall be entitled to return to such position for the period his contract

of employment had to run at the time he entered such service. Notwithstanding any provision of this code to the contrary, a person employed to take the place of any such employee shall not have any right to such position following the return of such employee to the position.

Travel expenses Student teachers of vocational agriculture

13553. The governing board of any school district may provide for the payment of the actual and necessary traveling expenses of student teachers of vocational agriculture who hold certificates issued pursuant to Section 13159 when performing the duties of their positions.

All payments heretofore made to student teachers of vocational agriculture on account of actual and necessary traveling expenses incurred by them when performing the duties of their respective positions are hereby confirmed, ratified, and validated.

Probationary employees

13554. Every probationary employee of a school district which becomes in its entirety a part of a unified school district and every probationary employee of a school district employed in a school located in a portion of a school district which becomes a part of a unified school district, where the whole of the district does not become a part of a unified school district, shall become a probationary employee of the the unified school district. The service of the probationary employee in the annexed district shall be considered as service in the unified school district for the purpose of any law relating to the classification of persons employed in school districts in positions requiring certification qualifications.

Notices required

13555. Every teacher in the public schools shall before taking charge of a school, and one week before closing a term of school, notify the county superintendent of the fact, naming the day of opening or closing.

The governing board of any school district shall in every case give to the teacher a notice of at least two weeks of its intention to close the term of school under its charge.

No superintendent shall draw any requisition for the last month's salary of any teacher until the teacher has filed with him the notice of the closing of the term.

Enforcement of course of study

13556. Every teacher in the public schools shall enforce the course of study, the use of legally authorized textbooks, and the rules and regulations prescribed for schools.

Conduct of pupils

13557. Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess.

School register

13558. (a) A state school register shall be kept by every teacher in the public elementary schools, except a teacher in:

(1) A school in which the state school register of each teacher is kept on behalf of the teacher in a central office by an employee of the school district.

(2) A school in which a central file of individual records of pupil enrollment, absence, and attendance is maintained on forms containing at least the minimum items of information prescribed by the State Department of Education, and whose

principal submits periodic reports of pupil personnel data to the city or district superintendent of schools, or, if no superintendent is employed in the district, to the county superintendent of schools on forms approved by the State Department of Education.

(b) There shall be recorded in each state school register the absence and attendance of each pupil enrolled in the classes taught by the teacher keeping the register or on whose behalf the register is kept and any additional information required by the State Department of Education.

Abuse of teacher

13559. Every parent, guardian, or other person who upbraids, insults, or abuses any teacher of the public schools, in the presence or hearing of a pupil, is guilty of a misdemeanor.

Same

13560. Any parent, guardian, or other person who insults or abuses any teacher in the presence of the school is guilty of a misdemeanor, and is punishable by a fine of not less than ten dollars ($10) nor exceeding one hundred dollars ($100).

Teachers' lunch periods

13561. The governing board of every school district shall allow each teacher employed for full time in any regular day school in which two or more teachers are employed, one duty-free lunch period each day in the manner and at the time prescribed by regulation of the State Board of Education.

The State Board of Education shall adopt rules and regulations fixing the duration of the duty-free lunch period of certificated employees of school districts, the time of day when the lunch period shall be granted, and prescribing the conditions under which the duty-free lunch period shall be allowed.

Annual report

13562. Except in districts exempted by the State Department of Education and in which regular periodic reports of pupil and employee personnel data are submitted by the principal of each school to the city or district superintendent of schools, or, if no superintendent is employed in the district, to the county superintendent of schools on forms approved by the State Department of Education, every teacher in the public elementary schools shall at the close of school during each school year make an annual report to the principal of the school in which he is employed; or, in the case of one-teacher schools, to the city or district superintendent of schools, or, if no superintendent is employed, to the county superintendent of schools on forms furnished by the Superintendent of Public Instruction.

Any teacher who is teaching in any school at the close of school shall, in his annual report, include all statistics for the entire school year.

Where one teacher is in charge of a class and keeps the records thereof, assistant teachers or other teachers of the class or any of the pupils thereof who are required to keep no records shall not be required to render reports.

The city, district, or county superintendent of schools shall in no case draw a requisition for the salary of any teacher for

the last month of a school term, until the report has been filed by him and approved.

Same

13563. The principal of each elementary school shall submit an annual report to the city or district superintendent of schools, or, if no superintendent is employed in the district, to the county superintendent of schools, on forms furnished by the Superintendent of Public Instruction.

Same

13564. The principal of each high school shall make an annual report to the city or district superintendent of schools, or, if no superintendent is employed in the district, to the county superintendent of schools, on forms furnished by the Superintendent of Public Instruction.

Same

13565. Each junior college principal shall make an annual report to the city or district superintendent of schools, or, if no superintendent is employed in the district, to the county superintendent of schools on forms furnished by the Superintendent of Public Instruction.

Same

13566. Each city or district superintendent of schools shall make an annual report of the schools under his jurisdiction to the county superintendent of schools on forms furnished by the Superintendent of Public Instruction.

Contents of report, etc.

13567. The principal of every high school shall annually, on or before the date fixed by the Superintendent of Public Instruction, make out under oath and deliver to the Superintendent of Public Instruction and to the county superintendent of schools, a full and complete report of textbooks then in use in the high school, the courses of study offered, the requirements for graduation, and such other information as may be required by the Superintendent of Public Instruction.

If the report is not filed with the Superintendent of Public Instruction on or before the date fixed, the Superintendent of Public Instruction shall notify the county superintendent of schools having jurisdiction of the high school failing to report, and the county superintendent of schools shall withhold the salary of the principal of the high school until he has been notified by the Superintendent of Public Instruction that the report has been filed.

Approval

13568. A high school principal shall not enter into any contract to act as a principal or supervising principal of any elementary school, except an elementary school in the district in which the high school is located, without the approval of the county superintendent of schools.

Principal of elementary school

13569. The principal of any high school may act as principal of any elementary school situated in the high school district.

Supervising principal of elementary schools

13570. The principal of any high school may act as the supervising principal of two or more elementary schools situated in the high school district without regard to the number of teachers employed in each of the elementary schools, if so desired by the trustees of the elementary school district or districts and the high school board.

CHAPTER 3. CLASSIFIED EMPLOYEES

Article 1. Employment

Janitors and other employees

13581. The governing board of any school district shall employ janitors and other employees of the school.

Fixing of duties

13582. Governing boards shall fix and prescribe the duties to be performed by all persons in public school service in the school district.

Duration of contract

13583. No board shall enter into any contract with such employees to extend beyond the close of the next ensuing school year.

Tuberculosis certificate

13584. No person shall be employed by a school district in a position not requiring certification qualifications which requires him to be in frequent or prolonged contact with pupils until, if required by an order of the county board of education, he has on file with the county superintendent of schools a certificate from a physician and surgeon licensed under Chapter 5 of Division 2 of the Business and Professions Code showing that he has submitted to a physical examination within three years last past, including an X-ray of the lungs, and that the results of such examination indicate that he is free of active tuberculosis.

Affidavit in lieu of tuberculosis certificate

13585. In lieu of the certificate from a physician and surgeon required under Section 13584, any person who adheres to the faith or teachings of any well recognized religious sect, denomination, or organization, and in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion, may file with the county superintendent of schools an affidavit stating such adherence and dependence and that to the best of his knowledge and belief he is free from active tuberculosis, and said affidavit shall be deemed equivalent of such certificate; provided, that if at any time there should be probable cause to believe that such affiant is afflicted with active tuberculosis, he may be excluded from service until the governing board of the employing district is satisfied that he is not so afflicted.

Acquittal of sex offense Re-employment

13586. No person shall be employed or retained in employment by a school district who has been convicted of any sex offense as defined in Section 12912. If, however, any such conviction is reversed and the person is acquitted of the offense in a new trial or the charges against him are dismissed, this section does not prohibit his employment thereafter.

Employment of sexual psychopath

13587. No person shall be employed or retained in employment by a school district who has been determined to be a sexual psychopath under the provisions of Chapter 4, Part 1, Division 6 of the Welfare and Institutions Code or under similar provisions of law of any other state. If, however, such determination is reversed and the person is determined not to be a sexual psychopath in a new proceeding or the proceeding to determine whether he is a sexual psychopath is dismissed, this section does not prohibit his employment thereafter.

13588. The governing board of any school district may require each person applying for, or employed in, a position not requiring certification qualifications to submit duplicate personal identification cards provided by the district upon which shall appear the legible fingerprints and a personal description of the applicant or employee, as the case may be, and may transmit such identification cards to the Department of Education. Upon receiving such identification cards, the department shall ascertain whether the applicant or employee has been convicted of any crime insofar as such fact can be ascertained from information available to the department. Identification cards

A plea or verdict of guilty or a finding of guilt by a court in a trial without a jury or a forfeiture of bail is deemed to be a conviction within the meaning of this section, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing the withdrawal of the plea of guilty and entering of a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusations or information.

13589. The Department of Education is authorized to secure information, records, reports, and other data relative to the identification or fitness of any person who is an applicant for a position in a school district not requiring certification qualifications or who is employed in such a position and for that purpose, any provision of law to the contrary notwithstanding, the State Bureau of Criminal Identification and Investigation shall furnish, upon application of the department, all information pertaining to any such person of whom there is a record in its office. Securing information

13590. A fee in the sum of two dollars ($2) shall be charged and collected by the Department of Education from each school district for each set of duplicate personal identification cards transmitted to the department by the district. All moneys received by the department pursuant to this section are hereby appropriated for the support of the department in addition to such other funds as may be appropriated therefor by the Legislature. Fee

13591. In any school district situated wholly within the boundaries of a city of the first class, the janitors and other employees of the school district shall be employed in the same manner and under the same conditions as teachers are employed by the district and when employed shall be removed only for cause and after charges have been filed and heard by the board of education. Cities of first class

All employees who have been in the service of the school district continuously for a period of one year prior to July 27, 1917, shall be deemed to have been so employed.

The board of education may make and enforce all necessary rules and regulations to carry out the provisions of this section.

13592. Notwithstanding any other provisions of Sections 997 to 999, inclusive, and Sections 13581 to 13756, inclusive, no minimum or maximum age limits shall be established for the employment of persons who do not require certification Age limits

qualifications. Age shall not be construed to be a minimum qualification for such employment but the permanent classification of any employee who is classified as a permanent employee under any merit system adopted or existing in any district shall cease when the employee reaches the age at which the permanent classification of employees in positions requiring certification qualifications ceases. Thereafter the employment of the employee shall be at the discretion of the governing board of the district.

Any person possessing all of the minimum qualifications for any employment shall be eligible for appointment to that employment, and no rule either written or unwritten shall be adopted prohibiting the employment solely because of his age of any such person in any school employment who is otherwise qualified therefor.

This section does not authorize the employment of any person in a particular school employment who has reached the retirement age for that particular employment prescribed by any retirement system applicable thereto, whether or not the person is a member of the retirement system, or entitled to a retirement salary thereunder, nor shall any person be employed in such employment while he is receiving a retirement allowance under any retirement system by reason of prior school employment in a position that does not require certification qualifications.

Article 2. Salaries

School districts

13601. The governing board of any school district shall fix and order paid the compensation of janitors and other employees of the school or of the school district employed by the board unless otherwise prescribed by law.

City boards of education

13602. City boards of education have full power to fix the salary of all employees.

Article 3. Institutes

Annual institutes

13621. The superintendent of schools of every county in which there are 20 or more school districts, and of every city and county, and of every city school district governed by a city board of education and employing 70 or more teachers, may hold at least one annual institute of noncertificated employees who are responsible for the health and safety of school pupils. The superintendents of schools shall designate the persons to attend the institute.

Procedure and expense

13622. The superintendents of schools may unite institutes of noncertificated employees, and may hold institutes of noncertificated employees in the same manner as teachers' institutes. The expenses of the institute shall be paid in the same manner and from the same funds as are teachers' institutes.

Article 4. Resignation and Leaves of Absence

13651. The governing board of any school district may grant leaves of absence to employees in positions not requiring certification qualifications, in the same manner as is provided in Sections 13455, 13467, 13468, and 13470 for certificated employees and may grant vacation with pay to employees in positions not requiring certification qualifications. Leaves of absence and vacations

13652. When any provision of this code expressly authorizes or requires the governing board of a school district to grant a leave of absence for any purpose or for any period of time to persons employed in positions not requiring certification qualifications, that express authorization or requirement does not deprive the governing board of the power to grant leaves of absence with or without pay to such employees for other purposes or for other periods of time, so long as the governing board does not deprive any employee of any leave of absence to which he is entitled by law. Leaves of absence

13653. Governing boards of school districts may grant leaves of absence to persons employed in positions not requiring certification qualifications, and at their discretion may pay compensation at such rate as the board prescribes, during the absence, to any such employee whose absence is caused by accident or illness, whether or not the absence arises out of or in the course of the employment of the employee, or because of quarantine which results from his contact with other persons having a contagious disease while performing his duties. Accident or illness

13654. The governing boards of any school district may accept the resignation of any employee and may fix the time when the resignation shall take effect, which shall not be later than the close of the school year during which the resignation is received by the board. Effective date of resignations

Article 5. Merit System

13701. In any school district having an average daily attendance of 850 or more except school districts lying wholly within a city or city and county which provides in its charter for a merit system of employment for employees not employed in positions requiring certification qualifications, the governing board may, by affirmative vote of a majority of its members, adopt the procedure set forth in this article (commencing at Section 13701). Power of governing board

13702. The procedure set forth in this article (commencing at Section 13701) may also be adopted by a majority vote of the electors of the school districts assenting to the plan after it has been placed on the ballot at a special or regular election upon the written petition of not less than 10 percent of the qualified electors as determined by the number voting in the last election for a member of the governing board. Adoption by electors

Procedure

13703. In any district in which the procedure is adopted the governing board shall employ, pay, and otherwise control the services of persons in positions not requiring certification qualifications only in accordance with the provisions of this article (commencing at Section 13701) unless otherwise directed by a majority vote of the qualified electors voting thereon at a general election for a member of the governing board of the school district concerned.

Termination

13704. Any measure to terminate the merit system instituted under this article (commencing at Section 13701) shall be placed on the ballot only on petition of not less than 10 percent of the voters within a given district as determined by the number voting in the last election for a member of the governing board.

Personnel commission

13705. In any district which has adopted the provisions of this article (commencing at Section 13701) there shall be appointed a personnel commission composed of three members. If two or more districts are under the jurisdiction of governing boards of identical personnel, only one commission shall be appointed. In such cases this article (commencing at Section 13701) shall apply alike to all of the districts, and the expenses of the commission shall be paid out of the general funds of all of the districts in proportion to the benefits derived therefrom as determined by the governing board.

Qualifications

13706. Qualifications for membership on the commission shall be the same as those for the members of the governing board. No member of the governing board shall be a member of the commission nor shall any commissioner during his service on the commission be employed by the governing board in any other capacity. Appointees shall be known adherents to the principle of the merit system.

Appointment of members

13707. Within 30 days after this article (commencing at Section 13701) becomes effective in any school district, the State Superintendent of Public Instruction shall appoint a member of the personnel commission whose term of office shall be for one year from and after the first day of December, at noon, next succeeding his appointment. The county superintendent of schools in the county in which the district is situated shall appoint a member of the personnel commission whose term of office shall be two years from and after the first day of December, at noon, next succeeding his appointment. The executive officer of the State Personnel Board shall appoint a member of the personnel commission whose term of office shall be three years from and after the first day of December, at noon, next succeeding his appointment. Annually thereafter, on or before the first day of December, or as frequently as vacancies occur, appointments to fill the vacancies shall be made alternately by the State Superintendent of Public Instruction and by the executive officer of the State Personnel Board. The State Superintendent of Public Instruction shall appoint the member of the personnel commission to fill the first vacancy. Appointments after the first year shall

be for terms of three years from and after the first day of December, at noon, next succeeding the appointments, excepting interim appointments which shall be only for the duration of the unexpired term of office.

Compensation

13708. Members of the commission may be paid five dollars ($5) per meeting but not over fifty dollars ($50) per month, except that in any school district situated wholly or partly within a city containing a population of over 1,900,000 according to the 1950 federal census members of the commission may be paid twenty dollars ($20) per meeting but not over one hundred dollars ($100) per month.

Office accommodations

13709. The governing board shall provide the commission with suitable office accommodations.

Budget

13710. The commission shall prepare an annual budget for its own office which, upon the approval of the county superintendent of schools, shall be included by the governing board in the regular budget of the school district. The county superintendent of schools may reject, but may not amend, the proposed budget. In the absence of agreement between the personnel commission and the county superintendent the budget of the preceding year shall determine the amount of the new budget, and the items of expenditure shall be determined by the commission.

First year

13711. The budget for the first year shall be determined by the governing board. Pending receipt of money raised in the manner prescribed in this article (commencing at Section 13701), the governing board may advance funds for the establishment of the work of the commission.

Classification of employees and positions

13712. The commission shall classify all employees and positions within the jurisdiction of the governing board or of the commission. The employees and positions shall be known as the classified service. Positions required to have certification qualifications, part-time playground positions, full-time day students employed part time, apprentices and professional experts employed on a temporary basis for a specific project by the governing board or by the commission when so designated by the commission, shall not be included therein.

However, nothing in this section shall prevent an employee, who has attained regular status in a full-time position, from taking a voluntary reduction in time and retaining his regular status under the provisions of this law.

No person whose contribution consists solely in the rendition of individual personal services and whose employment does not come within the scope of the exceptions listed above shall be employed outside of the classified service.

A part-time position is one for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than 87½ percent of the normally assigned time of the majority of employees in the classified service.

Rules

13713. The commission shall prescribe and amend, subject to this article (commencing at Section 13701), such rules as may be necessary to insure the efficiency of the service and the

selection and retention of employees upon a basis of merit and fitness. The rules shall be binding upon the governing board.

Subjects of rules

13714. The rules shall provide for the procedures to be followed by the governing board as they pertain to the classified service regarding applications, examinations, eligibility, appointments, promotions, demotions, transfers, dismissals, resignations, layoffs, re-employment, vacations, leaves of absence, compensation within classification, job analyses and specifications, service ratings, public advertisement of examinations, rejection of unfit applicants without competition, and any other matters necessary to carry out the provisions and purposes of this article (commencing at Section 13701).

Printing and distribution

13715. The rules of the commission and copies of this article (commencing at Section 13701) shall be printed and made available to employees in the classified service, the public, and those concerned with the enforcement of this article (commencing at Section 13701).

Apprentice positions

13716. The commission may classify as apprentice positions certain positions where the principal requirement is that of learning to perform efficiently, by study and practice, specific duties concerning which a definite plan of systematic instruction and special supervision has been provided by the California Apprenticeship Council for the designated trade.

The apprenticeship training plan adopted by the governing board of the school district must be approved by the California Apprenticeship Council.

No assignment to any position classified as an apprentice position shall be allowed to continue beyond the predetermined apprenticeship period prescribed by the California Apprenticeship Council for the designated trade. Selection of eligibles shall be made in accordance with their position on employment lists established by competitive or qualifying examinations.

Credit for prior training in a regularly indentured apprenticeship program shall be given to qualified candidates.

In all cases of apprenticeship probationary periods, the standards of duration and qualifications shall be fixed by the commission insofar as they do not exceed the maximum standards set up by the California Apprenticeship Council. Termination for cause may be prescribed for any apprentice who fails to attain the predetermined standards of apprenticeship or for causes as prescribed by the rules of the commission.

The commission shall recommend to the governing board a graduated scale of compensation rates for the various levels of apprentices, taking into consideration the percentage relationship to the districts' journeyman wage of the trade as provided in the statement of policies of the California Apprenticeship Council.

The commission may determine that promotional examinations shall be held for entrance into various levels of apprentice positions and entrance into journeyman positions in a

skilled trade; provided, that there is a field of promotion from adequately trained apprentices in the trade concerned.

Appointments by commission

13717. The commission shall appoint a personnel director within 90 days after the adoption of a merit system from an eligibility list established from a competitive examination given under the auspices of the commission. The commission shall also appoint all other employees paid from funds budgeted for the support of the commission from eligibility lists established pursuant to the provisions of this article (commencing at Section 13701).

Duties

13718. The personnel director shall be responsible to the commission for carrying out all procedures in the administration of the classified personnel in conformity with this article (commencing at Section 13701) and the rules of the commission. He shall also act as secretary of the commission and shall prepare, or cause to be prepared, an annual report which shall be sent by the commission to the governing board.

Salary schedule

13719. The commission shall recommend to the governing board salary schedules for the classified service. The governing board may approve, amend, or reject these recommendations. No amendment shall be adopted until the commission is first given a reasonable opportunity to make a written statement of the effect the amendments will have upon the principle of like pay for like service. No changes shall operate to disturb the relationship which compensation schedules bear to one another, as the relationship has been established in the classification made by the commission.

Existing employees

13720. Any person who has been continuously employed in a position defined as a position in the classified service for a period of six months immediately preceding the date on which the procedure set forth in this article (commencing at Section 13701) is adopted shall be deemed to be in the permanent classified service. No layoff or suspension of service during the time when the schools of the district are not in session shall count as an interruption of continuous service.

Same

13721. All persons who have been continuously employed by a school district for less than six months immediately preceding the date on which the procedure set forth in this article (commencing at Section 13701) is adopted shall be deemed to hold their positions under probationary classification.

Employees of annexed territories

13722. Employees of annexed territories shall without examination become members of the classified service in accordance with the terms of Sections 13720 and 13721. Full seniority rights will be retained, except that no seniority credit will be allowed by virtue of previous service in the former district in case of layoff for lack of funds or lack of work.

New employees

13723. All new employees in the classified service shall be selected pursuant to this article (commencing at Section 13701) and the rules of the commission, from applicants on eligibility lists which, wherever practicable, as determined by

the commission, shall be made up from promotional examinations. Applicants shall be placed on the eligibility lists in the order of their relative merit as determined by competitive examinations. Appointments shall be made from the first two applicants on the eligibility list who are ready and willing to accept the position.

Certification

13724. When an open competitive examination and a promotional examination for a particular class are held at the same time, the commission may prior to the examination authorize certification for employment of candidates from the open competitive eligibility list before the promotional eligibility list has been exhausted if (1) the candidate on the open list has a higher score before adjustment for preferential credits than the score of the highest available candidate on the promotional list after seniority credits have been added, and also if (2) either the class has fewer than three positions in the class or the most recent promotional examination for the class has failed to provide an adequate number of available eligibles on a promotional list to fill all regular vacancies which developed during the first year of the life of the eligibility list.

Reclassification without examination

13725. When all of the positions in a class are reclassified to a higher class or responsibility level, the incumbents of the positions who have been in the class for five or more years may be reclassified without competitive examination. When a portion of the positions within a class are reclassified to a higher class or responsibility level an incumbent who has a continuous employment record of five or more years in one or more of the positions being reclassified is eligible upon passing competitive or qualifying examination as provided by commission rule to reclassification to the higher class.

Limited term employees

13726. Whenever the appointing power shall require the appointment of a person to a position, the duration of which is not to exceed six months, or, in case of an appointment in lieu of an absent employee, is not to exceed the authorized absence of said employee, he shall submit a request in which the probable duration of the appointment is stated. Eligibles shall be certified in accordance with their position on the appropriate employment list and their willingness to accept appointment to such position as limited term employees. Limited term employees shall be subject to such conditions affecting status and tenure during and after such employment as the commission may by rule determine.

Provisional appointments

13727. When no eligibility list exists for a position in the classified service, a new employee may receive provisional appointments which may accumulate to a total of 90 working days. A 90-calendar day interval shall then elapse during which the person will be ineligible to serve in any full-time provisional capacity. No person shall be employed in provisional capacities under a given governing board for a total of more than 126 working days in any one fiscal year, except that when no one is available on an appropriate eligibility list

for a part-time position, as defined in Section 13712, successive 90 working days provisional appointments may be made to the part-time position for a total of more than 126 working days in any one fiscal year.

Successive provisional appointments

13728. Successive provisional appointments of 90 working days or less each may be made in any class in the absence of an appropriate eligibility list; provided, that continuous examination procedures for the class have been authorized by the commission. Such successive provisional appointments may be made and persons employed in temporary capacities under a given governing board for a total of more than six months in any one year. Such appointments may continue for the length of time for which they were made, but may not be extended if a certification can be made from an appropriate eligibility list. While this section is in effect, it shall supersede any other provisions of this article (commencing at Section 13701) which are in conflict with this section, but only to the extent there is a conflict.

Emergency appointments

13729. The appointing power may, to prevent the stoppage of public business when an actual emergency arises and persons on eligibility lists are not immediately available, make appointments for a period not to exceed five working days, in accordance with commission rule.

Combination of eligibility lists

13730. Combinations of successive eligibility lists may be made during their first year. Eligibles on lists established within the first year of the life of another list may be placed in the order of their relative excellence in the examination on the like list, if lists so merged have been promulgated under conditions and techniques which are sufficiently similar to preserve their competitive character.

Continuous examinations

13731. The commission may by rule provide for the continuous examination of eligibles for classes of positions which the commission determines cannot be practicably filled by promotional examination only.

Discrimination

13732. No questions relating to political or religious opinions or affiliations, race, color, or marital status shall be asked of any applicant, or any candidate whose name has been certified for appointment, nor shall any discrimination be exercised therefor.

"Veteran"

13733. "Veteran" as used in this article (commencing at Section 13701) means any person who has served in the United States Army, Navy, Marine Corps, Revenue Marine Service, or as an active nurse in the service of the American Red Cross, or in the Army and Navy Nurse Corps in time of war, or in any expedition of the armed forces of the United States, and received an honorable discharge or certificate of honorable active service, proof of which shall be submitted to the commission at the time of the examination.

"Disabled veteran"

13734. "Disabled veteran" as used in this article (commencing at Section 13701) means any person who has served in the United States Army, Navy, or Marine Corps in time of war or in any expedition of the armed forces of the United

States, and received an honorable discharge or certificate of honorable active service, proof of which shall be submitted to the commission at the time of the examination, and who was disabled as a result of such service. Proof of disability shall be deemed conclusive if it is of record in the United States Veterans Administration.

Veterans' preference

13735. In the case of all entrance examinations, veterans with 30 days or more of service who become eligible for appointment by attaining the passing mark established for the examination, shall be allowed an additional credit of five points and disabled veterans shall be allowed an additional credit of 10 points, which shall be added to the percentages attained in the examinations by the veterans Veterans shall be placed on eligible lists and be eligible for appointment in the order and on the basis of the percentages attained by them in examinations after the credit of five points, or 10 points in the case of disabled veterans, is added.

Right to take examination

13736. Whenever during the absence of an employee of a school district or student body association operating under Sections 10701 to 10704, inclusive, in the active military service of the United States of America during any period of national emergency declared by the President of the United States of America, or during any war in which the United States of America is engaged, the position held by such employee at the time of his entrance into such military service is placed within the classified service of the district and an eligible list is established for such position through competitive examination, the employee shall, at his request made within six months after his leaving such active military service under honorable conditions, be given forthwith an examination of substantially the same character and scope as the competitive examination through which the original eligibility list was established. The grade secured by such employee in such examination shall be deemed to be the grade he would have secured had he taken the competitive examination as a veteran and he shall be placed on the original eligibility list accordingly with all the rights and privileges to which he would have been entitled had he had such place on the original eligibility list at the time of its establishment.

Re-employment

13737. Persons laid off or suspended because of lack of work or lack of funds are eligible to re-employment for a period of 39 months and shall be re-employed in preference to new applicants.

Duration of eligible lists

13738. Eligibility lists shall be established for a period of not less than one year except that when a list is exhausted for appointments to current vacancies, through use and eligibles being unavailable, the commission may, upon the recommendation of the officer charged with certifying eligibles, and after due notice to eligibles who may have made themselves unavailable for appointment, terminate it before a year has expired. A list may be extended for an additional period of one year or less in the discretion of the commission.

13739. A person who has served a probationary period not to exceed six months as prescribed by the rules of the commission for his classification shall be deemed to be in the permanent classified service, except that the commission may establish a probationary period not to exceed one year for classes designated by the commission as executive or administrative classes. The rights of appeal from disciplinary action during the probationary period shall be in accordance with the provisions of Section 13743. Permanent service

13740. No person in the permanent classified service shall be demoted or removed except for reasonable cause designated by rule of the commission as detrimental to the efficiency of the service. This section shall not be construed to prevent layoffs for lack of work or lack of funds. Demotion and removal

13741. In addition to any causes for suspension or dismissal which are designated by rule of the commission, employees in the classified service shall be suspended and dismissed in the manner provided by law for any one or more of the following causes: Additional cause for suspension or dismissal

(a) Knowing membership by the employee in the Communist Party.

(b) Violation of any provision in Sections 12952 to 12957, inclusive, of this code.

(c) Conduct specified in Section 1028 of the Government Code, added by Chapter 1418 of the Statutes of 1947.

13742. For reasonable causes an employee may be suspended without pay for not more than 30 days except as provided in this section or may be demoted or dismissed. In such case the personnel director shall within 10 days of the suspension, demotion, or dismissal file written charges with the commission and give to the employee or deposit in the United States registered mail with postage prepaid, addressed to the employee at his last known place of address, a copy of the charges. Disciplinary action

Upon filing of a complaint, information or indictment that an employee has committed a sex offense as defined in Section 12912, the employee may immediately be suspended for a period of time extending for not more than 10 days after the date of the entry of the court judgment; provided, that the suspension may be extended beyond such 10-day period in case the governing board gives notice within such 10-day period that it will dismiss the employee 30 days after the service of the notice, unless he demands a hearing. An employee so suspended shall continue to be paid his regular salary during the period of the suspension if and during such time as he furnishes to the school district a suitable bond, or other security acceptable to the governing board, as a guarantee that the employee will repay to the school district the amount of salary so paid to him during the period of the suspension in case the employee is convicted of a sex offense as defined in Section 12912 or he does not return to service after such period of suspension. If the judgment determines

that the employee is not guilty of a sex offense as defined in Section 12912, or if the complaint, information or indictment is dropped, the school district shall reimburse the employee for the cost of the bond; or, if the employee has not elected to furnish such bond, the school district shall pay to the employee his full compensation during the period of the suspension; provided, he returns to service after such period of suspension.

Appeal

13743. Any employee in the permanent classified service who has been suspended, demoted, or dismissed may appeal to the commission within 14 days after receipt of a copy of the written charges by filing a written answer to the charges. Such an appeal is not available to an employee who is not in the permanent classified service except as provided by rules of the commission. An employee in the permanent classified service who has not served the time designated by the commission as probationary for the class may be demoted to the class from which promoted without recourse to an appeal or hearing by the commission, except as otherwise provided by rules of the commission; and provided, that such demotion does not result in the separation of the employee from the permanent classified service. Nothing in this section shall operate to alter the protections guaranteed under Section 13747 of this code.

Investigation and hearing

13744. The commission shall investigate the matter on appeal and may require further evidence from either party, and may, and upon request of an accused employee shall, order a hearing. The accused employee shall have the right to appear in person or with counsel and to be heard in his own defense. The decision shall not be subject to review by the governing board.

Reinstatement

13745. If the commission sustains the employee, it may order paid all or part of his full compensation from the time of suspension, demotion, or dismissal, and it shall order his reinstatement. Upon notification of the commission's decision, the board shall reinstate the employee and authorize such compensation as the commission directs.

Layoffs

13746. Classified employees shall be subject to layoff for lack of work or lack of funds. Whenever a classified employee is laid off, the order of layoff within the class shall be determined by length of service. The employee who has been employed the shortest time in the class, plus higher classes, shall be laid off first. Re-employment shall be in the reverse order of layoff.

Reinstatement of permanent noncertificated employees

13747. Whenever any noncertificated employee of any school district who, at the time of his resignation, was classified as permanent, is reinstated without further competitive examination within 39 months after his last day of paid service, the governing board of the district shall disregard the break in service of said employee and classify him as, and restore to him all of the rights, benefits and burdens of, a permanent employee.

13748. No warrant shall be drawn by or on behalf of the governing board of any district for the payment of any salary or wage to any employee in the classified service unless the assignment bears the certification of the personnel director that the person named in the assignment has been employed and assigned pursuant to this article (commencing at Section 13701) and the rules of the commission. Certification for payment

Whenever the commission, after a public hearing, finds that any appointment has been made in violation of this article (commencing at Section 13701) or the rules of the commission as they apply to examination procedures, the commission may order that no salary warrant shall thereafter be drawn to the employee so appointed, for services rendered after the date of said order. Any violation of this article (commencing at Section 13701) or the rules of the commission as they apply to examination procedures shall constitute grounds for the dismissal of the employee or employees guilty of such violation.

13749. The commission may conduct hearings, subpena witnesses, require the production of records or information pertinent to investigation, and may administer oaths. It may, at will, inspect any records of the governing board that may be necessary to satisfy itself that the procedures prescribed by the commission have been complied with. Hearings may be held by the commission on any subject to which its authority may extend as described in this article (commencing at Section 13701). Investigations

13750. The commission may authorize a hearing officer or other representative to conduct any hearing or investigation which the commission itself is authorized by this article (commencing at Section 13701) to conduct. Any such authorized person conducting such hearing or investigation may administer oaths, subpena and require the attendance of witnesses and the production of books or papers, and cause the depositions of witnesses to be taken in the manner prescribed by law for like depositions in civil cases in the superior court of this State. The commission may instruct such authorized representative to present findings or recommendations. The commission may accept, reject or amend any of the findings or recommendations of the said authorized representative. Any rejection or amendment of findings or recommendations shall be based either on a review of the transcript of the hearing or investigation or upon the results of such supplementary hearing or investigation as the commission may order. Same By hearing officer

The commission may employ by contract or as professional experts or otherwise any such hearing officers or other representatives and may adopt and amend such rules and procedures as may be necessary to effectuate this section.

13751. The counsel of the governing board shall aid and represent the commission in all legal matters, and if he refuses, the commission may employ its own attorney, and the reasonable cost thereof shall constitute a legal charge against the general funds of the district. Attorneys

Political activities

13752. No person who is in the classified service or who is upon any eligibility list shall be appointed, demoted, or removed, or in any way discriminated against because of his political acts, opinions, or affiliations. No person in the classified service shall engage in political activities during his assigned hours of employment.

Soliciting funds or service

13753. No member of the governing board in any district in which the procedure has been adopted shall directly or indirectly solicit or be concerned in soliciting any assessment, contribution, or political service of any kind whatsoever for any political purpose from any person who is in the classified service or who is upon any eligibility list.

Coercion

13754. No officer or employee of any governing board of any district in which the procedure has been adopted shall directly or indirectly coerce or attempt to coerce or in any way bring pressure or attempt to bring pressure upon any other such officer or employee, to support or refrain from supporting any political group for any political purpose whatever.

Penalty

13755. Any person who wilfully or through culpable negligence violates any of the provisions of this article (commencing at Section 13701) is guilty of a misdemeanor. It is also unlawful for any person:

(a) Wilfully by himself or in co-operation with another person to defeat, deceive, or obstruct any person with respect to his right of examination, application, or employment under this article (commencing at Section 13701) or commission rule.

(b) Wilfully and falsely to mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under this article (commencing at Section 13701) or commission rule, or to aid in so doing, or make any false representation concerning the same or the person examined.

(c) Wilfully to furnish to any person any special or secret information regarding contents of an examination for the purpose of either improving or injuring the prospects or chances of any person examined, or to be examined under this article (commencing at Section 13701) or commission rule.

Noncertificated employees

13756. In every unified school district coterminous with the boundaries of a city and county, employees not employed in positions requiring certification qualifications shall be employed, if the city and county has a charter providing for a merit system of employment, pursuant to the provisions of such charter providing for such system and shall, in all respects, be subject to, and have all rights granted by, such provisions; provided, however, that the governing board of the school district shall have the right to fix the duties of all of its noncertificated employees.

CHAPTER 4. STATE TEACHERS' RETIREMENT SYSTEM

Article 1. General Provisions

13801. In order to provide a financially sound plan for the retirement, with adequate retirement allowances, of teachers in the public schools of this State, teachers in schools supported by this State, and other persons employed in connection with the schools, the State Teachers' Retirement System is created to be effective as of July 1, 1944. Retirement plan

13802. This chapter (commencing with Section 13801) may be cited as the State Teachers Retirement Law. Short title

13803. Unless the context otherwise requires, the definitions set forth in this article (commencing with Section 13801) shall govern the construction of this chapter (commencing with Section 13801). Construction

13804. "Retirement System" or "system" means the "State Teachers' Retirement System." "System," etc

13805. "Public school" means any day or evening elementary school, and such day and evening secondary schools, technical schools, and kindergarten schools as may be established by the Legislature, or by municipal or district authority. "Public school"

13806. "Member" means any person included in the membership of the system. "Member"

13807. "Employer" or "employing agency" means the State or any agency or political subdivision thereof by whom a member is paid. "Employer"

13808. "Service" means service rendered for compensation, except as provided in Article 7 (commencing at Section 14051), in a status requisite for membership in the retirement system. "Employment" means employment in a status requisite for membership in the retirement system. "Service" "Employment"

13809. A person is "serving on a part-time basis" or is "employed on a part-time basis" when he engages in his duties for less time than is required of persons serving on a full-time day basis, even though he is subject to call at any time, and service rendered by such person is "part-time service." "Serving on a part-time basis"

13810. "Beneficiary" means any person in receipt of a retirement salary, an annuity, a retirement allowance, or other benefit. "Beneficiary"

13811. "Regular interest" means interest, compounded annually, at the rate per annum adopted and revised from time to time by the retirement board. "Regular interest"

13812. "Permanent Fund contributions" means members' contributions to the Teachers' Permanent Fund at the rates provided for. "Permanent Fund contributions"

13813. "Annuity deposits" means contributions to the Annuity Deposit Fund as provided for. "Annuity deposits"

13814. "Accumulated annuity deposits" means the sum of all the annuity deposits deducted from the compensation of a member and standing to the credit of his individual account, together with interest credited thereon. "Accumulated annuity deposits"

"Annuity contributions"

13815. "Annuity contributions" means members' contributions to the Retirement Annuity Fund at the rates provided for.

"Accumulated annuity contributions"

13816. "Accumulated annuity contributions" means the sum of all the annuity contributions deducted from the compensation of a member and standing to the credit of his individual account, together with interest credited thereon.

"Total contributions"

13817. "Total contributions" means Permanent Fund contributions plus accumulated annuity contributions plus accumulated annuity deposits.

"Annuity"

13818. "Annuity" means payments for life derived from the "accumulated annuity deposits" or from the "accumulated annuity contributions" of a member and contributions of the State, or both. "Annuity" also means payments for life derived from "Permanent Fund contributions" of a member, plus credited interest.

"Retirement salary"

13819. "Retirement salary" means payments for life derived from funds provided by Permanent Fund contributions of members and of the State and any political subdivision thereof.

"Retirement allowance"

13820. "Retirement allowance" means the sum of the "annuity," and the "retirement salary," or any optional benefit payable in lieu thereof.

"Payroll"

13821. "Payroll" includes registers, warrants, and any other documents upon which all persons receiving salary payments are listed.

"Retirement"

13822. "Retirement" means withdrawal from active service with a retirement allowance.

"Actuarial equivalent"

13823. "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such tables as are adopted by the Retirement Board and regular interest. The ages of members and beneficiaries shall be taken to the next lower completed quarter year in the determination of the actuarial equivalent.

"Local retirement system"

13824. "Local retirement system" means any retirement system, exclusive of this Retirement System, for the retirement of teachers, or for membership in which public school teachers are eligible, operated by a city, city and county, county, or other political subdivision of the State.

"Local district"

13825. "Local district" means any political subdivision of the State which contributes to the support of a local retirement system.

"County"

13826. "County" includes "city and county."

"Permanent Fund," etc.

13827. "Permanent Fund," "Annuity Fund," and "Annuity Deposit Fund" means "Teachers' Permanent Fund," "Retirement Annuity Fund," and "Teachers' Annuity Deposit Fund," respectively.

"Superintendent"

13828. "County superintendent" and "superintendent" mean county superintendent of schools.

"Month"

13829. In the provisions of this chapter (commencing with Section 13801) relating to the computation and crediting of service, "month" means a school month, as defined in Section

5102; in all other provisions of this chapter (commencing with Section 13801), "month" means a period commencing on any day of a calendar month and extending through the day preceding the corresponding day of the succeeding calendar month, if there is any such corresponding day, and if not, through the last day of the succeeding calendar month.

"Compensation," "salary"

13830. "Compensation" and "salary" mean remuneration in cash payable by the employer.

"Compensation earnable"

13831. "Compensation earnable" by a member means the compensation as determined by the board which would have been earned by the member if he engaged in his duties the full amount of time he was required by his employment to be so engaged. The computation for any absence of a member shall be based on the compensation earnable by him at the beginning of the absence and that for time prior to becoming a member shall be based on the compensation earnable by him in the position first held by him as a member.

"Final compensation"

13832. "Final compensation" means the highest average annual compensation earnable by a member during any period of three consecutive years during his membership in the system or time during which he was not a member but for which he has received credit under the system, except such time as was so credited pursuant to the provisions of Sections 14067 and 14068. For the purposes of this section, periods of service separated by breaks in service may be aggregated to constitute a period of three consecutive years, if the periods of service are consecutive except for such breaks If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time shall be included in computation of final compensation. If a break in service exceeded six months in duration, the first six months thereof and the compensation earnable during those six months shall be included in computation of final compensation, but time included in the break which is in excess of six months and the compensation earnable during such excess time shall be excluded in computation of final compensation. With respect to members whose retirements are effective after June 30, 1956, two or more breaks in service which are separated by periods of service each of which does not exceed one-half year of credited service, shall be added together, and for the purpose of this section, the total shall be considered as one break. Time during which a member is in state service or in the employment of a local school district or of a county superintendent of schools and is also a member of another retirement system to which the State or the university contributes shall not be considered to be an absence for the purposes of this section, and the determination of the final compensation of such a member shall take into consideration his compensation earnable while he was a member of such other system. Retirement allowances, hertofore effective and based on such final compensation, are hereby validated and confirmed.

The board may specify a different final compensation with respect to benefits based on part-time service rendered prior to July 1, 1956, for which credit was given under this system under board rules in effect prior to such date.

Overtime compensation exclusion

13833. When the compensation of a member is a factor in any computation to be made under this chapter (commencing with Section 13801), including but not limited to computation of members' and school districts' or other employing agencies' contributions to the Retirement Annuity Fund and excluding computation of compensation earnable during time prior to July 1, 1956, there shall be excluded from such computations any compensation based on overtime put in by a member. For the purposes of this chapter (commencing with Section 13801), overtime is the aggregate service performed by an employee as a member for all employers and in all categories of employment in excess of the hours of work considered normal for employees on a full-time basis.

Status

13834. A member shall be considered to be "entitled to retirement benefits," "entitled to receive benefits," "entitled to any allowance," or "entitled to receive" any advantage referred to, as such phrases are used in this chapter (commencing with Section 13801), if such member occupies a status, which if continued will lead to qualification for a retirement allowance, but such words in the last paragraph of Section 14355, Section 14356, the last paragraph of Section 14369 shall mean current qualification for a retirement allowance.

The application of this definition heretofore made in the administration of the Retirement System is hereby ratified, validated, and confirmed.

Boards

13835. The Teachers Retirement Board and the Retirement Investment Board established by this chapter (commencing at Section 13801), shall be deemed to be continuations of the Teachers Retirement Board and the Retirement Investment Board established prior to June 16, 1944, by the State Teachers' Retirement Act. The members of said boards in office on June 16, 1944, shall continue to hold their offices without the necessity of filing any new oaths of office, and the appointive members of said boards shall continue in office for the terms for which they were appointed.

Tax exemption

13836. The right of a person to a pension, retirement allowance, return of contributions, the pension, retirement allowance, any optional benefit, or any other right accrued or accruing to any person under this part are exempt from taxation, including any inheritance tax, whether state, county, municipal, or district.

Article 2. Retirement Board

Teachers Retirement Board

13851. The Retirement System shall be managed, except for the investment of the funds, by the Teachers Retirement Board, the members of which shall be the members of the State Board of Education and the appointive members of the Retire-

ment Investment Board. The President and Secretary of the State Board of Education shall be the President and Secretary, respectively, of the Retirement Board. Members of the board shall serve without compensation but shall be entitled to reimbursement of any traveling expenses incurred in connection with membership on the Retirement Board.

Officers and employees

13852. The board shall appoint an executive officer, an actuary and other employees necessary to the administration of this system. The executive officer and actuary may administer oaths.

Powers

13853. The Retirement Board has the sole power and authority to hear and determine all facts pertaining to application for benefits under the Retirement System, or any matters pertaining to administration thereof, except as to investment of funds. The Retirement Board shall meet at least once every calendar quarter.

The secretary of the board shall perform and discharge under the direction of the board the powers, duties, purposes, functions and jurisdiction vested in the board and delegated to him by it. The secretary may delegate to the executive officer of the system any act or duty within the power of the secretary to perform unless by affirmative vote recorded in its minutes the board has specifically required the secretary to act personally.

Acts of secretary or executive officer

13854. Acts of the secretary or the executive officer shall be reported to the board at its next meeting, and shall be subject to review and ratification by the board at that meeting. Reversal by the board of any act of the secretary or executive officer shall be effective on the date fixed by the board, but payment, prior to the board's action, of benefits shall not be affected by such action, except for such recovery as the board may direct of the amounts paid, from the beneficiary receiving the amounts.

Hearings

13855. The board may, in its discretion, hold a hearing for the purpose of determining any question presented to it involving any right, benefit or obligation of a person under this part. Where a hearing is held, the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all of the powers granted therein; provided, that the provisions of Section 11508 of the Government Code shall not apply and the hearing shall be held at such time and place as may determined by the board.

Contributions

13856. The Retirement Board shall credit contributions of the members of the Retirement System to the Retirement Annuity Fund and to the Annuity Deposit Fund with interest at a rate or rates to be declared annually by the board. Earned interest not credited to contributions shall remain in the funds as a reserve against deficiencies in interest earned in other years, losses under investments, and other contingencies. The board, however, may apply to reduce the book value of securities purchased, all or part of the excess of the proceeds of

the sale or redemption prior to maturity of securities over the book value of the securities sold or redeemed; provided, the purchase of securities is made with said proceeds; and provided further, that the terms of both securities from the date of sale, redemption, or purchase, as the case may be, to the respective dates of maturity, do not differ by more than five years. All such applications of excess of sales or redemption proceeds, even with greater difference in terms, heretofore made by the board are hereby validated and confirmed.

Adoption of tables

13857. The board shall adopt, upon the recommendation of the actuary of the system, such mortality and other tables and interest rates as are necessary to:

(a) Permit valuation of the assets and liabilities of the Retirement System.

(b) Make any determination or calculation necessary to carry out the provisions of this chapter (commencing at Section 13801).

Actuarial variations

13858. The board shall keep in convenient form such data as is necessary for the actuarial valuation of the Retirement System. In not to exceed six-year periods after June 30, 1944, the board shall make an actuarial investigation into the mortality, service, and other experience of members and beneficiaries and shall make an actuarial valuation of the assets and liabilities of the Retirement System. From time to time, the board shall determine the rates of interest being earned on the several funds. Upon the basis of any or all of such investigation, valuation, and determination, the board shall adopt for the Retirement System such interest rates, rates of contribution to the Retirement Annuity Fund, mortality, service, and other tables as are deemed necessary. No adjustment shall be included in new rates of annuity contribution adopted by the Retirement Board on the basis of such investigation, valuation, and determination or because of amendment to the Teachers Retirement Law, for time prior to the effective date of the adoption or amendment, as the case may be. No action of the board, other than correction of errors in calculating the annuity at the time of retirement, shall change the annuity payable to a person retired prior to the date the action is taken.

Records and accounts

13859. In addition to other records and accounts, the board shall keep such records and accounts as are necessary to show at any time:

(a) The total Permanent Fund contributions of members.

(b) All other accumulated contributions in the Permanent Fund.

(c) The total accumulated annuity contributions of members in the Retirement Annuity Fund.

(d) The total accumulated annuity contributions of members in the Retirement Annuity Fund less the annuity payments made to the members.

(e) The total accumulated annuity deposits of members in the Teachers' Annuity Deposit Fund.

(f) The total accumulated annuity deposits of members in the Teachers' Annuity Deposit Fund less payments made from that fund for annuities for retired teachers.

(g) The total accumulated contributions of the State to the Retirement Annuity Fund for benefits based upon members' service rendered prior to July 1, 1944.

(h) The total accumulated contributions of the State to the Retirement Annuity Fund for benefits based upon members' service rendered after July 1, 1944.

Service credits

13860. The board shall determine the service rendered by members to be credited toward qualification for retirement, and shall fix retirement allowances and modify the allowances.

Same

13861. Service rendered prior to July 1, 1956, shall be credited according to the provisions of this chapter (commencing with Section 13801) which were applicable prior to such date. With respect to time served after June 30, 1956, by persons included in classifications of employees whose normal tours of duty extend throughout the school year as contrasted with the school term, the board shall credit one year of service for 10 months or more of service rendered by persons employed on a monthly basis, and for 215 days or more of service rendered by persons employed on a per diem basis. With respect to time served after June 30, 1956, by persons included in classifications of employees whose normal tours of duty extend throughout the school term as contrasted to the school year, and do not exceed 180 days of service, the board shall credit one year of service for 145 days or more of service rendered by persons employed on a per diem basis, which shall include persons whose compensation is normally paid in monthly installments and fixed by annual contract. With respect to time served after June 30, 1956, by persons included in classifications of employees whose normal tours of duty extend during any year throughout other periods, the lengths of which fall between those of the school year and school term of 180 days of service, the board may fix the minimum numbers of months and days, as the case may be, upon the basis of which a year of service shall be credited, but the relationship of such minima to the normal time worked by persons who are not absent from duty, in such periods shall agree generally with the relationship between the normal time worked by persons who are not absent from duty, in the respective periods and minima in the two preceding sentences; provided, that no minimum shall be less than 145 days of service.

Witnesses

13862. The board shall subpena witnesses and compel their attendance to testify before it, and each member and the secretary of the board may administer oaths and affirmations to witnesses and others transacting business of the Retirement System.

Employing agencies

13863. The board shall regulate the duties of employing agencies and other public authorities, imposed upon them by this chapter (commencing at Section 13801), and shall require reports from the employing agencies and authorities as it

deems advisable in connection with the performance of the duties.

Regulations

13864. The board shall perform any other acts necessary for the administration of the Retirement System in carrying into effect the provisions of this chapter (commencing at Section 13801). Any rules and regulations adopted by the board for the purpose of the administration, and not inconsistent with the provisions of this chapter (commencing at Section 13801), shall have the force and effect of law.

Membership of system in national council

13865. Subject to the approval of the Department of Finance, the board may subscribe for membership for the State Teachers' Retirement System in the National Council on Teacher Retirement.

Meetings

13866. All meetings of the board shall be open and public.

Records

13867. All records of the board shall be open to inspection by the public during regular office hours, except as otherwise provided for by law.

Article 3. Establishment and Control of Funds

Teachers' Retirement Fund

13901. On and after July 1, 1957, there shall be established and maintained in the State Treasury a Teachers' Retirement Fund and on said date there shall be transferred to said fund all the assets then being held in the State Treasury which are to the credit of, or as are held as belonging to, the Teachers' Permanent Fund, the Retirement Annuity Fund, the Teachers' Retirement Disbursement Fund and the Teachers' Annuity Deposit Fund. Wherever in this chapter (commencing at Section 13801), authority is granted to disburse funds from, or to make payments to, the Teachers' Permanent Fund, the Retirement Annuity Fund, the Teachers' Retirement Disbursement Fund or the Teachers' Annuity Fund, such authority shall also extend to the Teachers' Retirement Fund.

Funds maintained in records

13902. The Retirement Board shall maintain three funds in the records of the Retirement System, as follows:

(a) Teachers' Permanent Fund derived from contributions by members, school districts or other employing agencies, and the State, as provided in Sections 14101, 14201, and 14216, together with interest earned thereon.

(b) Retirement Annuity Fund derived from contributions of members, school districts or other employing agencies, and the State as provided in Sections 14108 and 14210 and in 14563, as added by Chapter 13 of the Statutes of 1943 (Fourth Extraordinary Session) and as subsequently amended, together with interest thereon.

(c) Teachers' Annuity Deposit Fund derived from members' annuity deposits, together with interest earned thereon.

The funds shall also include donations, legacies, gifts, and bequests made thereto and accepted by the Retirement Board and any appropriations made thereto by the Legislature in addition to amounts provided in this chapter (commencing at Section 13801).

13903. Disbursements of money under the Retirement System, of whatever nature, shall be made upon claims duly audited in the manner prescribed for disbursement of other public funds. Disbursements

13904. The Retirement Board may authorize the transfer and disbursement of funds upon the signature of either or both its president and secretary, or, in the absence of the secretary, an officer or employee of the system designated by the secretary. Procedure

13905. Money except interest and other income from investments, in whatever form, received by the State Treasurer for the fund, shall be reported forthwith by him to the Retirement Board, and the money together with money received directly by the board shall be deposited forthwith by the board in the State Treasury to the credit of the fund. Interest, and other income derived from securities shall be collected by the State Treasurer, deposited to the credit of the fund, and reported forthwith to the board. Deposit of money

13906 The Annuity Deposit Fund shall be used for the continued payment of annuities derived from members' deposits in the Annuity Deposit Fund to members retired prior to July 1, 1944, as provided in Section 14351, and for the repayment of deposits and payment of additional annuities as provided in this section. Annuity Deposit Fund

Upon written request therefor by any member to the Retirement Board, he shall be paid the accumulated annuity deposits based on salaries earned prior to July 1, 1944, in the Annuity Deposit Fund standing to the credit of his individual account. Such deposits so withdrawn may not thereafter be redeposited in the Annuity Deposit Fund, but if such accumulated annuity deposits were withdrawn by a member upon termination of employment, the amount so withdrawn may be redeposited in the Annuity Deposit Fund at any time within one year of the re-entry of the person into membership in the retirement system.

Any moneys remaining in the Annuity Deposit Fund to the credit of a member's individual account shall accumulate with interest. Upon the retirement of the member for service or disability, such moneys shall be used to provide an additional annuity for the member in whatever amount they will provide at that time, as provided in Sections 14355 and 14369. In the event that a member dies prior to retirement, any moneys standing to the credit of his individual account in the Annuity Deposit Fund shall be paid to his nominated beneficiary or to his estate.

Earned interest not credited to annuity deposits shall remain in the fund as a reserve against deficiencies in interest earned in other years, losses under investments, and other contingencies.

13907. The cost of the administration of the Retirement System, including the employment of necessary expert and Costs of administration

clerical assistance, the purchase of necessary supplies and equipment, and any other expenses necessary in the administration, shall be paid by the State, but the total of the costs of administration during any fiscal period shall not exceed the amount made available by law for such costs during the fiscal period.

Retirement Investment Board

13908. There is a Retirement Investment Board consisting of the State Superintendent of Public Instruction, the State Director of Finance, the State Controller, and two teachers appointed by the State Board of Education for four-year terms. The State Board of Education shall fill each vacancy in the four-year terms by appointing a teacher to serve the unexpired portion of the term in which the vacancy occurs. The investment board shall annually elect two of its members as president and secretary, respectively. Members of the board shall receive their actual necessary expenses incurred by reason of attending meetings of the board.

Powers

13909. The Retirement Investment Board shall have exclusive control of the investment of the Teachers' Retirement Fund, including the purchase of securities and the sale thereof. Investments shall be confined to securities approved in this State for the investment of funds of savings banks.

Bond investments

13910. Notwithstanding the provisions of Section 13909, investments may be made in bonds issued pursuant to the Improvement Bond Act of 1915; provided, that an ad valorem tax on all property taxable by the public agency which authorized the issuance of such bonds, at a rate not exceeding ten cents ($0.10) for each one hundred dollars ($100) of assessed value, computed as of the date of such investment, would produce an amount equal to at least 100 percent of the principal and interest payable in any year thereafter on the issue of bonds in which such investment is made.

Investment of funds

13911. The board may appoint a committee composed of one or more of its members, which may purchase securities in the open market from time to time, as cash becomes available for investment, from a list of securities previously approved by the board according to title or source of issue and which may sell any securities when it is necessary or advantageous to do so. Purchases and sales of securities by the committee shall be reported forthwith to the other members of the Retirement Investment Board.

Control of funds

13912. The Retirement Board shall have exclusive control of the administration of the funds, except as to the purchase and sale of securities, and custody thereof. No transfers or disbursements, except disbursements made in the purchase of securities, of any amount from the funds shall be made except upon the authorization of the Retirement Board for the purpose of carrying into effect the provisions of this chapter (commencing at Section 13801).

Meetings

13913. The President of the Retirement Investment Board shall call at least one meeting of the board during the first six-months period of each year and at least one meeting during

the second six-months period of each year, and shall call such other meetings of the board as he deems necessary. The president of the board shall designate the time and place of each of the meetings.

Same

13914. All meetings of the Retirement Investment Board shall be open and public.

Records

13915. All records of the Retirement Investment Board shall be open to inspection by the public during regular office hours, except as otherwise provided by law.

Article 4. Membership in Retirement System

Persons excluded

13951. The provisions of this article (commencing at Section 13951) do not apply to persons excluded from membership in the Retirement System by Section 14001.

Members

13952. All persons who were members of the California State Teachers' Retirement System on June 30, 1944, including persons who are members of a local retirement system, are members of the Retirement System.

Teachers

13953. All teachers employed in the public schools of this State who have not claimed exemption, as provided by law, are members of the Retirement System.

Same

13954. All teachers employed in the public schools of this State who claimed exemption but who have elected or shall elect not to be exempt, are members of the system.

Librarians

13955. Certificated librarians in elementary or secondary schools, or persons who serve partly as librarians and partly as teachers, are members of the system.

Employees holding credentials

13956. All other employees in the public schools of this State who hold valid and unrevoked credentials issued by the State Board of Education, and who are employed for the major part of each school month in work authorized by their credentials, are members of the system.

State superintendent and deputies

13957. The State Superintendent of Public Instruction, deputy superintendents of public instruction or associate superintendents of public instruction are members of the system.

Employees performing certain duties

13958. Persons employed in the public schools or in county superintendents' offices of this State to perform duties usually performed by counselors, co-ordinators and research directors, are members of the system.

Employees with credentials

13959. Persons employed by the State Commission on School Districts and persons employed in the Department of Corrections, who hold a valid credential issued by the State Board of Education, are members of the system; provided, they elected under Section 20335 of the Government Code, prior to the ninetieth day following the adjournment of the 1951 Regular Session of the Legislature, to be such members; and provided further, that if employed on or after such date, such persons are members of this system with respect to such employment if they are employed in teaching positions in said department or by said commission.

Transfers

13960. Persons who become members under Sections 13957, 13958 or 13959, and who have been required to become members of the State Employees' Retirement System, may elect, prior to January 1, 1948, to transfer their memberships to the State Teachers' Retirement System.

County superintendents

13961. County superintendents, their deputies, and certificated employees under the direction of county superintendents are members of the system.

State colleges

13962. Teachers of State colleges with or without a certificate, and librarians or other employees in such institutions who are engaged in work that would make them eligible to the provisions of the Retirement Law if rendered in any other branch of the Public School System are members of the system.

California Polytechnic School, etc.

13963. Teachers employed by the California Polytechnic School, the California School for the Deaf, the California School for the Blind, every institution maintained and operated by the Department of Mental Hygiene, every institution maintained and operated by the Youth Authority, the State School for Cerebral Palsied Children, or the State Board of Education, who hold valid teacher's certificates, or a California state teacher's credential, or who after June 16, 1944, secure a teacher's certificate valid in this State, or a state teacher's credential are members of the system. A teacher employed by the State School for Cerebral Palsied Children, who has been required to become a member of the State Employees' Retirement System, may elect, prior to January 1, 1948, to transfer his membership to the State Teachers' Retirement System. A teacher employed by any such institution maintained and operated by the Department of Mental Hygiene who has been required without his option, to become a member of the State Employees' Retirement System, may elect, prior to January 1, 1950, to transfer his membership to the State Teachers' Retirement System.

Training schools

13964. Teachers of elementary or secondary school pupils in a training school connected with State colleges in this State or with the University of California or any branch thereof, or supervisors of practice teaching in the University of California or any branch thereof are members of the system.

Staff of Los Angeles State Normal School

13965. Members of the staff of the Los Angeles State Normal School who continued as members of the faculty of the southern branch of the University of California on June 25, 1919, and who were entitled to the benefits of and subject to the provisions of an act entitled "An act to provide for the payment of retirement salaries to public school teachers of this State; creating a Public School Teachers Retirement Salary Fund, and also a Public School Teachers Permanent Fund, providing for the administration of such funds, and making an appropriation for the use of said fund," approved June 16, 1913, as amended, and who elected to continue under the provisions of the act, on or before December 31, 1923, as provided by law are members of the system.

13966. Persons employed by the State Board or State Department of Education, who hold a valid credential issued by the board and who render service of an educational nature and persons employed in the Agency for Surplus Property in said State Department of Education who hold a valid credential issued by the board, are members of the system. A person employed in the Agency of Surplus Property who has been required to become a member of the State Employees' Retirement System, may elect prior to January 1, 1950, to transfer his membership to the State Teachers' Retirement System. State Board of Education, etc

13967. If a member dies or is retired, or if his contributions are refunded to him upon termination of service, he shall cease to be a member. Termination of membership

For the purposes of this section, deposit in the United States mail of a warrant drawn in favor of a member, as refund of his contribution, and addressed to the latest address of the member on file in the office of this system, constitutes payment to the member of the amount for which the warrant is drawn.

Article 5. Exclusion from Retirement System

14001. The following persons are excluded from membership in the Retirement System: Persons excluded from membership

(a) Any person who shows to the satisfaction of the board, that he will be unable, by reason of the nature of his services, to become eligible to benefits thereunder.

(b) Persons employed in a status requisite for membership, who are entitled to be credited under this system with less than 10 years of service, but who are on June 16, 1944, or who thereafter become members of the State Employees' Retirement System or any other retirement system, except a local retirement system, and receive credit thereunder for service which would be credited hereunder to a member. Persons who are members of a local retirement system shall be members of both the State and the local retirement systems; upon retirement such persons shall be entitled to the full benefits from the Permanent Fund, but shall not receive benefits from the Retirement Annuity Fund for any service for which they are entitled to benefits from a local retirement system, as provided in Article 13 (commencing with Section 14351) of this chapter. Persons who are members of any retirement system other than a local retirement system, and who continue to be members of this system, shall not contribute to this system or receive benefits from it, on account of service or salary earned in service which is credited under such other retirement system. A member whose membership is terminated by this subdivision shall be considered, solely for the purpose of Section 14151, as ceasing to be employed in a status requisite to membership.

(c) Persons serving as exchange teachers from outside of this State.

(d) Persons employed on a substitute basis, who are not already members when they become employed and who accord-

ing to the best judgment of their employer, will not render at least five months of service during the school year. If such persons subsequently enter a status requisite for membership, they shall be credited with service rendered in the substitute status, subject to the board's rule fixing minimum service required for credit.

Member of another system

14002. Nothing in this article (commencing with Section 14001) shall be construed or applied to exclude from membership in this system any member who enters a status requisite for membership in this system in which status he has the right to elect membership in this or another retirement system and who elects membership in the other retirement system, or who enters a status which is not requisite for membership in this system, but time served in which is included in this chapter (commencing with Section 13801). Time served after becoming a member of the other system shall not be credited to the member under this system, nor shall contributions or benefits under this system be based upon such time or the salary received by the member during such time, except as provided in Section 13832.

The member shall not be required to render two years of service in a status requisite for membership in this Retirement System before making application for retirement.

This section shall be retroactively applied to continue the membership in this system of any such member whose contributions have not been refunded to him.

Article 6. Information as to Status

Notice of status

14021. Each county superintendent of schools shall give immediate notice in writing to the Retirement Board of the employment, death, resignation, or discharge of any person employed in a status requisite to membership in the system, by the county or by a school district in the county. Likewise every other employing agency shall give similar notice with respect to each person employed by it in a status requisite to membership in the Retirement System. The county superintendent of schools and other employing agencies shall furnish such further information concerning any member or beneficiary as the board may require.

Withholding of salary

14022. The county superintendent of schools or other employing agency shall withhold the salary of any member who fails to file information required by the Retirement Board in the administration of the Retirement System, or to pay amounts due from the members to the Retirement System. The salary shall be withheld by the county superintendent of schools or employing agency upon his own knowledge, if any, of the failure or upon notice from the Retirement Board of the failure of the teacher to file or pay. The salary shall be withheld and not released until notice is given by the Retirement Board to the county superintendent of schools or employing agency, or until the county superintendent of schools or agency

knows otherwise, that the information has been filed or the payment has been made.

Duties imposed

14023. County superintendents of schools, school districts, and other employing agencies shall also perform the duties imposed upon them in other sections of this chapter (commencing at Section 13801) and by the Retirement Board.

Regulations

14024. Each member and beneficiary is subject to all the provisions of this chapter (commencing with Section 13801) and to all the rules and regulations adopted by the Retirement Board not inconsistent with the provisions of this chapter (commencing with Section 13801).

Information affecting status

14025. Each member and beneficiary shall furnish to the board such information affecting his status as a member or beneficiary of the system, as the board requires. Particularly, each member shall file a statement with the Retirement Board, at the option of, and upon the form furnished by, the board, giving:

(a) His date of birth.

(b) All service previously rendered by him in a status requisite to membership in the Retirement System or its predecessors.

(c) The beneficiaries under the Retirement System to receive any benefits, including retirement allowances accrued but not received prior to death, payable upon the death of the member or beneficiary.

Confidential data

14026. Data filed by any member or beneficiary with the Retirement Board is confidential. No official or employee who has access to the individual records shall divulge any information concerning such records to any person other than the member to whom the information relates or his authorized representative, the governing board of the school district or agency by which he is employed, or any state department or agency. They shall be used by the Retirement Board for the sole purpose of carrying into effect the provisions of this chapter (commencing with Section 13801). The information shall not be open to inspection by anyone except the Retirement Board and its officers and employees, and any person authorized by the Legislature to make inspections.

Article 7. Computation of Service

Computation of service

14051. In the computation of the service to be credited to a member for the purpose of determining whether the member qualifies for retirement, and for the purpose of determining the amount of contributions to be required of and benefits to be paid to a member, time shall be included pursuant to the provisions of this article (commencing at Section 14051).

Same

14052. Service shall be computed by school years and not by calendar years, portions of years served being accumulated and counted as service. All of the service rendered during any one school year in employment requisite for membership in this system shall not count for more than one year, and the

service credited under this system to any member as rendered during any school year, shall not exceed the fraction of a year which makes one year of service, when added to the service credited to such member under the State Employees' Retirement System, the Retiring Annuities System of the University of California, or any locally administered retirement system in California except a local system as defined by Section 13824, as rendered during such year. No time shall be included for which, or on the basis of which a member is entitled to receive a pension in a lump sum or installment payments, for other than naval or military service from any source other than this system or a local retirement system. If a retired member becomes entitled to such a pension, his retirement allowance shall be reduced thereafter to exclude the time upon which the pension is based, without other change in his retirement status. No time shall be included during which a member is on retirement under this system. If, at retirement, there are contributions to the Permanent Fund and the Retirement Annuity Fund remaining to the credit of the member which were made with respect to time on the basis of which the member will not be entitled to receive a benefit from those funds, the board shall refund to the member such contributions as it may allocate to said time with credited interest.

Same Saturdays and Sundays

14053. Saturdays and Sundays shall not be included in determining days of service unless the member is required to perform duties for compensation on such days instead and in lieu of all or part of some other day or days of the week, and in that event such all or part, as the case may be, of such other day or days shall not be included as days of service.

Credits

14054. The member shall receive credit for time served, as a member or prior to becoming a member, in a status requisite for membership in the Retirement System or its predecessors.

Night school or adult education service

14055. The member shall receive credit for time served in a night school or in the adult education program, in the proportion that such time bears to the minimum full-time service required for credit for one year of service, according to Section 13861.

Prior service

14056. The member shall receive credit for time served in a status prior to the date the status is made requisite to membership, whether under the California Public School Teachers' Retirement Salary Fund, the California State Teachers' Retirement System, or this Retirement System.

Member of other retirement system

14057. The member shall receive credit for time during which he is excluded from membership herein while a member of any other retirement system and during which he serves in a status requisite for membership in the State Teachers' Retirement System or its predecessors, if he subsequently ceases to be a member of the other retirement system and becomes a member hereof.

Subsequent qualifications

14058. The member shall receive credit for time served in a position in which, without a change in duties attached

thereto, he subsequently qualifies as being in a status requisite to membership.

Prevented from rendering service

14059. The member shall receive credit for time during which he is prevented from rendering service in a status requisite for membership, by act of God, or by reason of the closing of a school by any duly authorized officer or body because of epidemic or any other reason.

Compensated leave of absence

14060. Except as provided in Sections 14059 and 14061, time during which a member is excused from performance of his duties, such as but not limited to, sick leave, holidays other than Saturdays and Sundays, vacation or sabbatical leave, whether or not he is required to perform any portion of such duties during such time, and for which he receives compensation, including disability from any insurance carrier of his employer, under the Labor Code on account of industrial injury or disease, in an amount less than the full compensation earnable by him while performing his duties when not so excused, shall be credited as service in the proportion that the compensation paid to the member bears to the full compensation which would be earnable by him while performing his duties on a full-time basis.

Military leave, etc

14061. The member shall receive credit for time during which he serves in the active military service of the United States or of the State including active service in any uniformed auxiliary of, or to, any branch of such military service created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California, or in the full-time paid service of the American Red Cross rendered prior to September 10, 1957, during war with any foreign power or during other national emergency, or in time of peace if he is drafted for such service by the United States Government, if he was employed in a status requisite for membership, or in a status, time served in which is included in this chapter (commencing at Section 13801), within one year prior to entering such service. Time during which a member for other cause, is absent without compensation, on leave or otherwise, shall not be included except as provided in Section 14059. Time included under this section shall be considered as served in the state in which the member was last employed before entering such service.

Notwithstanding other provisions of this chapter (commencing at Section 13801), a member who has voluntarily requested or hereafter so requests or agrees to an extension of his original term of enlistment, service, or tour of duty shall not receive credit for time during which he serves in such military service and which is after January 1, 1958, or after the expiration of six months following the date of termination of such original term of enlistment, service, or tour of duty, whichever is later.

For the purposes of this section war with a foreign power exists: (a) whenever Congress has declared war and peace has not been formally restored; (b) whenever the United States is

engaged in active military operations against any foreign power, whether or not war has been formally declared; or (c) whenever the United States is assisting the United Nations, in actions involving the use of armed force, to maintain or restore international peace and security.

Credit for service

14062. The member shall receive credit for time served in teaching positions in publicly supported and publicly administered universities and colleges in this State.

Public university service

14063. The member shall receive credit for time served in teaching positions in schools supported and administered by the United States Government in this State.

A member shall also receive credit for time served as a physiotherapist during World War I in the Medical Department of the United States Army; provided, he was employed in a position requisite for membership in this system within one year prior to entering such service.

Uncredited service in certificated positions Election

14064. Notwithstanding the provisions of this chapter (commencing at Section 13801), any member who has rendered service in the employment of a school district in this State in a position the incumbent of which, when such service was rendered, was required by the governing board of such school district to possess a valid school administration certificate and a valid teacher's certificate issued by the State Board of Education, and who is not credited, nor entitled to be credited, with such service in this system or in any other public-employee retirement system established pursuant to any law of this State at the time of making the election herein provided, may elect in writing at any time on or before his retirement under the system to receive credit in the system for such service; provided, that upon making such election, he pays into the system by lump-sum payment, to the credit of the appropriate fund or funds, as determined by the board, the contributions that he would have made had he been in a status requisite for membership in this system at the time such service was rendered, together with the amount of interest that would have been credited to his account or accounts in such fund or funds under such assumption.

Exchange teacher

14065. The member shall receive credit for time served as an exchange teacher in any location.

Teaching service outside State

14066. Except as otherwise provided in Sections 14061, 14065, 14067, and 14068, no member shall receive credit for service outside this State, whether before or after July 1, 1944.

Service prior to July 1, 1944

14067. Every person who was a member or a retired member of the California State Teachers' Retirement System on June 30, 1944, shall receive credit for time served outside this State prior to July 1, 1944, as follows:

(a) He shall receive credit for time served in a status which in this State is requisite for membership, in other states of the United States and its territories and possessions and in Canada.

(b) He shall receive credit for time served in teaching positions in publicly supported and publicly administered universities or colleges in the United States and its territories and

possessions and in Canada. Retirement salaries payable to persons retired after July 1, 1937, and prior to September 13, 1941, shall be adjusted upon the request of the persons, to the provisions of this section, effective on the first day of the month in which the requests are received at the office of the Retirement System in Sacramento.

(c) He shall receive credit for time served in teaching positions in schools supported and administered by the United States Government.

A member shall also receive credit for time served as a physiotherapist during World War I in the Medical Department of the United States Army; provided, he was employed in a position requisite for membership in this system within one year prior to entering such service.

(d) Members who are employed in the California School for the Deaf or the California School for the Blind, or in special classes maintained by the public schools of this State, for the instruction of the deaf, the hard of hearing, the blind, or the semisighted shall receive credit for time served in publicly supported residential schools for the deaf and blind outside this State.

Teachers of deaf and blind

14068. A member shall receive credit for time served, either before or after July 1, 1944, in publicly supported and administered schools in other states of the United States and its territories and possessions and in Canada as a teacher of children who are deaf or blind or both deaf and blind if the member fulfills both of the following conditions:

(a) He is credited with at least 10 years of service in this State as a teacher of children who are both deaf and blind.

(b) Within five years immediately preceding the date when he became a member of this system, he served at least one year in publicly supported and administered schools in other states of the United States, its territories and possessions, or in Canada, as a teacher of children who were both deaf and blind.

Article 8. Members' Contributions

Contribution to Permanent Fund

14101. Each member who retires on or after July 1, 1944, is required to have contributed to the Permanent Fund at the following rates for the service credited to him under the Retirement System:

(a) Twelve dollars ($12) for each year of service prior to July 1, 1935, but contributions shall not be required for more than 30 years of service rendered prior to July 1, 1935.

(b) Twenty-four dollars ($24) for each year of service from July 1, 1935, to July 1, 1944.

(c) Sixty dollars ($60) for each year of service after July 1, 1944.

Part-time teachers

14102. The Retirement Board by rule may provide that members employed on a part-time or substitute basis shall not be required to contribute for months during which they serve

less time than that required for credit for service of one month, as fixed by the Retirement Board.

Deductions from salary

14103. Contributions to the Permanent Fund for service rendered after July 1, 1944, shall be made as service is rendered, being deducted from each salary payment made for service for which the member is entitled to receive benefits from a local retirement system, in an amount determined by dividing sixty dollars ($60) by the number of salary payments normally to be made throughout the entire school year to members who are in service, without interruption. The Retirement Board by rule may modify the method of determining the amount of contributions to be deducted from each salary payment, if a member is employed on a substitute or part-time basis, or if the service of a member is interrupted by absence without compensation.

Members' contributions for credited service

14104. Any person to whom service rendered outside of the State after January 1, 1914, is credited and any person who has claimed exemption from the provisions of the Retirement System or its predecessor or who is excluded from the Retirement System because of being a member of another retirement system while serving in a status requisite for membership in this Retirement System or its predecessor, and who later becomes subject to its provisions shall pay, in addition to the sum due under Section 14101 for each year of credited service rendered outside the State or while exempt or while a member of any other system, interest at the rate of 5 percent per annum on the amount which would have been contributed had he been a member of the Retirement System when the service was rendered. Interest shall begin on the first day of July next following the end of the school year in which the service was rendered, and shall end upon the date of retirement.

Payments after retirement

14105. Every person who retires on or after July 1, 1944, and who is entitled to receive a retirement salary, but who at the time of retirement is not credited with the full amount of contributions to the Permanent Fund required of him by Section 14101, shall pay to the Retirement System such additional amount as is necessary to bring the contributions credited to him up to the full amount of contributions to the Permanent Fund required of him by Section 14101.

Method of payment

14106. The portion of the additional amount which is based on service rendered after July 1, 1944, shall be paid prior to the first payment on account of the retirement allowance, and the balance remaining unpaid at any time, may be paid in one sum by him or in installments as a deduction, at the rate of fifteen dollars ($15) per month, from the retirement allowance payable, if he was retired with 30 or more years of service, or at the rate of twelve dollars ($12) per month if he was retired with less than 30 years of service.

Excess payments

14107. Contributions to the Permanent Fund credited to any member which are determined by the Retirement Board to be in excess of the amount of Permanent Fund contributions required of him by Section 14101 shall be refunded in cash to

the member as soon as possible after it is determined that such contributions are in excess of the amount required, but in no event later than 90 days after action resulting in the retirement of the member.

Contributions to Annuity Fund

14108. Each member of this Retirement System shall contribute to the Retirement Annuity Fund at the rates of annuity fund contributions established by the Retirement Board, except that a member who is also a member of a local retirement system shall not contribute to the Retirement Annuity Fund for or during any service for which he is entitled to retirement benefits under the local retirement system.

Rates of annuity fund contribution

14109. The rates of annuity fund contributions shall be based upon sex and age at the nearest birthday at the time of inclusion in or entrance into this Retirement System or at such later time as the member first is required to make annuity contributions, and shall be such as, when applied to the salary of the member, not counting any salary earned in service for which the member is entitled to retirement benefits from a local retirement system, will produce contributions which will provide, on the average, an annuity at age 60 equal to approximately one-half of the benefit specified in Section 14359 to be derived from the Retirement Annuity Fund for service rendered after July 1, 1944, plus the portion of the retirement salary computed pursuant to Section 14355, on the basis of his service rendered after June 30, 1944, and for which he is not entitled to receive benefits from a local retirement system, as determined by recognized actuarial methods. The increased rates of contribution required by the increase in the annuity to be provided, shall be applied to the salary of the member for each school year after June 30, 1956. No adjustment shall be included in said increased rates for time prior to July 1, 1956.

Change in status

14110. When the status of a member who has not been required to contribute to the Retirement Annuity Fund because of membership in a local retirement system is changed so that he is required to make such contributions, he shall contribute thereafter at a rate based on his age at the time the requirement of such contributions became applicable to him.

Adjustments

14111. Accumulated annuity contributions credited to a member whose date of birth is changed in the records of the Retirement System shall be adjusted to the corrected date by refund to the member or payment by the member, as the case may be.

Deductions from salary

14112. Contributions required of a person to the Retirement Annuity Fund shall be deducted from each salary payment in the manner prescribed in this article (commencing at Section 14101). A portion of such contributions, based on the service for which said salary payment is made, and computed at the rate of sixty dollars ($60) for each year of service for which said person is not entitled to receive benefits from a local retirement system, shall be considered and administered as the contributions to the Permanent Fund, required by Section 14101, for service after July 1, 1944. Every person accept-

ing employment who is required to contribute shall be deemed to consent and agree to the deduction of the annuity contributions from his salary payments.

Annuity deposits for additional benefits

14113. Subject to rules prescribed by the board, any member may elect to make annuity deposits for the purpose of providing additional benefits. Annuity deposits may be (a) deducted from earned compensation, deposited in the county treasury, remitted and reported to the board, in the manner prescribed for annuity contributions or (b) remitted by the member directly to the retirement system. The member may cancel such election and later elect again at any time, but accumulated annuity deposits derived from such deposits made after June 30, 1955, may be withdrawn only as provided in Section 14151.

Full payment of salary

14114. Notwithstanding any other law, rule, or regulation affecting the salary, pay, compensation, other perquisites, or tenure of any person to whom this chapter (commencing at Section 13801) applies, and notwithstanding that the minimum salary, pay, compensation, or other perquisites, provided by law for such person shall be reduced thereby, payment less the contributions required by this article (commencing at Section 14101) shall be in full and complete discharge and acquittance of all claims and demands whatsoever for service rendered by the teacher during the period covered by the payment, except his claim to benefits to which he may be entitled.

Order for payments due

14115. The governing board of each school district shall draw an order for the amount of salary payments due, from time to time, to the respective members employed by the board, less the amount of contributions required to be deducted from the payments, and shall inform the county superintendent of schools of the amount of the contributions.

Requisition against school district funds

14116. The county superintendent of schools at the close of each month shall draw requisitions against the funds of the respective school districts and in favor of the county teachers' permanent fund and county teachers' annuity deposit fund, which are continued in existence in each county treasury, for amounts equal to the total of contributions deducted during the month for the State Permanent Fund and State Retirement Annuity Fund, respectively. The amounts shall be deposited in the county treasury to the credit of the respective funds. At the option of the Retirement Board and with respect only to contributions based on compensation earned after June 30, 1956, such requisitions shall be drawn in favor of one of such funds in the county treasury, for the total contributions, regardless of the fund for which they were deducted, and deposited to that fund.

Deductions from salary

14117. The county superintendent of schools shall deduct from salary payments due, from time to time, to the respective members employed by him, the contributions required and at the close of each month shall draw requisitions against the funds from which the salaries were paid and in favor of the county permanent and annuity funds, respectively, for

amounts equal to the total of the contributions deducted during the month for the State Permanent Fund and State Retirement Annuity Fund, respectively. The amounts shall be deposited in the county treasury to the credit of the respective funds. At the option of the Retirement Board and with respect only to contributions based on compensation earned after June 30, 1956, such requisitions shall be drawn in favor of one of such funds in the county treasury, for the total contributions, regardless of the fund for which they were deducted and deposited to that fund.

County auditor's duties

14118. The county auditor shall deduct from salary payments due, from time to time, to the respective members employed by the county, the contributions required and at the close of each month shall transfer in the county treasury from the funds from which the salaries were paid, to the county permanent and county annuity deposit funds, respectively, amounts equal to the total of the contributions deducted during the month for the State Permanent Fund and State Retirement Annuity Fund, respectively. At the option of the Retirement Board and with respect only to contributions based on compensation earned after June 30, 1956, such transfer of the total contributions, shall be to one of such funds in the county treasury, regardless of the fund for which they were deducted.

Receipt for contributions

14119. The county superintendent of schools in each January and July shall issue a receipt for the contributions to each member from whose salary payments the deductions were made during the six months immediately preceding. The Retirement Board may issue to each member, after the close of the school year in lieu of such receipt, either one receipt for all contributions deducted from his salary during the year or a statement of his individual account.

Warrant for contributions

14120. In January and July of each year, or in each month at the option of the Retirement Board, the county superintendent of schools shall draw his requisition against the county auditor, and the requisition when allowed and signed by the county auditor shall constitute a warrant against the county treasurer, for the amount of contributions deducted from members' salary payments during the six calendar months or month, as the case may be, immediately preceding. The county auditor thereupon shall forward the warrant to the office of the Retirement Board in Sacramento.

Report

14121. The requisition of the county superintendent of schools drawn in January and July, or beginning with the report for the 12 months ending June 30, 1943, only in July at the option of the Retirement Board, shall be accompanied by a report giving the names of the members from whose salary payments contributions were deducted during the preceding 6 or 12 months, as the case may be, the amount of the contributions in the case of each member, and such other information as the board may require. The original copy of the report shall be sent by the county superintendent of

schools to the Retirement Board. If monthly requisitions are required, the reports with respect to members' contributions to the Annuity Deposit Fund alone, or with respect to all members' contributions, may at the option of the board be required monthly.

Deductions by employing agencies

14122. Employing agencies other than school districts or counties shall deduct from each salary payment due, from time to time, to the respective members employed by them, the contributions required, and shall remit in January and July of each year, or in each month at the option of the Retirement Board, to the Retirement Board, in a form satisfactory to it, the contributions deducted during the six calendar months or month, as the case may be, immediately preceding. The remittances shall be accompanied by a report in the manner required of the county superintendent.

Deposits

14123. The amounts received shall be deposited forthwith by the Retirement Board in the State Treasury to the credit of the Permanent Fund or the Retirement Annuity Fund, respectively, except that so much of such moneys as is derived from deductions from members' salaries, for members' contributions to the Annuity Deposit Fund shall be credited to the Annuity Deposit Fund. If Permanent Fund and Retirement Annuity Fund contributions are made without segregation, approximate segregation of such amounts according to such funds shall be made upon their receipt for the purpose of such deposit. On the basis of service recorded in subsequent reports required by the Retirement Board from county superintendents of schools and employing agencies other than school districts accurate segregation, including adjustments of previous approximations, shall be made as may be necessary to comply with the provisions of this chapter (commencing at Section 13801) relating to the Permanent and Retirement Annuity Fund.

Copy of pay roll

14124. The Retirement Board at its option and in lieu of all or part of the method of collecting members' contributions provided in this article (commencing at Section 14101), may require any county, city, city and county, or district superintendent of schools, any governing board of a school district, or any disbursing officer of any other employing agency, to furnish the board with a copy of every pay roll of the school district or other employing agency. The pay roll shall show for the period covered thereby and for each person employed by the district or other employing agency during the period the time served, the compensation earnable, the amount of salary earned, the contributions deducted for the Permanent Fund, the Annuity Deposit Fund, and the Retirement Annuity Fund, respectively, the net amount paid, and such other data as the board may require. The pay roll shall be verified by a duly authorized official, and shall be accompanied by a remittance to the Retirement Board in a form acceptable to the board, of the total of the contributions shown

on the pay roll as deducted from the salary payments of members listed thereon.

Statement of contributions

14125. Upon the request of the Retirement Board, the county superintendent of schools or employer shall furnish the board with a statement of the amount of contributions deducted from salary payments of any member, the service rendered by the member, and the salary earned by him, since the end of the period covered by the last report of the superintendent or employer. The Retirement Board may use the information shown in the statement in determining contributions to be paid to the member or to a beneficiary, or use it in determining the member's status upon retirement, even though the contributions will not be received by the board until after the payment or determination.

Individual account

14126. Contributions made by a member shall be credited to his individual account by the Retirement Board. Interest shall be credited to his individual account on the accumulated annuity contributions therein, at rates declared from time to time by the board.

Adjustments of contributions

14127. If more or less than the correct amount of the contributions is paid with respect to any salary payment, including salary payments to exchange teachers for service outside of this State, proper adjustments shall be made, without interest, in connection with subsequent salary payments, or adjustments may be made by direct cash payments between the member and the county superintendent of schools, employer, or the Retirement Board. Adjustments to correct any other errors in payments to or by the Retirement Board may be made in the same manner.

Advances on retirement allowances

14128. Whenever the board determines that payments to retired members of the system cannot be made until after the first day of the month following that month for which such payments are due, the board may present claims for advances on retirement allowances due a retired member of the system estimated on preliminary information in the possession of the board, and the State Controller shall draw warrants in payment of such claims. Any loss incurred in connection with an advance payment shall be a charge against the fund from which the payment was derived. Such advances to an individual may not be made in excess of the period of time prescribed by the Retirement Board.

If any such advances are more or less than the correct amount due to the member, or beneficiary of the member receiving the advances, the difference between such correct amount and the advance shall be adjusted in subsequent payments to such retired member or beneficiary, or the State Controller may state an account with the member or beneficiary, pursuant to Government Code Section 12419.

Contributions of veterans, etc., for time in military service

14129. Any member of the Retirement System who does not qualify under Section 14131, and who serves or has served in the active military service of the United States or of the State, including active service in any uniformed auxiliary of, or to,

any branch of such military service created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California, or in the full time paid service of the American Red Cross, during or after the termination of his service and at his option, may pay to the employing agency from the service of which he entered military service or said auxiliaries thereof, or Red Cross, such amounts as may be necessary, when added to contributions for the Permanent and Retirement Annuity Funds, deducted by the agency during his absence, to make his contributions to the Permanent Fund and to the Retirement Annuity Fund, equal to the contributions he would have made had he not been absent from the service of the employing agency. The contributions made shall be remitted to the Retirement Board and administered by the board in the same manner as contributions deducted from salary payments. The employing agency may at its option, make the contributions for the member, and contributions made by the agency shall be administered as if made by the member. If the member does not pay the contributions to the Permanent Fund and the Retirement Annuity Fund during his service in the military service or said auxiliaries thereof, or Red Cross, the contributions shall be deducted from his salary payments during the 12 months next following his return to duty in a position requisite to membership in the Retirement System. If the member was not employed by an employing agency at the time he entered the military service or said auxiliaries thereof, or the service of the Red Cross, his contributions to and his benefits from the Retirement Annuity Fund for such service shall be based upon the salary he was receiving in his last employment prior to entering the military service or said auxiliaries thereof, or the service of the Red Cross.

Same Non-payment of contributions

14130. Notwithstanding anything in Section 14129 to the contrary if any member of the Retirement System rendering any service for which credit is allowed under Section 14061 does not pay, while rendering such service, the contributions to the Permanent Fund and to the Retirement Annuity Fund provided for in Section 14129, and if said member does not qualify under Section 14131, the contributions shall be paid by him directly to the Retirement System or deducted from his salary payments at the rate of fifty dollars ($50) or at the rate of 20 percent of such contributions, whichever is the greater, during each successive period of 12 months following his return to duty in a position requisite to membership in the Retirement System; provided, that all contributions required to be made to the Retirement Annuity Fund and all contributions required to be made to the Permanent Fund on account of service rendered on or after July 1, 1944, shall be paid before retirement.

Same: Return to employment etc

14131. Notwithstanding anything contained in this article (commencing with Section 14101), members of this system shall not be required to contribute to the Permanent and Re-

tirement Annuity Funds on the basis of service credited under Section 14061 for time they are absent without compensation; provided, they return or have returned to an employment required for membership in this system within six months after September 19, 1947, or within six months after the termination of such service, whichever is later.

If the member was also a member of a local retirement system, the retirement system shall pay, from the Retirement Annuity Fund, to the member, at the time of his retirement, or to the local district maintaining the local system if the local district made local system contributions on the basis of service credited under the local system for time included under Section 14061, an amount equal to the annuity contributions which except for this section would be required of said member under Section 14129 on account of said service credited under the local retirement system, but not to exceed contributions made by him or the local district to the local system on account of such service. Regular interest from September 19, 1947, to the time of such payment, shall be included in such payment. The State shall contribute annually to the Retirement Annuity Fund the amounts required to be paid from said fund to local districts under this paragraph.

Any such member who exercises or did exercise the right to contribute to the system for the period of such service shall have such contributions refunded with credited interest on annuity contributions.

Any employing agency which made the contributions for the member either during his absence or after his return to employment shall have such contributions refunded with credited interest on annuity contributions.

This section shall be retroactively applied to extend its benefits to all members of this system who were absent on military service, in the service of such auxiliary, or in the service of the Red Cross on or after September 16, 1940, and shall be retroactively applied for the period beginning September 16, 1940, to all members of this system whose absence for such reasons began before September 16, 1940; provided, individuals in either class return, or have returned to an employment required for membership in this system within six months after September 19, 1947, or within six months after the termination of such service, whichever is later.

Contributions by the State and payments by the retirement system pursuant to, or as a result of, this section shall not be made for any period of time after January 1, 1950, for any member who has not returned to an employment required for membership in this system prior to that date, except that contributions by the State pursuant to this section may be made for any member who returned to an employment required for membership in this system from military service prior to January 1, 1950, and subsequently re-entered or re-enters the military service and for any member who enters or has en-

tered the military service on or after January 1, 1950, for the period of his military leave of absence.

Article 9. Return of Members' Contributions

Refund of contributions

14151. Upon the termination of a member's employment by any cause other than death on account of which a death benefit is payable or retirement there shall be paid to him:

(a) The Permanent Fund contributions, without interest, standing to the credit of his individual account, as having been made after July 1, 1935.

(b) The accumulated annuity contributions standing to the credit of his individual account in the Retirement Annuity Fund.

(c) Any moneys standing to the credit of his individual account in the Annuity Deposit Fund pursuant to Section 13906, together with the interest accumulated thereon.

Request for refund

14152. Repayments pursuant to Section 14151 to a member shall be made upon request of the member, unless it appears to the Retirement Board that the employment is permanently terminated and unless the member is entitled to be credited with less than five years of service rendered in this State immediately prior to the termination of employment, in which case payment may be made without request.

However, such repayments shall not be made without request to any member who becomes a state member of the State Employees' Retirement System or becomes subject to the Retiring Annuities System of the University of California while he continues to be a state member of the State Employees' Retirement System or a participant in the Retiring Annuities System of the University of California, until he is retired thereunder.

Refund upon service credited in another system

14153. If a member ceases to be entitled to credit for service in this system because he has become entitled to credit for such service in another retirement system supported wholly or in part by funds of the United States Government, or any state government or political subdivision thereof, except a local system, he shall be entitled to a refund of the contributions paid the Teachers' Permanent Fund after July 1, 1935, and the contributions paid the Retirement Annuity Fund with interest, on account of such service

Withholding refunds

14154. The Retirement Board shall withhold for one year payment of contributions upon termination of employment, if the person to whom the contributions are payable previously had been paid contributions and had again become a member within one year after the payment.

Redeposit of contributions

14155. If a person whose contributions have been returned to him thereafter re-enters the system, within one year after such return, he shall thereupon redeposit the contributions returned to him, with interest from the date of the return of the contributions to the date of redeposit at the rate of 3 percent per annum. If such re-entry is one year or more after

such return, he may elect to redeposit such contributions with interest as stated in the preceding sentence. If such employment is terminated before all of such contributions are redeposited with interest he shall pay the balance of the interest on the total contributions to the date of termination. If his contributions are not then returned to him, or being so returned are redeposited by him upon re-entry into the system, the balance of such contributions shall be redeposited with interest from such date, upon his re-entry into the system. Redeposit may be made in installments in accordance with such rules and regulations as may be established by the retirement board.

If not more than five years have elapsed between the return of contributions and the re-entry to membership accompanied by redeposit of such contributions, his rate of contribution to the Retirement Annuity Fund shall be the rate established for persons of his age at the time he first became a member of the retirement system, but if more than five years have elapsed between the return of contributions and the re-entry to membership, his rate of contribution shall be the rate applicable to persons of his age on the date of re-entry.

Contribution rate

14156. If a person upon re-entering the system after his contributions have been returned to him, does not elect to redeposit withdrawn contributions as provided in Section 14155, or, having so elected, subsequently does not make such redeposit, he re-enters as a new member without credit for any service credited to him as rendered before July 1, 1935, and his rate of contribution shall be the rate applicable to persons of his age on the date of re-entry.

Re-entry into system

14157. Any person whose contributions were repaid to him prior to July 1, 1955, and who has or will qualify for the receipt of a retirement allowance from the State Employees' Retirement System as a state member of that system or from the retirement system of the University of California shall have the right to re-enter this system and to redeposit the contributions repaid to him, with interest, as provided in Section 14155, without being employed in a status requisite for membership in this system.

Article 10. Public Contributions

Public contributions

14201. Each school district or other employing agency employing one or more members of the system shall contribute semiannually to the Permanent Fund, six dollars ($6) for each member employed.

Report Number of members

14202. The county superintendent of schools of each county shall certify to the Retirement Board, on or before the fifteenth of each April and November the number of members of the system who appear on the last payroll in the current school year of the respective school districts in the county, preceding the respective dates or who, at the end of the

respective periods covered by the payrolls, were on leave of absence granted for service included in Section 14061.

Member employed by more than one district

14203. At the option of the county superintendent of schools, a member employed in more than one district in any county may be counted in each of the districts as a fraction of one determined by dividing one by the number of the districts or may be counted as one in one of the districts and the pro-rata portions of six dollars ($6) transferred by the county superintendent of schools to the district from the funds of the other districts. Otherwise each of the districts shall contribute six dollars ($6).

Report: Deputies, etc

14204. The county superintendent of schools shall certify likewise the number of his deputies and certificated employees who are members of the system and appear on the last payroll in the current school year, preceding the respective dates, and shall include himself in the number.

Certificate

14205. The Retirement Board shall immediately transmit the certificate to the State Controller with a statement of the amount due from each school district to the Permanent Fund and the amount due to the fund on account of the county superintendent of schools and his deputies and certificated employees.

Deduction from funds

14206. The Controller shall deduct from the apportionment of state funds payable to the county for the school districts therein in installments next following April and November, respectively, a sum equal to six dollars ($6) for each of the members as calculated by the Retirement Board for each school district. He shall deduct from the apportionment of the funds payable to the county for the county school service fund a sum similarly calculated by the Retirement Board for the county superintendent of schools and his deputies and certificated employees. No payment of apportioned funds of the county shall be made until the deductions are made.

Amount less than required contributions

14207. If the apportionment installment to any district or to the county school service fund is less than the contributions required of the district or fund, the contributions shall be deducted from the total amount of the apportionment payable to the county, and the county superintendent of schools shall transfer to the county treasurer from the funds of the district and from the county school service fund such amounts as may be necessary to complete the crediting of the apportionment to the various districts and funds by the county treasurer.

Deductions Procedure

14208. The amounts deducted as contributions to the Permanent Fund shall be transferred forthwith to the Teachers' Retirement Fund, and for accounting purposes shall be included by the county superintendent of schools in his records and reports of the income and disbursements of the school districts or of the county school service fund, as the case may be, in the same manner as if actually received and disbursed by the districts or fund.

Employees of state agency

14209. If the members are employed by any agency of the State, remittances to the Retirement Board of six dollars ($6)

for each member shall be made in April and November of each year by the disbursing officer of the agency by which the members are employed. Remittances shall be made out of funds provided for the support of the agency. Amounts due the Permanent Fund shall be calculated on the basis of the number of members on the last payrolls in the current school year, prior to April 15th and November 15th respectively, or, at the end of the respective periods covered by the payrolls, on leave of absence granted for service included in Section 14061.

Contributions School district etc

14210. Each school district or other employing agency shall contribute to the Retirement Annuity Fund, an amount equal to three (3) percent of the compensation paid by said district or agency, to its employees who are members of the Retirement System, except that (a) no elementary school district, high school district not maintaining a junior college, or junior college district shall be required to contribute to the fund during the 1956-57 Fiscal Year an amount in excess of the amount that would be produced by a tax of six cents ($0.06) on each one hundred dollars ($100) of the taxable property of the district, excluding the unsecured property, as shown by the equalized assessment roll for that year of the county or counties in which the district is located, nor shall such districts be required to contribute to the fund during the 1957-58 Fiscal Year, or any fiscal year thereafter, an amount in excess of the amount that would be produced by a tax of five cents ($0.05) on each one hundred dollars ($100) of the taxable property of the district as shown by the equalized assessment roll for the current fiscal year of the county or counties in which the district is located, and that (b) no high school district maintaining a junior college, or unified school district not maintaining a junior college, shall be required to contribute to the fund during the 1956-57 Fiscal Year an amount in excess of the amount that would be produced by a tax of twelve cents ($0.12) on each one hundred dollars ($100) of the taxable property of the district, excluding the unsecured property, as shown by the equalized assessment roll for that year of the county or counties in which the district is located, nor shall such districts be required to contribute to the fund during the 1957-58 Fiscal Year, or any fiscal year thereafter, an amount in excess of the amount that would be produced by a tax of ten cents ($0.10) on each one hundred dollars ($100) of the taxable property of the district as shown by the equalized assessment roll for the current fiscal year of the county or counties in which the district is located, and that (c) no unified school district maintaining a junior college shall be required to contribute to the fund during the 1956-57 Fiscal Year an amount in excess of the amount that would be produced by a tax of eighteen cents ($0.18) on each one hundred dollars ($100) of the taxable property of the district, excluding the unsecured property, as shown by the equalized assessment roll for that year of the county or counties in which the district is located, nor shall such districts be required to

contribute to the fund during the 1957-58 Fiscal Year, or any fiscal year thereafter, an amount in excess of the amount that would be produced by a tax of fifteen cents ($0.15) on each one hundred dollars ($100) of the taxable property of the district as shown by the equalized assessment roll for the current fiscal year of the county or counties in which the district is located.

Same Remittance

14211. Within 30 days after the close of each calendar month, each school district, or other agency, which employs members of the Retirement System shall pay to the said system the contributions required of it by the provisions of Section 14210, said contributions to be an amount determined by deducting the amount of said contributions paid by said district, or agency, for previous months in the same fiscal year from the lesser of:

(a) An amount determined under Section 14210 on the basis of compensation paid during the fiscal year up to and including the current month, or

(b) A fraction of the amount determined under Section 14210 on the basis of the assessed valuation of the district, said fraction being equal to the number of months that have elapsed in the fiscal year, up to and including the current month, divided by 12.

Each remittance shall be in a form acceptable to the Retirement Board, and shall be accompanied by a statement verified by a duly authorized official, and containing such information as the board may prescribe. The amounts received shall be deposited forthwith in the State Treasury to the credit of the Retirement Annuity Fund.

Same: Requisitions

14212. Within 30 days after the close of each calendar month, the county superintendent of schools shall draw requisitions against the funds of the respective school districts within the county and in favor of the county teachers' annuity deposit fund for amounts equal to the contributions required of said school districts by Section 14211 and shall deposit said amounts in the county treasury to the credit of said fund. The county superintendent of schools thereupon shall draw his requisition against the county auditor in favor of the Retirement Annuity Fund for the amount of said district contributions and the requisition, when allowed and signed by the county auditor, shall constitute a warrant against the county treasurer. The county superintendent of schools thereupon shall forward the warrant to the Retirement Board in Sacramento along with such reports relating thereto as the board may require.

Adjustment

14213. If more or less than the correct amount of contribution is paid for any period, proper adjustments shall be made, without interest, in connection with subsequent deductions by the Controller, or remittances to the Retirement Board, or by direct cash payments between the employer and the board.

Tax levy

14214. For the purpose of providing funds not to exceed the amount which may be necessary to make the contributions

to the Retirement Annuity Fund required by any school district under this article (commencing at Section 14201), district taxes may be levied and collected annually by the respective districts at the same time and in the same manner as other district taxes are levied and collected. The tax shall be in addition to any other district tax now or hereafter authorized by law, and shall not be considered in fixing maximum rates of tax for school district purposes.

Financing of system

14215. In establishing this Retirement System, the Legislature recognizes that the California State Teachers' Retirement System superseded by this Retirement System was actuarially unsound, and that the assets of that system (transferred by this chapter (commencing at Section 13801) to this Retirement System) are insufficient to meet the obligations of that system already accrued or to accrue in the future in respect to service credited to members of that system and rendered prior to the establishment of this Retirement System on July 1, 1944. Therefore, the Legislature declares the following policies in respect to the financing of the State Teachers' Retirement System:

(a) All benefits in respect to service rendered after July 1, 1944, shall be provided approximately equally from members' contributions and public contributions. Public contributions consist of contributions by the State and contributions by school districts and employing agencies.

(b) All benefits in respect to service rendered prior to July 1, 1944, which cannot be met from the assets of the California Teachers' Retirement System shall be provided from contributions by the State.

(c) The costs of administration of this Retirement System shall be met from contributions by the State.

State contributions

14216. The State shall contribute annually to the Teachers' Retirement Fund an amount, determined actuarially, which shall equal the sum of:

(a) An amount equal to so much of the benefits to be paid from the Permanent Fund during that year as is not provided by the Permanent Fund contributions based on service after July 1, 1944, of the members receiving such benefits, plus interest at a rate or rates declared annually by the Retirement Board, and by the contributions of employing agencies during that year.

(b) An amount equal to so much of the benefits to be paid from the Retirement Annuity Fund during that year, as is not provided by the accumulated annuity contributions of the members receiving such benefits, and by the contributions of employing agencies during that year.

Sums to be appropriated

14217. The provisions of this article (commencing at Section 14201) providing for state contributions do not constitute appropriations of money from the State Treasury. The sums required for state contributions shall be appropriated in each State Budget Act, or otherwise.

If the amount of the state contribution for any prior year, as determined actuarially and appropriated by the Legislature, is found to have been greater or less than it should have been, the state contribution for any year shall be reduced or increased, as the case may be, by the sum by which the state contribution for the prior year was greater or less than it should have been, except to the extent that such sum has been applied to reduce or increase the state contribution for any prior year.

Payments to local districts

14218. (a) At the begining of each fiscal year the Retirement System shall pay to each local district maintaining a local retirement system the following amounts:

(1) From the Teachers' Retirement Fund, an amount equal to the difference with respect to all service rendered by persons whose retirement is effective prior to July 1, 1947, and with respect to service rendered prior to July 1, 1944, by persons whose retirement is effective after June 30, 1947, and one-half the difference with respect to service rendered after June 30, 1944, by persons whose retirement is effective after June 30, 1947, between the benefits paid from the Teachers' Retirement Fund during the preceding year to persons who are entitled to receive benefits from the local retirement system and the benefits which would have been paid during the preceding year to those persons if they were not entitled to receive benefits from the local retirement system.

(2) From the Teachers' Retirement Fund, an amount equal to the difference between the death benefits paid from the Teachers' Retirement Fund during the preceding year on account of persons who qualified for death benefits under the local retirement system, and the death benefit which would have been paid during the preceding year on account of such persons if they had not qualified for death benefits from the local retirement system, all regardless of elections of survivor allowances under Section 14366.

(b) The amounts paid under subdivision (a) of this section by the retirement system to each local district maintaining a local retirement system shall be reflected in the records of the system as having been made from the Retirement Annuity Fund and they shall not be used to reduce the contributions required of members of the local retirement system or to increase the benefits payable by the local retirement system, but shall be applied to reduce the cost of support of the local retirement system to the taxpayers of the local district maintaining the local retirement system.

(c) The State shall contribute annually to the Teachers' Retirement Fund the amounts required to be paid from said fund under subdivision (a) of this section.

Article 11. Benefits at Death

Payments to beneficiary

14251. Upon receipt of proof of a member's death which occurred before the effective date of his retirement or before

the date upon which a retirement allowance is granted to him, whichever is the later date, or, with respect to a member who elects an option upon qualification for service retirement as provided in Section 14365, before the effective date of such election, and within four months after the termination of the member's employment in a status requisite for membership in this retirement system, or while the member was physically or mentally incapacitated for performance of his duty, if such incapacity had been continuous from said termination, there shall be paid to such beneficiary as he has nominated by written designation duly filed with the Retirement Board subject to Section 14366 with respect to the amount payable under subdivision (d):

(a) The Permanent Fund contributions, without interest, standing to the credit of his individual account, as having been made after July 1, 1935.

(b) The accumulated annuity contributions standing to the credit of his individual account in the Retirement Annuity Fund.

(c) Any moneys standing to the credit of his individual account in the Annuity Deposit Fund pursuant to Section 13906, together with the interest accumulated thereon.

(d) An amount, provided from contributions by the State, and payable from the Retirement Annuity Fund, equal to one-twelfth for each completed year of service as a member, not to exceed six, of the salary which would have been earned by the member at the rate of salary at which he was last employed preceding death, assuming engagement in duties for the number of school days during the school year in which said employment existed. From the amount determined under the sentence next preceding, there shall be deducted an amount equal to that portion of the benefit payable on account of said death by a local retirement system, which is provided from contributions of the district operating said system, and is in addition to the portion of the benefit payable by said local system which is made up of the accumulated contributions of the member.

Same

14252. Notwithstanding any provisions in this article (commencing at Section 14251) to the contrary but subject to Section 14364, the benefit provided in Section 14251 shall be paid with respect to a member who elects to receive a reduced retirement allowance under options 2 or 3 in Section 14363, only upon receipt of proof of a member's death which occurred before the effective date of his retirement, and within four months after the termination of the member's employment in a status requisite for membership in this Retirement System, or while the member was physicaly or mentally incapacitated for performance of duty if such incapacity had been continuous from such termination.

Death benefit after retirement

14253. Upon receipt of due proof of the death of any person, after retirement and while receiving a retirement

allowance from this system, there shall be paid to such beneficiary as he has nominated by written designation duly filed with the Retirement Board, the sum of four hundred dollars ($400), to be provided from contributions of the State. From the death benefit provided in this section, there shall be deducted an amount equal to that portion of the benefit payable on account of said death by a local system or by the State Employees' Retirement System, regardless of whether before or after retirement under such local or state system, which is provided from contributions of the employer, independently of any optional election made by said person at the time of his retirement, under which he received a reduced retirement allowance and a benefit was provided at his death.

Payments to beneficiary

14254. Anything in Section 14251 to the contrary notwithstanding, the benefits provided therein, except as otherwise provided, shall be payable upon receipt of proof of a member's death which occurred (a) while he was employed in a status requisite for membership in this Retirement System, and was receiving compensation because of such employment, and before the effective date of his retirement or after such date if under the provisions of Section 14364 he is to be considered as an active member at the time of death, or (b) while he was serving in the active military service of the United States or in any other service stated in Section 14061; provided, that time in such service will qualify for credit as service under this Retirement System, or (c) while the member was physically or mentally incapacitated for performance of his duty, if such incapacity had been continuous from the last day for which compensation was paid to him, or (d) while he was on a leave of absence without compensation, granted for reason other than mental or physical incapacity for performance of his duty, and within 18 months after the last day for which such compensation was paid, or (e) within four months after the termination of the member's employment in a status requisite for membership in this Retirement System; provided, first, that such death was not included within the provisions of subdivision (c), and, second, that such death does not occur more than 18 months after the last day for which compensation was paid to him.

Death benefit: Monthly life income

14255. If the spouse is the sole beneficiary nominated by a deceased member to receive the death benefit provided in Section 14251, he may irrevocably elect to have said benefit payable to him as a monthly life income which shall be actuarially equivalent to said death benefit on the basis of the interest rate and mortality tables currently in use under this system on the date of the member's death. Such election to be effective must be filed in writing with the board within 60 days after September 11, 1957, or after the member's death, whichever is later, and prior to payment of any part of said benefit. The right to make such election will extend to the beneficiary of any member whose death occurred on or after October 1, 1956.

Article 12. Retirement for Service or Disability

14301. Any member who comes within any of the following descriptions may be retired for service at his option upon written application therefor to the Retirement Board. Retirement for service

(a) Who is credited with at least five years of service, all of which have been served in this State immediately preceding retirement, and has attained the age of 55 years or more.

(b) Who is credited with service rendered in this State, and which is not used as a basis for benefits under any other public retirement system, except a local system; provided, he has retired since June 30, 1953, or retires concurrently, under the State Employees' Retirement System as a state member of that system, or as an employee of a local school district or of a county superintendent of schools, or under the retirement system of the University of California. In the calculation of allowances of members who qualify for retirement under this subdivision, and who are not qualified for retirement under subdivision (a) of this section, there shall be excluded any service rendered in other states of the United States, its territories and possessions or in the Dominion of Canada. Application for retirement under this subdivision may be made at any time, but applicants shall not otherwise be subject to the provisions of Section 14306.

14302. (a) Any member who is credited with five or more years of service, the last five of which have been served in this State, and who by reason of bodily or mental infirmity becomes incapacitated for further service, may be retired for disability by the Retirement Board upon his application or upon the application of his employer. Retirement for disability

(b) Any member who is credited with less than five years of service, all of which has been served in this State, and who by reason of bodily or mental infirmity becomes incapacitated for further service, may be retired for disability by the Retirement Board upon his application or upon the application of his employer, if he is retired concurrently under the State Employees' Retirement System as a state member of that system or under the Retiring Annuities System of the University of California. In the calculation of allowances of members who qualify for retirement under this subdivision, and who are not qualified for retirement under subdivision (a) of this section, there shall be excluded any service rendered in other states of the United States, its territories and possessions or in the Dominion of Canada. Application for retirement under this subdivision may be made at any time, and shall not be subject to the provisions of Section 14306.

(c) Retirement shall not be made under this section except upon determination, on the basis of competent medical opinion secured by the Retirement Board, that the disability or incapacity is of permanent duration or of extended and uncertain duration.

Over-age member

14303. Any member who applies for retirement after attaining an age at which the classification of persons as permanent employees of school districts ceases and who at the time is credited with five or more but less than 30 years of service, the last four years of which have been served in this State, shall, for the purposes of this chapter (commencing at Section 13801), be deemed to be incapacitated for further service and shall be retired upon his application.

Any such member who, at the time of the application, is credited with 30 or more years of service, the last four years of which have been served in this State, shall be retired under Section 14301, upon his application.

Date of retirement

14304. Every application for retirement shall state the time, not more than ninety (90) days subsequent to the execution of the application, at which the member desires to retire.

Permitted absence from service

14305. The last five years of service in this State immediately preceding retirement, as required in Sections 14301 and 14302, may be broken by periods of absence from service, or by periods of service in universities, colleges, or private schools within this State, or by service outside of this State during a year in which the person has served the minimum time required for a year of service in this State, or by a year of service outside this State if five of the six final years of service have been in this State.

Time to file application for retirement

14306. Application for retirement may be made at any time, unless the last day of service was rendered prior to July 1, 1935, in which case such application shall be made only after additional service in a status requisite for membership, of not less than two years.

Completion of required documents

14307. Failure of a member to complete the documents required for retirement, within 180 days after receipt of the application for retirement, in the office of the Retirement Board in Sacramento, shall make the application null and void.

Allowances

14308. Upon retirement for service or disability a person shall be entitled to the retirement allowances specified in Article 13 (commencing at Section 14351) of this chapter.

Employment of retired person

14309. Except as otherwise provided in this section, no person retired for service shall accept employment in a status requisite for membership in the Retirement System (including, with respect to persons retired after October 1, 1945, a status in which the person may elect membership in this or another retirement system, and only while such status includes the right of election), or in any teaching capacity in a public school, within two years after the effective date of retirement, and in any event not until after notifying the Retirement Board at its office in Sacramento, and if retirement is for disability, until the board has determined by medical examination, that he is no longer incapacitated. If any person fails to comply with these requirements, the employment shall be invalid. At any time prior to July 1, 1947, or prior to the termination of the war in which the United States of America was, on June 16, 1944, engaged, whichever is the earlier, any person

heretofore or hereafter retired for service or after attaining an age at which the classification of persons as permanent employees of school districts ceases and who was not otherwise retired because of bodily or mental infirmity may, after giving notice to the Retirement Board at its office in Sacramento, accept employment in any status requisite for membership in the Retirement System or in any teaching capacity in a public school.

Retirement payments cease

14310. If any person retired pursuant to this article (commencing at Section 14301) is re-employed, after complying with the requirements in Section 14309, in a status requisite to membership in the Retirement System or in any teaching capacity in a public school, or if any person retired for disability ceases to be incapacitated, his retirement allowance shall cease.

Medical examination of beneficiary

14311. The Retirement Board may require any beneficiary who has been retired for disability and who has not attained the age of 58 years, to undergo a medical examination. If the examination, together with other available information, shows to the satisfaction of the Retirement Board that he is no longer incapacitated, his retirement allowance shall cease.

Cancellation of allowance

14312. Upon cancellation of the retirement allowance, the person's individual account shall be credited with amounts which are the actuarial equivalents, at that time, as based on a disabled life, where retirement had been for disability, or on an active life where retirement had been for service of the annuities being paid from the respective fund at the date of reinstatement, not to exceed the amount of his accumulated contributions as they were at the date of retirement. The individual's account shall be credited with the Permanent Fund contributions, whether made by him prior to or after retirement with respect to service rendered prior to July 1, 1944.

Contributions returned

14313. If the person does not re-enter service his contributions, as credited pursuant to Section 14312, shall be returned to him pursuant to Section 14151.

Rate of contributions

14314. If the person re-enters service, his rate of contribution to the Retirement Annuity Fund shall be the rate applicable at his then attained age.

Article 13. Benefits on Retirement for Service or Disability

Persons retired prior to July 1, 1956

14351. Retirement allowances, excluding annuities under the Annuity Deposit Fund, payable for time commencing on July 1, 1956, to persons whose retirement is effective prior thereto, shall be changed as of said date and on the basis of the ages of, and service credited to the respective persons at the effective dates of their retirement, to retirement allowances which are the sum of amounts calculated under the Permanent and Retirement Annuity Funds respectively, on the basis of current interest rate and mortality tables, and in the manner prescribed herein for the calculation of retirement allowances of members whose retirement is effective after said date, but not subject to the limit of 75 percent of average

compensation earnable. Such changed retirement allowance, prior to modification under options in Section 14363, shall be at least an amount, by increase in the annuity under the Retirement Annuity Fund, based on service rendered prior to July 1, 1944, which, when added to the retirement allowance, prior to optional modification, the person is entitled to receive from a local retirement system, shall equal the retirement allowance, prior to optional modification, to which the person would be entitled under this system if he were not entitled to any allowance from a local retirement system, minus one-half the retirement annuity on account of service rendered after June 30, 1944, to which the person would be so entitled, but for which he did not make annuity contributions. Contributions and interest thereon owed to the system by said persons on said effective date, shall be deducted from the respective increased allowances, in the manner prescribed in Section 14106. If the person elected at retirement to have his annuity modified under one of the options in Section 14363, and if his beneficiary is living on July 1, 1956, the increase in his annuity shall be modified under the option then elected and on the basis of current ages. This section does not authorize any decrease in any retirement allowance, nor does this section give any retired member, or his successors in interest, any claim against the State for any increase in any retirement allowance paid or payable for time prior to July 1, 1956.

Increase

14352. Retirement allowances payable for time commencing on October 1, 1957, are hereby increased to the amount they would be if the provisions of Sections 14356 and 14372 as they exist on that date had been in effect on July 1, 1956.

This section does not authorize any decrease in any retirement allowance, nor does this section give any retired person, or his successors in interest, any claim against the State for any increase in any retirement allowance paid or payable for time prior to October 1, 1957.

Same

14353. Retirement allowances payable for time commencing on October 1, 1957, are hereby increased to the amount they would be if the provisions of Section 14371 as they exist on that date had been in effect on July 1, 1956.

This section does not authorize any decrease in any retirement allowance, nor does this section give any retired person, or his successors in interest, any claim against the State for any increase in any retirement allowance paid or payable for time prior to October 1, 1957.

Same

14354. Retirement allowances payable for time commencing on October 1, 1957, are hereby increased to the amount they would be if the provisions of Sections 14063 and 14067 as they exist on that date had been in effect on July 1, 1956.

This section does not give any retired person, or his successors in interest, any claim against the State for any increase in any retirement allowance paid or payable for time prior to October 1, 1957.

14355. Upon retirement for service, a retired member shall receive a retirement allowance which shall consist of: Retirement allowance

(a) A monthly retirement salary derived from the Permanent Fund, equal to the fraction of an amount which bears the same ratio to fifty dollars ($50) as the number of years of service credited, not to exceed 30 years, bears to 30 years, set forth in Section 14359, opposite his age at retirement, taken to the preceding completed quarter year, in the column applicable to his sex. The retirement salary shall be subject to the deductions provided in Section 14106, if the member is not credited at the time of retirement with the total Permanent Fund contributions required of each member.

(b) A retirement annuity derived from the Retirement Annuity Fund based upon the number of years of service credited to him, less any service for which he is entitled to receive retirement benefits under a local retirement system, computed pursuant to Section 14359.

(c) An annuity which shall be the actuarial equivalent of the accumulated annuity deposits standing to the credit of his individual account at the time of his retirement.

Such retirement allowance, prior to modification under options in Section 14363, and exclusive of the annuity derived from accumulated annuity deposits, shall be at least an amount, by increase in the annuity under the Retirement Annuity Fund, based on service rendered prior to July 1, 1944, which, when added to the retirement allowance, prior to optional modification, the person is entitled to receive from a local retirement system, shall equal the retirement allowance prior to optional modification, to which the person would be entitled under this system if he were not entitled to any allowance from a local retirement system, minus one-half the retirement annuity on account of service rendered after June 30, 1944, to which the person would be so entitled, but for which he did not make annuity contributions. However, no amount shall be paid under this paragraph to any retired person who has the right to receive a retirement allowance from a local retirement system upon his subsequent attainment of a minimum age after the retired person attains that minimum age unless he affirmatively exercises his right to receive the retirement allowance from the local retirement system, and if such a retired person does so exercise his right, only if some amount is then payable under this paragraph.

14356. The retirement allowance in Section 14355, exclusive of the annuity in subdivision (c) of that section, but when added to the retirement allowance, prior to optional modification, the person is entitled to receive from a local retirement system, shall be, by increase in the annuity under the retirement annuity fund, at least seventy dollars ($70) per year, multiplied by the member's years of service, not to exceed forty (40); provided, the retired member is at least 60 years of age at the time of retirement. If retirement is at an age less than 60 years, the minimum retirement allowance under this Minimum allowance

section is an amount equal to a fraction of the minimum retirement allowance calculated under the preceding sentence, said fraction being that set forth in Section 14359 opposite the member's age at retirement, taken to the preceding completed quarter year, in the column applicable to the member's sex. For any member under retirement who re-enters membership in the Retirement System and subsequently retires, the lesser age to be taken to the preceding quarter year, in the next preceding sentence, for calculating the minimum retirement allowance under this section, shall be determined by deducting from the member's age at the subsequent retirement, the aggregate time during which the member was under retirement prior to re-entry into membership in the system; provided, however, that the fraction to be taken at such adjusted lesser age shall not be less than nine-tenths if the subsequent and prior retirements were for disability. No retirement allowance shall be increased under this section to exceed, annually, 75 percent of the final compensation of the retired member.

Reduction: Prohibition

14357. The amount of the monthly retirement allowance payable for time after January 31, 1957, from this system shall not be reduced below the amount payable under this system on said date because of any increase in allowances under a local retirement system of a city and county which became effective on February 1, 1957.

Computation of benefits

14358. For the purpose of computing benefits from the Retirement Annuity Fund, there shall be excluded from the service with which a member is credited under Article 7 (commencing at Section 14051) of this chapter any service for which the member is entitled to receive retirement benefits from a local retirement system. In the computation of service for which the member is entitled to receive retirement benefits from a local retirement system, there shall be excluded any service rendered prior to the date upon which members' contributions first were required under the local retirement system, which is in excess of the service required when applied according to the formula used under such system in calculating retirement allowances on the basis of service rendered prior to such date, to produce the maximum retirement allowance provided under the system on account of such prior service. In such computation of service for which the member is entitled to receive retirement benefits from a local retirement system, there also shall be excluded any service rendered on and after the date upon which member's contributions first were required under the local retirement system, for which the member receives the refund of only his own contributions plus credited interest, and the exclusion of such service heretofore made in the administration of the Retirement System is hereby ratified, validated, and confirmed. Retirement allowances, excluding annuities under the Annuity Deposit Fund, being paid on the day next preceding the effective date of the amendment of this section made at the 1948 Regular Session of the Legis-

lature, to persons whose retirement is effective prior thereto, shall be changed as of said date and on the basis of the ages of, and service credited to the respective persons at the effective dates of their retirement, to retirement allowances which are the sum of amounts calculated under the Permanent and Retirement Annuity Funds respectively, on the basis of current interest rate and mortality tables, and in the manner prescribed herein for the calculation of retirement allowances of members whose retirement is effective after said date.

Annuity allowance schedule

14359. Upon retirement for service a member shall receive an annual annuity, sufficient when added to the portion of the retirement salary computed pursuant to Section 14355, on the basis of his service for which he is not entitled to receive benefits from a local retirement system, but excluding his service for which he has not deposited contributions in the Retirement Annuity Fund following a change in membership status, pursuant to Article 15 (commencing at Section 14411) of this chapter, to equal the fraction of one-sixtieth (1/60th) of his final compensation, set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of his credited service not counting any service for which the member is entitled to retirement benefits from a local retirement system:

Age at retirement	Fractions	
	Men	Women
50	.5742013	.5966920
50¼	.5816292	.6038650
50½	.5890570	.6110379
50¾	.5964849	.6182108
51	.6039128	.6253838
51¼	.6118640	.6330338
51½	.6198152	.6406837
51¾	.6277664	.6483336
52	.6357176	.6559836
52¼	.6442621	.6641804
52½	.6528066	.6723773
52¾	.6613512	.6805742
53	.6698957	.6887710
53¼	.6790892	.6975458
53½	.6882826	.7063205
53¾	.6974760	.7150952
54	.7066695	.7238700
54¼	.7165790	.7333087
54½	.7264886	.7427474
54¾	.7363982	.7521860
55	.7463077	.7616247
55¼	.7570073	.7717737
55½	.7677070	.7819226
55¾	.7784066	.7920716
56	.7891062	.8022206
56¼	.8006961	.8131608

Age at retirement	Fractions Men	Fractions Women
56¼	.8122860	.8241010
56¾	.8238759	.8350412
57	.8354658	.8459814
57¼	.8480339	.8578131
57½	.8606020	.8696448
57¾	.8731700	.8814766
58	.8857381	.8933083
58¼	.8993968	.9061066
58½	.9130555	.9189049
58¾	.9267142	.9317032
59	.9403729	.9445015
59¼	.9552797	.9583761
59½	.9701864	.9722508
59¾	.9850932	.9861254
60	1.0000000	1.0000000
60¼	1.0144236	1.0139901
60½	1.0288472	1.0279802
60¾	1.0432707	1.0419703
61	1.0576943	1.0559604
61¼	1.0730460	1.0708336
61½	1.0883977	1.0857068
61¾	1.1037494	1.1005709
62	1.1191011	1.1154531
62¼	1.1354891	1.1313539
62½	1.1518771	1.1472546
62¾	1.1682651	1.1631554
63	1.1846531	1.1790562
63¼	1.2021800	1.1960688
63½	1.2197068	1.2130815
63¾	1.2372336	1.2300942
64	1.2547605	1.2471068
64¼	1.2735116	1.2654212
64½	1.2922627	1.2837356
64¾	1.3110138	1.3020501
65 and over	1.3297649	1.3203645

The fractions herein set forth at ages other than sixty (60) are based on the interest rate and mortality tables used under the State Teachers' Retirement System on July 1, 1955, and shall be adjusted by the board in accordance with such interest rate and mortality tables as the board may adopt under such system.

Part-time service

14360. For the purpose of calculating retirement allowances, credit for service rendered on a part-time basis in each school year shall be based on the ratio that service rendered bears to the minimum full-time service required for credit for a year of service.

Same

14361. For the purpose of calculating retirement benefits based on part-time service, compensation earnable shall be taken as the compensation which would have been earnable if

the employment had been on a full-time basis and the member had worked full time.

14362. In determining qualification for retirement and calculating benefits payable upon death before retirement, a year of service shall be credited for each year during which the member was employed throughout the year on a part-time basis and was engaged in his duties the full amount of time he was required by his employment to be so engaged. Credit for fractional years shall be granted to the extent of the fraction derived by dividing the time during which the member was engaged in his duties within the year, by the time he was required by his employment to be so engaged. Same

14363. Before the first payment on account of his retirement allowance is made, any member who retires may elect to receive the actuarial equivalent as of the date of retirement, of the retirement allowance payable to him in a reduced retirement allowance, payable throughout life with the provision that: Options

Option 1. If he dies before he has received in payments provided by his total contributions (which for the purposes of this section, shall include only his accumulated annuity contributions, his accumulated annuity deposits and his Permanent Fund contributions based on service after June 30, 1944, and interest credited thereon), the amount of such total contributions as it was at the time of his retirement, the balance of such total contributions shall be paid to his estate or to such person as he has nominated by written designation duly executed and filed with the board; or

Option 2. Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he has nominated by written designation duly executed and filed with the board at the time of his election; or

Option 3. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of, and paid to such person as he has nominated by written designation duly executed and filed with the board at the time of his election.

He may revoke or change any previous election prior to its approval.

14364. If any person dies after the effective date of his retirement, and within 30 days from the date upon which the election or changed election is received in the office of the Retirement System at Sacramento, then the election shall be void and of no effect, and he shall be considered as an active member at the time of death. If any person who has elected Option 1 dies after the effective date of his retirement and before the mailing of the warrant for his first retirement benefit, then the election shall be void and of no effect, and he shall be considered as an active member at the time of death, irrespective of whether or not the said 30-day period had elapsed before his death. If any person who elected Option 2 or 3 dies after the effective date of his retirement and after the said 30-day Void election

period had elapsed, then the election of the option shall be in full force and effect.

Election of options, etc

14365. Any member who has qualified for service retirement under Section 14301, may elect, as provided in Section 14363, and without right of revocation or change after approval of the election by the retirement board, to receive the actuarial equivalent as of the date of his retirement, of the retirement allowance payable to him when and if he retires for service or disability in a reduced retirement allowance according to the provisions of either Option 2 or Option 3 as stated in Section 14363. If such a member at the time of making the election has a living spouse who would qualify for an allowance under Section 14366, the election under this Section 14365 shall be invalid and of no effect unless and until the consent of such spouse to it, is filed at the office of the Retirement System in Sacramento, California.

Upon such member's death at least 30 days after the date upon which the election is received in the office of the Retirement System in Sacramento, California, and prior to the effective date of his retirement, the person who was nominated by him under the option he elected and who survives him, shall receive an allowance calculated under such option, upon the assumption that such member retired for service on the date of his death and died immediately thereafter. The payment of such allowance to such person shall be in lieu of both the death benefit provided by Section 14251 and the allowance provided by Section 14366, and no such death benefit or such allowance shall be paid on account of such death to any person or beneficiary, regardless of whether the person nominated under the option elected, survives the member. Payment of the allowance under the option following such death, shall be in addition to the payment to any beneficiary, of any survivor allowance provided under this system.

If such member subsequently retires for service or disability, he shall receive, regardless of whether the person nominated by him under the option elected, is then living, a reduced allowance according to the provisions of Section 14363 and the option elected, and he shall be subject to Section 14364.

The amount of the allowance prior to optional modification, shall be calculated on the basis of the member's age at death before retirement, or at retirement, as the case may be, but the reduction of such allowance under the option elected, shall be based on the ages of such member and the person nominated by him under such option, at the effective date of such election.

Death before retirement

14366. Upon the death before retirement of a member who is qualified for service retirement under Section 14301, and on account of whose death the benefit provided by Section 14251 is otherwise payable, a monthly allowance equal to one-half of the monthly retirement allowance prior to modification under options in Section 14363, which the member would have

been entitled to receive if he had retired for service on the date of his death, shall be payable:

(a) To the member's widow, or to the member's widower who was receiving at least one-half of his support from the member at the time of the member's death, and with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death; provided, such widow or widower does not qualify for an allowance under Section 14365; or

(b) If there is no qualifying surviving spouse, or if such spouse dies or remarries, to unmarried children, including stepchildren, of the member, who are under 18 years of age.

The allowances payable under this section shall be in lieu of the death benefit provided by Section 14251, except for the accumulated annuity deposits included therein, but a person qualifying for the allowance or such person's guardian may elect, before the first payment on account of it, to receive such death benefit in lieu of the allowance. The member's accumulated annuity deposits shall be paid to the person qualifying for the allowance, and the remainder of the accumulated contributions of the member shall be applied toward providing the allowance, and the balance not so provided shall be payable from state contributions.

Same

14367. The allowance provided by Section 14336 shall be paid from the Retirement Annuity Fund, and shall begin to accrue on the day next following the date of death of the member, and payments to a surviving spouse shall continue only until death or remarriage, and to or on account of children with respect to each child, until the attainment of age 18 or prior marriage.

If payment of the allowance provided by Section 14366 is stopped because of remarriage of the surviving spouse, or the attainment of the age of 18 years by a child, before the sum of the monthly payments made, equals the death benefit provided by Section 14251, exclusive of accumulated annuity deposits, a lump sum equal to the difference shall be paid to the remarried spouse, or if there is no such spouse, to the surviving children of the member, share and share alike.

From the monthly allowance payable under Section 14366, there shall be deducted a total amount equal to that portion of the benefit payable on account of said death by a local retirement system, which is provided from contributions of the district operating said system, and is in addition to the portion of the benefit payable by said local system which is made up of the accumulated contributions of the member, and no monthly allowance shall be paid under this section until the total amount deducted equals said portion provided by district contributions.

Election to deposit by survivor

14368. If the member, on account of whose death an allowance is payable under Section 14365 or 14366, was a member of a local retirement system, the person who was nominated by him under Section 14365, or, if no option was elected

under that section, then under Section 14366 his surviving spouse who is eligible to receive said allowance, or, if none, the guardian of his children under 18 years of age, shall have the right to elect to deposit in the Retirement Annuity Fund, an amount equal to that which the member would have had the right to deposit if he had retired for service and then had ceased to be entitled to benefits from the local retirement system on the day of his death. In the event that said person, or the surviving spouse or the guardian, as the case may be, (a) makes or (b) does not make such deposit within 90 days after the date of death, the monthly retirement allowance prior to optional modification, which the member would have been entitled to receive if he had retired for service on the date of his death, shall be calculated as if he had ceased to be entitled to retirement benefits from the local retirement system, and (c) had deposited, with respect to (a), or had not deposited, with respect to (b), such contributions in such fund. Any amount so deposited shall be included as having been made by the member, in determining the death benefit provided by Section 14251.

Retirement for disability

14369. Upon retirement for disability, a member shall receive a retirement allowance which shall consist of:

(a) A retirement salary derived from the Permanent Fund, payable monthly, equal to the retirement salary calculated under subdivision (a) of Section 14355 if the member has attained the age 60 years at the effective date of his retirement; or if the member has not attained such age, a retirement salary payable monthly equal to ninety percent (90%) of an amount which bears the same ratio to fifty dollars ($50) as the number of years of service credited, not to exceed thirty (30) years, bears to 30 years. The retirement salary shall be subject to the deductions provided in Section 14106, if the member is not credited at the time of retirement with the total Permanent Fund contributions required of each member.

(b) A disability annuity, derived from the Retirement Annuity Fund, computed pursuant to Section 14370.

(c) An annuity which shall be the actuarial equivalent of the accumulated annuity deposits standing to the credit of his individual account at the time of his retirement.

Such retirement allowance, prior to modification under options in Section 14363, and exclusive of the annuity derived from accumulated annuity deposits, shall be at least an amount, by increase in the annuity under the Retirement Annuity Fund, which, when added to the retirement allowance, prior to optional modification, the person is entitled to receive from a local retirement system, shall equal the retirement allowance, prior to optional modification, to which the person would be entitled under this system if he were not entitled to any allowance from a local retirement system, minus one-half the retirement annuity on account of service rendered after June 30, 1944, to which the person would be so entitled, but for which he did not make annuity contributions. However, no

amount shall be paid under this paragraph to any retired person who has the right to receive a retirement allowance from a local retirement system upon his subsequent attainment of a minimum age after the retired person attains that minimum age unless he affirmatively exercises his right to receive the retirement allowance from the local retirement system, and if such a retired person does so exercise his right, only if some amount is then payable under this paragraph.

Disability annuity

14370. (a) If the retiring member has attained the age of 60 years at the effective date of his retirement, the amount of disability annuity payable under subdivision (b) of Section 14369 shall be the same as the amount of the annuity which would have been payable to him under subdivision (b) of Section 14355 if his retirement were for service instead of for disability.

(b) If the retiring member has not attained the age of 60 years at the effective date of his retirement, the amount of disability annuity payable under subdivision (b) of Section 14369 shall be:

(1) Ninety percent (90%) of the sum of the annuity payable to him under subdivision (b) of Section 14355 at the age of 60 years, on the basis of his final compensation at retirement, and service rendered up to the effective date of his retirement, or

(2) If the retiring member is entitled to be credited with at least 10 years of service in this State, and the resulting disability retirement allowance does not exceed one-fourth of his final compensation, ninety percent (90%) of the sum of the annuity payable to him under subdivision (b) of Section 14355 at the age of 60 years, on the basis of his final compensation at retirement, and the service which would be creditable to him were his service to continue until attainment by him of age 60, but in such case, the retirement allowance shall not exceed one-fourth of such final compensation.

(c) In no event shall the disability annuity under this section be more than sufficient to make the disability retirement allowance, exclusive of any annuity provided by accumulated annuity deposits, exceed the service retirement allowance, exclusive of any annuity purchased by accumulated annuity deposits, receivable by the member should he continue until retirement at age 60.

Minimum allowance

14371. In no event shall the retirement allowance for disability, exclusive of any annuity provided by accumulated annuity deposits, be less than the amount of the service retirement allowance, exclusive of any annuity purchased by accumulated annuity deposits, which the retiring member would have received if he had retired for service instead of disability.

Retirement after prior retirement

14372. When a member who has been retired and has thereafter re-entered membership in the retirement system, subsequently retires, he shall not receive the full retirement annuities specified in subdivision (b) of Section 14355, or

14369, according to whether retirement is for service or disability, but shall receive (1) an annuity, based upon his salary earned in service from the date of re-entry into the retirement system to the date of his subsequent retirement, and calculated under Section 14355 or 14369, as the case may be, plus (2) annuities equal to the annuities he received next preceding his re-entry into membership, adjusted according to any change in the provisions governing the calculation of retirement allowances made after said re-entry and applicable to allowances being paid at the date of the change; provided, that such subsequent retirement occurs before he renders after his re-entry, at least one year of service credited under the retirement system; otherwise, plus (3) annuities based on the same salary and service as that upon which the annuities he received next preceding said re-entry were based, but calculated under Section 14355 regardless of whether retirement is for service or disability, on the basis of an age, taken to the preceding completed quarter year, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement; provided, however, that such adjusted age shall be taken at not less than 58 for males or 58½ for females if the subsequent and prior requirements were for disability. If the member renders five years of service after his re-entry into membership, the salary earnable by him after his re-entry shall be used in the calculation of benefits due for service rendered prior to such re-entry into membership.

Such a member likewise shall not receive the full retirement salary specified in subdivision (a) of Section 14355 or 14369, according to whether retirement is for service or disability, but shall receive (1) a retirement salary, based upon his credited service from the date of re-entry into the retirement system to the date of his subsequent retirement, and calculated under Section 14355 or 14369, as the case may be, plus (2) a retirement salary equal to the retirement salary he received next preceding his re-entry into membership, adjusted according to any change in the provisions governing the calculation of retirement allowances made after said re entry and applicable to allowances being paid at the date of the change; provided, that such subsequent retirement occurs before he renders after his re-entry, at least one year of service credited under the retirement system; otherwise, plus (3) a retirement salary based on the same service as that upon which the retirement salary he received next preceding said re-entry was based, but calculated under Section 14355, regardless of whether retirement is for service or disability on the basis of an age, taken to the preceding completed quarter year, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement.

When retirement effective

14373. Retirement shall become effective and the retirement allowance shall begin to accrue upon the date designated by

the person as the effective date of retirement, or upon the day following the last day of service for which salary is payable to the person if the last day postdates the day designated by the person as the effective date. In no event shall the retirement become effective or retirement allowance begin to accrue earlier than the first day of the month in which the application is received at the office of the Retirement Board, in Sacramento, or earlier than the date upon and continuously after which he is determined to the satisfaction of the Retirement Board to have been mentally incompetent.

Monthly installments

14374. An annuity, a retirement salary, or a retirement allowance shall be payable in equal monthly installments. The first and last payments due to or on account of any beneficiary may be made in smaller pro rata amounts if the benefits begin after the first day of the month or end before the last day of the month.

Lost warrant

14375. Upon receipt of proof satisfactory to the Retirement Board, that a warrant drawn in payment of a retirement allowance or in payment of any other account due from the Retirement System, has been lost, the Controller upon the request of the Retirement Board shall issue a duplicate warrant in payment of the same amount, without requiring a bond from the payee, and any loss incurred in connection therewith shall be charged against the fund from which the payment was derived.

Employment after retirement

14376. Notwithstanding any provision of law to the contrary, any person who retired for service may be employed as a substitute teacher for not to exceed 90 teaching days in any one fiscal year and may be paid not to exceed one thousand five hundred dollars ($1,500) in any one fiscal year. Such employment shall not operate to reinstate the teacher as a member of this system, or to terminate or suspend his retirement allowance, and no deductions shall be made from his salary as contributions to this system. Such person may be re-employed only if able to pass a physical examination prescribed by the State Board of Education.

A certificate from a physician or surgeon licensed under Chapter 5 (commencing at Section 2000) of Division 2 of the Business and Professions Code showing that he has submitted to and passed a physical examination within one year last past and filed with the county superintendent of schools shall be conclusive evidence of his passing the physical examination required by this section.

Article 14. Procedures Concerning Payments

Nomination of beneficiary

14401. Whenever nomination of a beneficiary is authorized by this chapter (commencing at Section 13801), and no beneficiary has been nominated, the estate of the person authorized to make the nomination shall be the beneficiary. The nomination of a beneficiary under the Retirement System, other than nominations under options 2 and 3 in Section 14363, may be

revoked at the pleasure of the person making the nomination, and a different beneficiary nominated by a written instrument duly executed and filed in the office of the system in Sacramento.

Estate beneficiary

14402. If the estate is the beneficiary, and if the estate need not be probated except for the payments due from the Retirement System, all of the amount due, including retirement allowances accrued but not received prior to death, shall be paid directly without probate to the surviving next of kin of the deceased, or the guardians of the survivors' estates, share and share alike, payment to be made in the order in which the following groups are listed:

(a) Husband or wife.
(b) Children.
(c) Father and mother.
(d) Grandchildren.
(e) Brothers and sisters.
(f) Nieces and nephews.

No payment shall be made to persons included in any of the groups if at the date of payment there are living persons in any of the groups preceding it.

Payment is complete discharge

14403. Payment to the persons in any group, upon receipt from the persons of an affidavit upon a form supplied by the Retirement Board, that there are no living individuals in the groups preceding it and that the estate of the deceased will not be probated, shall be in full and complete discharge and acquittance of the board and system on account of the death.

Uniform Simultaneous Death Act Applicability

14404. The provisions of the Uniform Simultaneous Death Act when applicable shall govern the distribution of money payable under this system, including but not limited to retirement allowance accrued but not received prior to death and refund of member contributions. In applying said act with respect to benefits payable to a beneficiary, membership in the system shall be considered as in the same status as insurance policies.

Payment to minor

14405. If any person entitled to a benefit from the system is a minor who has no guardian of his estate, the benefit not to exceed five hundred dollars ($500) may be paid to the person entitled to the custody of the minor to hold for the minor, upon the written statement, duly acknowledged and verified, of the person that the total estate of the minor does not exceed one thousand dollars ($1,000) in value. The payment shall be full and complete discharge and acquittance of the board and system. The person shall account to the minor for the money when the minor reaches the age of majority.

Payment of funeral expenses

14406. The retirement board, if the whereabouts of the nominated beneficiary cannot be determined, or if the beneficiary is the estate of the deceased person, may pay to the undertaker who conducted the funeral, or to any person who, or any organization which, has paid the undertaker from funds owned by the person or organization, in its discretion all or a portion of any amount payable under the Retirement System,

but not to exceed the funeral expenses of the deceased person, or the portion of the expenses paid by the person or organization, as evidenced by the sworn itemized statement of the undertaker, person, or organization and by such other documents as the board may require. The payment shall be in full and complete discharge and acquittance of the board and system up to the amount paid.

Annuity, etc., not subject to attachment

14407. The right of a person to an annuity, a retirement salary, or a retirement allowance, to the return of contributions, the annuity, retirement salary, or retirement allowance itself, any optional benefit, any other right or benefit accrued or accruing to any person under this chapter (commencing at Section 13801), and the moneys in the fund created under this chapter (commencing at Section 13801) shall not be subject to execution, garnishment, attachment, or any other process whatsoever, and shall be unassignable except as in this chapter (commencing at Section 13801) specifically provided.

Hearing and rehearing on application

14408. An applicant for retirement, or for a benefit, return of contributions, or other payment under this chapter (commencing at Section 13801), may demand a hearing before the board and may be represented by counsel or by a friend. Any applicant may file an application for rehearing of any application within thirty (30) days after written notice of the determination by the Retirement Board has been sent by registered mail to the applicant or his attorney of record, upon any of the following grounds:

(a) That the Retirement Board acted without and in excess of its powers.

(b) That the order, decision, or award was procured by fraud.

(c) That the evidence does not justify the determination of the Retirement Board.

(d) That the applicant has discovered new evidence material to him which he could not, with reasonable diligence, have discovered or procured at the hearing.

Determination on rehearing

14409. The determination of the Retirement Board on any application for rehearing shall be made within one hundred eighty (180) days after the filing thereof, or the application shall be deemed denied. The determination shall be final and conclusive and the Retirement Board shall have no jurisdiction to entertain any subsequent application regarding the same matter.

Unclaimed warrants

14410. Notwithstanding any provision in this or any other code to the contrary, whenever any warrant drawn in payment of contributions or accumulated contributions or benefits under this Retirement System, remains unclaimed or the claimant cannot be found, the proceeds of such warrant shall be redeposited in the respective funds, from which they were derived, and held for the claimant without further accumulation of interest, and such redeposit shall not operate to reinstate the membership of the claimant in this system. If said proceeds, whether heretofore or hereafter redeposited, are not claimed

within four years after the date of redeposit, they shall revert to and become a part of the contributions of the State for the respective year, and shall be applied to meet the liabilities of the State on account of which said contributions were made.

The provisions of this section apply to warrants drawn under this Retirement System and canceled by the Controller pursuant to Section 17070 of the Government Code, except that upon notice of cancellation, the proceeds shall revert to and become a part of the contributions of the State, for the respective year, and shall be applied to meet the liabilities of the State on account of which said contributions were made.

The board may at any time, after reversion of proceeds to the State, and upon receipt of proper information satisfactory to it, return from state contributions, an amount equal to such proceeds, to the credit of the claimant to be administered in the manner provided under this Retirement System.

The deposit in such funds of the proceeds of unclaimed warrants prior to the operative date of Chapter 1481 of the Statutes of 1947, in accordance with the procedure specified in this section, is hereby validated, ratified, and confirmed.

Article 15. Change of Membership Status

Ceasing to be member of local system

14411. If a member of this retirement system who is or has been a member of another retirement system ceases to be entitled to retirement benefits from the other retirement system for any service rendered after July 1, 1944, which qualifies for credit under this retirement system and for which he has not contributed to the Retirement Annuity Fund under Section 14108, but continues to be a member of this retirement system, upon receipt of refund of his contributions to the other retirement system he shall deposit in the Retirement Annuity Fund an amount equal to the contributions which he would have been required to make during such service if he had not then been a member of the other retirement system, with interest from the first of the year next following the date on which such contributions would have been payable to the date the deposit is made at the current rate of interest credited to Retirement Annuity Fund contributions.

Unless such deposit is made within two years after the date upon which notice of the right to make such deposit is mailed by this system to the member's latest address on file in the office of this system and prior to retirement, the member shall not be entitled to benefits from the Retirement Annuity Fund based upon service rendered after July 1, 1944, for which he has not contributed to the Retirement Annuity Fund pursuant to Section 14108, and the minimum retirement allowance applicable to such member shall be the minimum allowance calculated as if the deposit were made, and then reduced by the amount of the annuity which would have been the actuarial equivalent of such deposit. If the deposit is made, the member's rate of annuity contribution shall be based on his age at

the beginning of such service after July 1, 1944, or on a lower age, as determined under this chapter (commencing at Section 13801), because of other credited service.

Entering system with credit for prior service

14412. Any person who enters or changes his status under this retirement system after July 1, 1944, and who thus becomes subject to the Retirement Annuity Fund and receives credit for service rendered after July 1, 1944, but prior to his entry into or change in status under this retirement system, shall deposit in the Retirement Annuity Fund an amount equal to the contributions he would have been required to make to the Retirement Annuity Fund during such service if he had then been a member of this retirement system and subject to said fund, with interest from the first of the year next following the date on which such contributions would have been payable to the date the deposit is made at the current rate of interest credited to Retirement Annuity Fund contributions.

Unless such deposit is made within two years after the date upon which notice of the right to make such deposit is mailed by this system to the member's latest address on file in the office of this system and prior to retirement, the member shall not be entitled to benefits from the Retirement Annuity Fund based upon service rendered after July 1, 1944, for which he has not contributed to the Retirement Annuity Fund pursuant to Section 14108, and the minimum retirement allowance applicable to such member shall be the minimum allowance calculated as if the deposit were made, and then reduced by the amount of the annuity which would have been the actuarial equivalent of such deposit. If the deposit is made, the member's rate of annuity contribution shall be based on his age at the beginning of such service after July 1, 1944, or on a lower age, as determined under this chapter (commencing at Section 13801), because of other credited service.

Refunds

14413. If a member of this Retirement System becomes entitled to retirement benefits from a local retirement system for service, and has made contributions to the Retirement Annuity Fund based on salary paid for such service, the accumulated annuity contributions based on that salary shall be refunded to him.

Cessation of benefits from local system

14414. If a person who has been retired ceases to be entitled to benefits from a local retirement system, on account of which service was excluded in the calculation of such person's annuity, but who continues to be retired under this system, he shall be entitled to an annuity on account of such service, effective on the first day of the month in which he notifies the Retirement Board at its office in Sacramento. If within 90 days after said effective date, said person deposits in the Retirement Annuity Fund, an amount equal to the contributions which he would have been required to make to that fund during service rendered after June 30, 1944, if he had not then been a member of the local retirement system, less the portion of the annuity which would have been payable prior to said date, and an amount equal to which was not

paid to the local district under Section 14218, with interest on the balance of the contributions remaining after deducting said portion as it would have been paid from month to month, from the first of the year next following the date on which such contribution would have been payable to the date the deposit is made at the current rate of interest credited to Retirement Fund contributions, the annuity shall be calculated with respect to all such service on the basis of the effective date of retirement of such person. If deposit of such contributions and interest is not made, the annuity shall be calculated in said manner, but including only such service rendered prior to July 1, 1944, and the minimum retirement allowance applicable to such member shall be the minimum allowance calculated as if the deposit were made, and then reduced by the amount of the annuity which would have been the actuarial equivalent of such deposit.

If a person after retirement becomes entitled to a benefit from a local retirement system, based on service which was included in the calculation of his annuity, the annuity shall be recalculated as the effective date of the person's retirement, excluding said service, and the reduced retirement allowance shall be effective on the day the benefit under the local system began to accrue. Annuity contributions made on account of such service, plus interest and less the annuity paid to him on account of the contributions, shall be paid to him.

Right to change election

14415. If a person who deposits contributions to the Retirement Annuity Fund pursuant to Section 14414, elected either under such local retirement system or under the State Teachers' Retirement System, but not under both, to have his retirement allowance modified according to an option under which he would receive a smaller allowance and provide a benefit for his beneficiary, such person shall have the right, to be exercised not later than sixty (60) days after such deposit or after July 8, 1957, whichever is later, to change his election under the State Teachers' Retirement System with respect to said options. Any computations of actuarial equivalents under a changed election shall be made as of the date of such change, and no adjustment shall be included in the computation on account of retirement allowance payments made prior to that date.

CHAPTER 5. DISTRICT RETIREMENT SALARY PLAN

Article 1. General Provisions

"Teachers"

14501. "Teachers" as used in this chapter (commencing at Section 14501) means all employees of school districts in positions requiring certification qualifications.

Members in armed services

14502. Any member of the retirement system of any school district or districts maintained under the provisions of Sections 14501 to 14775, inclusive of this code, or of any thereof, serving in the military service of the United States of America

or of the State of California, or while assigned to duty with the military forces of the United States of America or of the State of California in the full-time paid service of the American Red Cross, during or after the termination of such service, and at his option, may make payments due to the district retirement fund of such district or districts with the same effect, in all respects, as though he had not been absent from the service thereof. The district or districts by which such employee was employed, at its or their option may make such contributions for and in lieu of such employee, and contributions so made by the school district or districts shall be available only for the purpose of retirement for service or for disability, and shall be made available only for the purpose of retirement, and a member whose services are terminated for reasons other than retirement after reinstatement from military service shall be entitled to withdraw only that portion of his accumulated contributions personally made by him. If such employee shall not pay such contributions as provided in this section during such service in said military service, or Red Cross service, and if same be not made by the district, then such contributions shall be deducted from his salary payments during such period after his return to service as may be agreed upon by the employee and the governing board of the employing district or districts. Contributions by the employing school district or districts pursuant to this section shall not be made for any period of time after January 1, 1950, for any member who has not returned to the service of the employing district or districts prior to that date, except for those members who entered for the first time the services enumerated in this section on or after July 1, 1948, and except that contributions by the employing district or districts pursuant to this section may be made for any member who returned to service with the school district or districts from military service prior to January 1, 1950, and subsequently re-entered or re-enters the military service and for any member who enters or has entered the military service on or after January 1, 1950, for the period of his military leave of absence.

Member of district retirement system

14503. Any "teacher" within the meaning of Section 14501 of this code who is a member of the retirement system of any junior college school district containing 1,000,000 or more inhabitants maintained under the provisions of Sections 14501 to 14775 inclusive of this code, or of any section hereof, who teaches in a four-year state institution of higher education maintained on the campus of the junior college pursuant to contracts entered into between the State Director of Education and said district, shall, without regard to subject or grade taught, whether of junior college level or higher, continue to be a member of the said retirement system of the said district with all obligations and rights appertaining to such membership, and contributions shall be made by said teacher and said district to said retirement system in the same manner and in the same amounts, without regard to subject or grade taught in

said state college, whether of junior college level or higher, as though said teacher were teaching exclusively in a junior college of the said district.

Article 2. Establishment

Establishment

14551. In any school district in which the employees of the district are not entitled to the benefits of a pension or retirement system maintained by a city, city and county, or county in which the district, or a part thereof, is located, the governing board of the district may in its discretion, submit to the qualified electors of the district, and upon petition signed by not less than ten percent (10%) of the qualified electors, the governing board shall submit, to the qualified electors of the district, the proposition of establishing a plan for a district retirement salary, to be paid by the district either to all teachers fulfilling the requirements of the plan in the public schools of the district or to such other employees of the district as the governing board may determine, or both to all teachers and other employees, or in the case of a petition, to teachers or such other employees as may be specified in the petition, and to provide, out of funds of the district, a portion of the cost thereunder, including expenses incident to the administration of the plan.

Election

14552. The proposition of establishing the plan may be submitted to the electors of the district at any general or special election called and held in the district, and governing bodies of school districts desiring to submit the proposition to the electors of their respective districts are authorized to call and hold the elections.

Elections in more than one district

14553. If the governing board calling the election is the governing board of more than one school district and calls elections in two or more districts to submit to the electors of the respective districts, on the same day, in the same territory, or in territory which is in part the same, the question whether a district retirement plan shall be established in the respective districts, the elections may be consolidated by order of the governing board. Within the territory affected by the order of consolidation, the election precinct polling places, and voting booths, shall, in every case, be the same. There shall be only one set of election officers in each precinct. The propositions to be voted upon within the respective districts may be set forth on one ticket or ballot. All proceedings had in the premises shall be recorded in one set of election papers, and the election shall be held in all respects as though there were only one election.

Consolidation

14554. The election may be consolidated with any other election pursuant to Chapter 4 of Part 2 of Division 11 of the Elections Code.

Notice

14555. The election shall be called by posting notices, signed by a majority of the governing board of the district, in at least three public places in the district, or, if more than

one district is affected, then in at least three public places in each of the districts affected, not less than 10 days before the election. If there is a newspaper of general circulation published in the district, or districts, notice shall be published in such a newspaper at least once, and at least 10 days prior to the election.

Conduct of election

14556. In all respects not otherwise specified the election shall be called and held, the returns canvassed, and the result announced in the manner provided for the holding of elections for the purpose of authorizing bonds of the school district so far as the provisions of such laws are applicable.

Ballots

14557. There shall be printed on the ballots to be used at the election the proposition: "Shall the governing board of (here insert the name of the district or districts under the control of the board submitting the proposition) school district (or districts) be authorized to establish a plan for a district retirement salary for the teachers and such other employees of the district (or districts) as the governing board or the petition determines." To the right of the proposition shall be printed the words "Yes" and "No" with voting squares.

Favorable vote

14558. If, at the election, a majority of the voters voting on the proposition cast their ballots in favor of the proposition, the governing board shall establish a district retirement salary for the teachers and for such other employees of the district as the board or the petition determines.

Negative vote

14559. If a majority of the votes cast on the proposition is in the negative, the governing board shall not submit the proposition again within a period of six months after the date of the election.

Article 3. Employees Included in Plan

Inclusion in plan

14601. Every regular full-time teacher and every other employee of any school district for which the plan for district retirement is adopted, who is employed by the district at the time of the adoption of the plan, and who signs an agreement to be subject to the burdens of the district retirement plan, shall be entitled to the benefits and subject to the burdens of the plan and of Sections 14551 to 14698, inclusive. Every regular full-time teacher employed in the public schools of the districts after the adoption of the provisions of Sections 14551 to 14698, inclusive, by the governing boards of the districts, and such other employees as the boards or the petition determines, shall be bound by the benefits and burdens of Sections 14551 to 14698, inclusive.

Cafeteria employees

14602. Every employee of a school district which has adopted, or adopts, a plan for district retirement who is a member or becomes a member of said plan, shall be entitled to the benefits and be bound by the burdens of Sections 14551 to 14698, inclusive, and shall receive full credit for his service as a school cafeteria employee rendered prior to July 1, 1945,

and before he became a member of the plan to the pupils of any of the districts under the same governing board which governs the district of which he is now an employee, whether such service was paid for by the school districts or otherwise. For purposes of computing benefits for service credited as provided in this section, the average monthly salary earned by a cafeteria employee during the year 1944-45 shall be used.

Student body employees

14603. Every employee of a school district which has adopted a plan for district retirement, who is or becomes a member of said plan by virtue of employment by the school district, and who is employed full time jointly by the student body and the school district, shall be entitled to the benefits and be bound by the burdens of Sections 14551 to 14698, inclusive, and shall contribute to said district retirement plan on the basis of the total combined salary received jointly from the student body and the school district and shall receive retirement benefits from the district retirement plan on the basis of the total of such combined salary and shall receive full credit for his service as a school student body employee and a school district employee, rendered prior to July 1, 1947, and before he became a member of the plan to the pupils of any of the districts under the same governing board which governs the district of which he is now an employee, whether such service was paid for by the school district or otherwise. For purposes of computing benefits for service rendered prior to becoming a member of said district retirement plan, the average combined monthly salary earned as a student body employee and a school district employee during the year 1946-47 shall be used.

Article 4. Administration

Requirements of plan

14651. Any plan shall not be adopted or established until the governing board, after such inquiry and hearing as it may direct, finds that the respective contributions of the teachers and other employees and the district provided for in the plan, are substantially in accordance with the more recent generally prevailing rates of contributions in public institutions which have established retirement systems, and that the plan is in accordance with sound business practice and with recognized actuarial methods.

Permitted plan

14652. A plan under which the district establishing it agrees to pay to employees who may become entitled to retirement salaries within a specified period, not exceeding 15 years, after the establishment of the plan, a specified sum, which, during the life expectancy of the employees, will be approximately equal, in the aggregate, to the aggregate difference during the life expectancy, between the maximum salary paid to employees in the respective classes of the retiring employees, and the salaries paid to beginning employees in the classes, shall be construed to comply with the provisions of Sections

14551 to 14698 requiring the plan to be in accordance with sound business practices and recognized actuarial methods.

Amendments to plan

14653. The governing board, after the adoption of the plan, shall at regular intervals, each not exceeding a period of five years, secure a general survey and actuarial report of the plan, and the board shall from time to time amend the plan in such manner as may be found to be advisable to meet changed conditions, or, as in the light of experience, may be considered necessary.

Retirement benefits

14654. The plan may provide that the retirement salary shall be a stipulated monthly sum, or that all benefits under the retirement feature of the plan shall be based upon the salary for future active service in the district of the employee up to the date of retirement and upon the salary of the eligible employee during the year immediately preceding the adoption of the plan and the number of years of past active service of the employee in the district, and subject to such provisions as are made in the plan for minimum benefits, and also subject to such provisions as are made in the plan for benefits subsequent to the date of retirement of the employee. No employee with less than 15 years' service in the district prior to normal retirement age shall receive the benefit of the minimum.

Death benefit

14655. The plan may provide for a death benefit, payable upon receipt of proof of a member's death which occurred before the effective date of his retirement or before the date upon which a retirement allowance is granted to him, whichever is the later date, and within four months after the termination of the member's employment in a status requisite for membership in the retirement plan, in an amount equal to one-twelfth for each completed year of service as a member, not to exceed six, of the salary which would have been earned by the member at the rate of salary at which he was employed immediately preceding his death, assuming engagement in duties for the number of days during the school year in which said employment existed. Any plan which provides for such death benefit shall also provide that such benefit shall not be payable to the beneficiary of any member in respect to whom a death benefit is paid by the State Teachers' Retirement System under Section 14251 of this code, unless such death benefit paid under Section 14251 has been reduced by the amount of the death benefit otherwise payable under the district retirement plan.

Same

14656. This Section 14656, and the death benefit provided in this section, shall only be operative in the district retirement system if, when and during such time as a death benefit is provided and paid by the State Teachers' Retirement System under Section 14253 of this code. Upon receipt of due proof of the death of any person, after retirement and while receiving a retirement allowance under the district retirement plan, there shall be paid to such beneficiary as he has nominated by written designation duly filed with the retirement system, the sum of four hundred dollars ($400) Any plan which provides for such death benefit shall also provide that

such benefit shall not be payable to the beneficiary of any member in respect to whom a death benefit is paid by the State Teachers' Retirement System under Section 14253 of this code, unless such death benefit paid under Section 14253 has been reduced by the amount of the death benefit otherwise payable under the district retirement plan.

District taxes

14657. For the purpose of providing funds which may be necessary to make the payments required by any district retirement plan, district taxes shall be levied and collected annually by the respective districts at the same time and in the same manner as other district taxes are levied and collected. The tax shall be in addition to any other district tax now or hereafter authorized by law, and shall not be considered in fixing maximum rates of tax for school district purposes. For the purposes of this section any local retirement system shall be deemed to be a district retirement plan.

Retirement qualifications

14658. Every district retirement plan shall provide that only those teachers and other employees who have served as teachers or employees of the district for at least 20 years of service preceding retirement, and who have reached a minimum age specified in the district retirement plan, which shall not be less than 55 years, shall be entitled to a district retirement salary.

Disability

14659. The plan may provide for the retirement of teachers or other employees on account of disability after 10 years of service prior to the retirement, the proportion of the disability retirement salary to the full retirement salary to be specified in the plan.

Periods of absence from service

14660. The 20-year period of service required to qualify for retirement may be broken by periods of absence from service, when the plan adopted by the governing board so provides, but the period of absence shall not be counted as time served toward retirement unless the period is so counted under the State Teachers' Retirement Act.

Payment of accumulated contributions

14661. Excepting as provided in Section 14689 of this code, upon the termination of a member's employment, his accumulated contributions shall be paid to him at his request unless the member owes funds to the school district of which he was an employee and of which the district retirement system has been informed, in which case repayment will not be made until his obligation to said school district has been discharged; and provided, he is not reinstated prior to receipt of repayment of his accumulated contributions. It is further provided that, if in the opinion of the district retirement board his employment is permanently terminated, such repayment may be made without request by the member.

Leave of absence

14662. If a person is returned to service prior to the receipt of a refund of his accumulated contributions, the time between the date of termination of his service and his return to service shall be considered as a leave of absence for district retirement system purposes.

14663. If a person whose accumulated contributions have been returned to him thereafter re-enters the system within 39 months after such return of his contributions, he may within 60 days after his re-entry elect to redeposit said contributions, with interest from the date of return of the contributions by the district to the date of redeposit, at such rates and within such period as the rules of the governing board may provide, but such period shall be not less than five years, or limited to the date of retirement or subsequent termination of service for reason other than death, whichever shall first occur. Redeposit of contributions

14664. If not more than 39 months have elapsed between the return of contributions by the district and the re-entry to membership, his rate of contribution thereafter shall be the same as before his termination of service, but if more than 39 months have elapsed his rate of contribution thereafter shall be the rate applicable to persons of his age on the date of re-entry. Rate of contribution

14665. Except as otherwise provided in this code, all rights under the district retirement plan as of the date of termination of service, including the right to pension benefits and credit for prior service, if any, shall be restored to any member who redeposits his accumulated contributions as provided in Section 14663; but any member who re-enters the system more than 39 months after his contributions have been returned to him, or any member who re-enters the system within 39 months after his contributions have been returned to him and does not elect to redeposit his accumulated contributions with interest, as provided in Section 14663, or any member who re-enters the system within 39 months after his contributions have been returned to him and, having elected to redeposit his accumulated contributions, with interest, as provided in Section 14663, subsequently does not make such redeposit, re-enters as a new member without credit for any service except the prior service credited to him before termination of his service, and his rate of contribution for future years is that for his age at re-entrance. Restoration of rights

14666. The provisions of Sections 14661 to 14665 inclusive shall be applicable to any member who returns, or has returned, to service after December 7, 1941. The governing board shall provide by rule for the adjustments required by this section. Application of sections

14667. Time of service may be counted in the aggregate, and fractions of years amounting to whole years may be counted as whole years when payments by the teacher or other employee have been made for all of the time counted. Computation of time

14668. Any district retirement plan established by a governing board which governs more than one district may provide that service by any teacher, or other employee included in the plan, in all of the districts in which the teacher or other employee has served and for which the plan is adopted may be counted in the aggregate in determining eligibility toward retirement. This section shall apply only Service in more than one district

to service rendered in that part of any district which has become a part of any district for which a retirement plan is established by annexation, merger, consolidation, or in any other manner.

Retired list

14669. The governing board of the district shall in all cases determine the teachers and other employees who are entitled to retirement salaries and make and keep a list of the teachers and other employees, known as the retired list. For the purpose of making the retired list the boards may take testimony and examine witnesses under oath which may be administered by any member of the board.

Rules

14670. The governing boards of the school districts may make all necessary and proper rules and regulations in aid or furtherance of the provisions of Sections 14551 to 14698, inclusive, and in order to carry out and administer such provisions. A majority of the governing board of the district shall constitute a quorum for the transaction of all business.

Plan for more than one district

14671. Notwithstanding anything to the contrary in this code, for the purpose of economy of administration, in every instance where two or more school districts for which a district retirement plan is authorized are under the control and management of a single governing board, the board may establish a single retirement plan covering all school districts under its control, or if separate plans are established, may consolidate them in a single plan, for the benefit of all of the districts under its control. It shall apportion the total cost of the retirement plan among all of the districts on the basis of the total salaries of all members of the plan who are paid by each district. The retirement board of the single retirement plan may have more than seven members, if the plan so provides.

"District retirement fund"

14672. When any district establishes a district retirement plan, there shall be created in the treasury of the county in which the district is located, and opened upon the books of the auditor and treasurer of the county, a trust fund account designated as the "district retirement fund." All moneys, whether from contributions by teachers or other employees, or by the district, or from any source, properly belonging to the district retirement fund, shall be placed in the fund. Upon approval of the district retirement board, all incidental expenses, including actual and necessary clerical or other help, incurred in carrying out the provisions of Sections 14551 to 14698, inclusive, shall be paid out of the fund and in the same manner as other expenditures are paid from district funds.

Compensation of governing board

14673. Members of governing boards shall discharge the powers, duties, purposes, responsibilities, and jurisdiction conferred or imposed upon the governing board under Sections 14551 to 14698, inclusive, without extra or additional compensation.

"District retirement board"

14674. The governing board of a district establishing the retirement plan, shall provide for the administration of the funds and the payment of retirement salaries by a "district

retirement board" to be composed of not less than three nor more than seven members. The governing board of the district shall be represented upon the retirement board, and the teachers and any other employees of the district subject to the plan shall be represented in proportion, as nearly as is practicable, to the respective number of teachers and other employees covered by the plan, by representatives chosen by the teachers and other employees by secret ballot. The county treasurer of the county in which the district establishing the plan is located, shall be ex officio a member of the district retirement board. The representatives of the governing board on the "district retirement board," if not members of the plan, shall be paid fifteen dollars ($15) per meeting not to exceed one meeting per month. The compensation shall be a charge against the district retirement fund. All members of the retirement board shall serve for such terms as may be specified by the governing board in establishing the plan. The district retirement board shall have such further powers and duties as may be prescribed by the governing board of the district.

Duties

14675. The district retirement board shall have charge and control of the district retirement fund of the district and of the payment of all retirement salaries and annuities payable from the fund. The district retirement board shall invest the funds in securities which are legal for the investment of funds of savings banks in this State and shall sell the securities and reinvest the proceeds in securities legal for investment of funds of savings banks when in the judgment of the district retirement board any sale and reinvestment is advisable. No investment in or sale of securities shall be made except upon authorization of the district retirement board at a meeting of the board.

The board also shall collect the income from the securities and pay it into the district retirement fund.

Exchange of bonds, etc., of United States

14676. Whenever the United States Government or any department or agency thereof offers to exchange bonds or other interest-bearing notes and obligations of the United States for other bonds or interest-bearing notes and obligations of the United States of a different series or issue, the district retirement board may exchange any bonds or other interest-bearing notes and obligations of the United States in which funds of the district retirement fund are then invested for bonds or other interest-bearing notes and obligations of the United States, in accordance with the terms of such offer.

Suits

14677. The district retirement board may sue in its own name when necessary to carry out the powers and duties conferred upon it. The attorney for the governing board of the district shall act as attorney for the district retirement board without additional compensation.

Securities

14678. All securities purchased by the district retirement board shall be deposited with the county treasurer for safekeeping.

Payments

14679. All payments from the district retirement fund shall be made in the same manner as payments from school district funds but shall be subject to approval of the district retirement board. Warrants drawn on the fund shall be signed by at least one member of the district retirement board who shall be designated by the board.

The duties imposed upon the county treasurer shall be a part of his official duties, for the faithful performance of which he shall be liable upon his official bond.

Deductions for group insurance

14680. The district retirement board established under any school district retirement plan may comply with and give effect to a revocable written authorization signed by a retired employee entitled to a retirement salary allowance or benefit from any such board, authorizing such board to deduct a specified amount from the retirement salary allowance or benefit payable to any such retired employee for the purpose of paying premiums on any policy or certificate of group life insurance or group disability insurance issued by an admitted insurer, or for any prepaid group medical or hospital service plan, or both, approved by such retirement board, for the benefit of such retired employee or his dependents, and each month shall draw its order in favor of the insurer or institution named in said written authorization for an amount equal to the deductions so authorized and made during the month. The board may charge a reasonable fee for the making of such deductions and payments.

Unclaimed retirement benefits

14681. Any other provisions of law to the contrary notwithstanding, whenever any retirement benefits under a district retirement system payable solely by reason of death of the retired member to his estate, heir or beneficiary have been unclaimed for a period of four years from the date of notification, by the district retirement system, by means of United States mail, to the estate, heir or beneficiary, such funds shall revert to and become a part of the contributions of the district and shall be applied to reduce the cost to the taxpayers of the district maintaining the retirement system.

The district retirement system may at any time after reversion of such benefits to the district and upon receipt of proper information satisfactory to it, return from district contributions, an amount equal to that which had, on account of such deceased member, reverted to the district.

Unclaimed warrants

14682. Any other provisions of law to the contrary notwithstanding, whenever any warrant drawn in payment of contributions or accumulated contributions or benefits under a district retirement system, remains unclaimed or the claimant cannot be found, the proceeds of such warrant shall be redeposited in the respective fund, or funds, from which they were derived, and held for the claimant, without further accumulation of interest, and such redeposit shall not operate to reinstate the membership of the claimant in the district retirement system. If said proceeds, whether heretofore or hereafter redeposited, are not claimed within four years after

the date of redeposit, they shall revert to and become a part of the contributions of the district and shall be applied to reduce the cost to the taxpayers of the district maintaining the retirement system and on account of which said contributions were made.

The provisions of this section apply to warrants drawn under a district retirement system and which would become void under the provisions of Section 21151 of the Education Code.

The district retirement system may at any time, after the reversion of proceeds to the district maintaining the retirement system, and upon receipt of proper information satisfactory to it, return from district contributions, an amount equal to such proceeds, to the credit of the claimant to be administered in the manner prescribed under the district retirement system.

The deposit in such funds of the proceeds of unclaimed and unpaid warrants prior to September 7, 1955, in accordance with the procedure specified in this section, is hereby validated, ratified, and confirmed.

Payment without probate of estate

14683. If any benefit is payable by a district retirement system to the estate of a deceased person, whether because the estate is the beneficiary of the person or because no beneficiary was designated or because an allowance payable to the person had accrued and remained unpaid at the date of the death, and the estate would not be probated if no amount were due from said system, then such benefit shall be paid directly without probate to the surviving next of kin of the deceased, or the guardians of such survivors' estates, share and share alike.

Such payment shall be made in the same order in which the following groups are listed:

(a) Husband or wife.

(b) Children and issue of deceased children by right of representation.

(c) Father and mother.

(d) Brothers and sisters.

(e) Nieces and nephews.

Same: Affidavit

14684. No payment shall be made to persons included in any group specified in Section 14683, if at the date of death of any person or persons to whom any benefit is payable by a district retirement system there are living persons in any of the groups preceding it, as listed. Payment to the persons in any group, upon receipt from them of an affidavit upon a form supplied by the system, that there were no surviving individuals in the groups preceding it and that the estate of the deceased will not be probated, is in full discharge of the liability of the board and system on account of the death.

Same: Funeral expenses

14685. If any benefit is payable by a district retirement system to the estate of a deceased person, and the estate would not be probated if no amount were due from said system, but there is no surviving person in any of the groups specified in Section 14683, or if the designated beneficiary cannot be

found by the system, the system may in its discretion pay to the funeral director who conducted the funeral, or to any person or organization that has paid the funeral director from his or the organization's funds, all or a portion of any amount payable under said system to such estate or to such beneficiary, but not more than the expenses of the funeral or the portion of such expenses paid by the person or organization, as evidenced by the sworn itemized statement of the funeral director and by such other documents as the system may require. Payment so made is in full discharge of the liability of the board and system for the amount so paid.

Audit

14686. The county auditor shall audit the accounts of the district retirement board at least once every 12 months and report upon the financial condition thereof to the governing board of the district, except that, in a district operating a district retirement system the funds of which are audited under the provisions of Section 17206 of this code, the county auditor shall not be required to make an audit.

Retirement salaries

14687. The retirement salaries provided for in Sections 14551 to 14698, inclusive, are in addition to any other retirement salaries received by any teacher under Sections 13801 to 14415, inclusive, or as may be otherwise provided by law.

Same

14688. The retirement salaries provided for in Sections 14551 to 14698, inclusive, for all employees other than teachers, are in addition to any other retirement salaries that may be provided by law.

Elections re contributions on discontinuance of service

14689. Any other provision in Sections 14551 to 14698, inclusive, to the contrary notwithstanding, if the service of a member is discontinued other than by retirement or death, and he has been employed by the district for five years and has made the contributions required for that period, he shall have the right to elect not later than 90 days thereafter and without right of revocation, whether to allow his accumulated contributions to remain in the Retirement Fund. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions. A member whose membership continues under this section is subject to the same age requirements as apply to other members for service retirement, but he is not subject to a minimum service requirement. Upon the qualification of such member for retirement by reason of age, he shall receive a retirement allowance based upon the amount of his accumulated contributions and service standing to his credit at the time of retirement and on the district's contributions held for him and calculated in the same manner as for other members, except that the provisions in Sections 14551 to 14698, inclusive, for minimum service retirement allowances do not apply to him, unless he meets such minimum service requirements. If the district retirement plan provides for a death benefit, upon the death of such a member prior to retirement under this section, the death benefit payable shall be computed upon the basis of his average annual compensation earnable for the year preceding the

date of termination of such service, multiplied by the years of service for the district prior to such termination not to exceed six.

Discontinuance of district retirement plan, etc

14690. (a) A district retirement salary plan established under Sections 14551 to 14698, inclusive, in any unified district having an average daily attendance of less than 70,000 pupils may be discontinued by the governing board of the district; but no discontinuance of any such retirement plan shall be effective for any purpose unless provision is made for retirement allowances for active and retired employees of the district as provided in subdivisions (b), (c), (d), and (e) of this section.

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

(c) Notwithstanding any other provisions of Sections 997 to 1002, inclusive, Sections 12901 to 13004, inclusive, Sections 13006 to 13553, inclusive, and Sections 13555 to 14775, inclusive, contributions to the discontinued district retirement plan made by teachers and other persons employed by the district in a status requisite for membership in the State Teachers' Retirement System standing to their individual credit at the date of discontinuance of the district retirement plan shall be deposited forthwith in the Retirement Annuity Fund with credited interest, to be applied on the amount due from said teachers and other persons under Section 14411 of this code, but not to exceed the amount so due. Likewise an amount equal to the actuarial equivalent of the annuity portion of the retirement allowance to which the respective retired teachers and other persons employed by the district, prior to retirement, in a status requisite for membership in the State Teachers' Retirement System were entitled under said plan, based on the interest rate and mortality tables used in its determination, shall be deposited in the Retirement Annuity Fund, to be applied on the amount due from said respective retired teachers and other persons under Section 14414 of this code, but not to exceed the amount so due. Any excess of the contributions with credited interest or the actuarial equivalents, as the case may be, over the respective amounts due under said sections, shall be paid forthwith to the respective active and retired teachers and other persons. Further amounts, if any, due under said sections after said deposits, shall be paid to the Retirement Annuity Fund by the respective active and retired teachers and other persons. The balance of the assets held in

the various funds of the discontinued district retirement plan after the deposits and payments required by this section, shall be delivered to the district in which the plan is discontinued, to be used as provided in subdivision (e) of this section.

(d) The district in which the district retirement plan is discontinued shall pay monthly to teachers and other persons employed by the district, prior to retirement, in a status requisite for membership in the State Teachers' Retirement System who were retired prior to the date of such discontinuance an amount equal to the amount by which the retirement allowance to which any of said retired teachers or other persons was entitled under said plan exceeds the increase in said teacher's or other person's retirement allowance under the State Teachers' Retirement System resulting from said discontinuance. If the amount payable to any such teacher or other person, under the sentence next preceding, is less than two dollars ($2), the district may pay, in lieu of such amount, one amount which shall be actuarially equivalent to such monthly amount thereafter payable, according to the interest rate and mortality table used in the determination of the teacher's or other person's retirement allowance under the said district retirement plan. The payment of such actuarially equivalent amount shall discharge fully the district's liability to such teacher or other person under this subdivision (d). The arrangement under which said amounts are paid by said district shall not be considered to be a local retirement system for the purposes of Sections 13801 to 14415, inclusive, of the Education Code, nor shall said amount be taken into account in the calculation of retirement allowances under the State Teachers' Retirement System.

(e) From the assets delivered to it pursuant to subdivision (c) the district shall create a reserve fund which shall be the actuarial equivalent of the amounts to be paid to retired teachers and other persons under subdivision (d), and the amounts payable under subdivision (d) shall be paid from that reserve fund. If the reserve fund as first created proves insufficient to make the payments required under subdivision (d), the district shall make such additions to the reserve fund as may be necessary to provide for the payments required under subdivision (d). The remainder of the assets delivered to the district pursuant to subdivision (c), after the creation of the reserve fund for payments under subdivision (d), shall be placed in a special reserve, of which part shall be used first as provided in Section 14691, and the part remaining shall be used annually in the interest of the employees of the district, at the discretion of the governing board of the district.

Special reserve, credits, etc.

14691. (a) The special reserve resulting from the discontinuance of a district retirement salary plan as provided in Section 14690, and a part of which is to be used annually in the interest of the employees of the district, at the discretion of the governing board, shall be used first as provided in this section.

(b) The district in which the district retirement plan is discontinued shall credit each teacher or other person employed by the district at the time of discontinuance, in a status requisite for membership in the State Teachers' Retirement System, with an amount which bears the same ratio to the portion of the assets delivered to the district pursuant to subdivision (c) of Section 14690, which remains after the creation of the reserve fund for payments under subdivision (d) of Section 14690, as required by subdivision (e) of Section 14690, as the accumulated contributions credited to the said member in his individual contribution account under the discontinued retirement plan at the time of discontinuance, bore to the total accumulated contributions so credited to all such teachers and persons, but such credit to any active member shall not exceed the amount of the member's accumulated contributions so credited at that time. The amount so credited to any person shall be increased by interest at rates approved from time to time by the governing board of the district, and the accumulated amount at the date upon which the person retires for service or disability under the State Teachers' Retirement System shall be applied according to rates and tables adopted by the said governing board and then in effect, to provide an annuity payable to the person throughout the balance of his life, but subject to Section 14363, which provides for an election by the member as to options, in the same manner that the member's retirement allowance under the State Teachers' Retirement System is subject to Section 14363, if the annuity which would be so provided is at least two dollars ($2) per month; otherwise said accumulated amount shall be paid in one sum to the person, in lieu of the annuity. If the person dies prior to retirement, the said amount, with credited interest, shall be paid to his designated beneficiary, as it appears on the records of the district, if any, otherwise to the member's estate. If the person ceases to be employed by the district for any reason other than death, retirement, or attainment of the age at which his classification as a permanent employee ceases, he shall no longer be credited with or have any right to the said accumulated amount, but the amount shall revert to and belong to the district. If any such active member has retired, died before retirement under the State Teachers' Retirement System, or ceased to be employed by the district by reason of his attainment of the age at which his classification as a permanent employee ceased, between the date of discontinuance of the district retirement plan and September 9, 1953, an annuity or death benefit, as the case may be, nevertheless shall be paid with the same effect as if this section had been in effect at the time of his retirement, death, or cessation of employment by the district. The arrangement under which annuities and death benefits are paid by a district under this subdivision shall not be considered to be a local retirement system for the purposes of Sections 13801 to 14415, inclusive, of this code, nor shall such payments be taken into account in the

calculation of retirement allowances under the State Teachers' Retirement System.

(c) From the assets delivered to it pursuant to subdivision (c) of Section 14690, the district shall create a reserve fund equal in amount to the total contributions credited to employees of the district, under subdivision (b) of this section, and the annuities and death benefits payable under subdivision (b) of this section shall be paid from this reserve fund. If the reserve fund as first created proves insufficient to make the payments required under subdivision (b), the district shall make such additions to the reserve fund as may be necessary to provide for such payments.

Persons retired prior to Jan 1, 1953

14692. If any person who was retired prior to January 1, 1953, from a position requisite for membership in the State Teachers' Retirement System, under a district retirement salary plan which has been discontinued pursuant to Section 14690, elected either under the said plan or under the said system, but not under both, to have his retirement allowance modified according to an option under which he would receive a smaller allowance and provide a benefit for his beneficiary, said person shall have the right, to be exercised not later than sixty (60) days after September 9, 1953, to change his election under the State Teachers' Retirement System with respect to said options. Any computations of actuarial equivalents under a changed election shall be made as of September 9, 1953, and no adjustment shall be included in the computation on account of retirement allowance payments made prior to that date.

Increase of allowances

14693. Retirement allowances which were being paid to retired employees of the unified district under such district's retirement plan when such plan was discontinued under Section 14690, and now are being paid by the State Employees' Retirement System, shall be changed by action of the governing board of such district, effective on the first of the calendar month next following September 11, 1957, to retirement allowances calculated on the basis of service used in the calculation of the respective allowances under such plan, but otherwise according to the formulae now used, under the State Employees' Retirement System in the calculation of allowances of such district's employees. The increase in such allowances resulting from the change shall be paid monthly to such retired employees by such district, from the reserve fund created as required by subdivision (e) of Section 14690, and such board shall transfer such assets to such fund as may be necessary to meet such payments. No allowance shall be reduced by such change.

Discontinuance of district plan, etc

14694. (a) A district retirement salary plan established under Sections 14551 to 14698, inclusive, in any school district or districts, in which the average daily attendance of all districts combined is in excess of 200,000, governed by the same governing board may be discontinued by the governing board of the district or districts, with the consent of the

majority of the active members of the system expressing their desires with respect to the discontinuance of the plan evidenced in such manner as the governing board may prescribe; but no discontinuance of any such retirement plan shall be effective for any purpose unless provision is made for retirement allowances for active and retired employees of the district as provided in subdivisions (b), (c), (d), and (e) of this section.

(b) (1) Active and retired employees of the district or districts who otherwise would be members of such plan, other than teachers and persons employed in a status requisite for membership in the State Teachers' Retirement System or who were so employed prior to retirement, shall be made members and beneficiaries, respectively, of the State Employees' Retirement System according to the provisions of Part 3, of Division 5, of Title 2 of the Government Code, including transfer to said system of the accumulated contributions of said employees, together with such other assets of said plan as may be determined.

(2) With respect to persons who are members of such plan at its discontinuance, it shall be provided in the contract making such employees members of the State Employees' Retirement System, that their respective rates of contribution thereunder shall be based on the age at the nearest birthday at July 1, 1944, or at the respective later effective dates of their membership in such plan, all instead of the age at the nearest birthday at the effective date of membership in such employees' system.

(3) Each employee of the district or districts who is included in such contract, but who during all or part of his employment in a status requisite for membership in such plan was not a member thereof, because of his election under an available option, or who failed to redeposit upon re-entry into membership contributions previously withdrawn, shall have the right to elect by written document filed with the Board of Administration, State Employees' Retirement System, at any time within 90 days after the date upon which the notice of the right to make such election is mailed by such system to the member's latest address on file in the office of such system, and prior to the date of retirement, to contribute to such system, subject to minimum payments fixed by the board of administration, and in one or more sums, or in not to exceed 60 monthly payments, an amount which, when added to his accumulated contributions, including interest, transferred as required in paragraph (1) of this subdivision (b), will make a total amount equal to the accumulated contributions, including interest, which would have been credited to him in such plan, if he had never elected not to be a member thereof, or if he had redeposited such withdrawn contributions upon such re-entry, as the case may be. Such employee shall pay to the State Employees' Retirement System interest on the unpaid balance of the amount payable to such system, beginning with

the date of discontinuance of such plan at the rate of interest currently used from time to time under the system. If such employee elects to make, and makes such contributions, and pays such interest, but not otherwise, he shall receive credit under such employees' system, as state service, for all the service rendered while he was not a member of such plan, because of his optional exclusion, or for all service upon which the withdrawn contributions were based, and for the purpose of paragraph (2) shall be considered as a member of such plan at its discontinuance and from November 1, 1937, or later beginning date of such service. Regardless of whether such contributions are made, such employee shall receive credit for service with which he was credited or would have been credited if he had been a member, as prior service under such plan. The contributions under this paragraph (3) shall be added to and administered in the same manner as the contributions transferred under paragraph (1), of this subdivision (b).

(4) Service rendered by active employees, who are made members of the State Employees' Retirement System, prior to the assumption by the district or districts of the function under which the service was rendered, such as but not limited to cafeterias and student body activities, shall be credited under such employees' system; provided, such service qualified for credit under the discontinued plan.

(5) The contract making such active employees members of the State Employees' Retirement System, shall include such employees with respect to service rendered in a status in which they are not eligible for membership in the State Teachers' Retirement System, as provided in Section 20491 of the Government Code, and also with respect to service rendered in a status in which they are eligible for such membership, but which is no longer credited under such retirement system, and such service shall be credited in the same manner applicable to service otherwise qualifying for credit.

(6) Retirement allowances being paid under the discontinued plan to retired employees of the district or districts, who are made beneficiaries of the State Employees' Retirement System, shall be changed by action of the governing board of such districts, effective at the discontinuance of such plan, to retirement allowances calculated on the basis of service used in the calculation of the respective allowances under such plan, and average annual salary earnable during the highest three consecutive years of creditable service, calculated according to the methods used at the date of discontinuance, under such plan in determining salary earnable, but excluding any salary based on overtime as provided in Section 20025.2 of the Government Code, but otherwise according to the formulae under such employees' system which apply to active employees who are made members thereof. Such changed allowances shall be paid to such beneficiaries for time commencing on the date they are made beneficiaries of such employees' system. No allowance shall be reduced by such change.

(7) If two or more districts under the control and management of a single governing board are participants in such plan, one contract between the board of administration and such governing board may include all such districts. The governing board may apportion the total contributions required under the contract, among the districts on the basis of total salaries upon which the contributions are computed, and on the basis of other pertinent information.

(8) Paragraph (1) of this subdivision notwithstanding, the contract making such active employees members of the State Employees' Retirement System, shall include teachers and persons employed in a status requisite for membership in the State Teachers' Retirement System, with respect to service rendered in a status in which they would have been eligible for membership in the State Employees' Retirement System, if such district or districts by which they were employed had been participating in that system under Part 3 of the Government Code of the State of California. Contributions deducted from salary earned by such employees in such service, together with credited interest, and standing to the credit of such employees at the effective date of discontinuance of such plan, shall be subject to the provisions of paragraph (1), in the same manner as they would have been so subject if said employees had been employed at the date of such discontinuance, in a status which was not requisite for such membership in the State Teachers' Retirement System. Such employees shall be members of the State Employees' Retirement System with the same effect, but only with respect to such service, as if they had been employed in a status which would have qualified them for such membership under other paragraphs of this Section 14694. Such employees shall continue in such membership and shall be entitled to benefits in the same manner as if they individually were credited with at least five hundred dollars ($500) in accumulated contributions. In the computation of such members' benefits under the State Employees' Retirement System, their compensation earnable while they are members of the State Teachers' Retirement System shall be taken into consideration.

(c) Notwithstanding any other provisions of Sections 997 to 1002, inclusive, Sections 12901 to 13004, inclusive, Sections 13006 to 13553, inclusive, and Sections 13555 to 14775, inclusive, contributions to the discontinued district retirement plan made by teachers and other persons employed by the district or districts in a status requisite for membership in the State Teachers' Retirement System standing to their individual credit at the date of discontinuance of the district retirement plan shall be deposited forthwith in the Retirement Annuity Fund with credited interest, to be applied on the amount due from said teachers and other persons under Section 14411 of this code, but not to exceed the amount so due. Likewise an amount equal to the actuarial equivalent of the annuity portion of the retirement allowance to which the respective retired teachers and other persons employed by the district or dis-

tricts, prior to retirement, in a status requisite for membership in the State Teachers' Retirement System were entitled under said plan, based on the interest rate and mortality tables used in its determination, shall be deposited in the Retirement Annuity Fund, to be applied on the amount due from said respective retired teachers and other persons under Section 14414 of this code, but not to exceed the amount so due. Any excess of the contributions with credited interest or the actuarial equivalents, as the case may be, over the respective amounts due under said sections, shall be paid forthwith to the respective active and retired teachers and other persons. Further amounts, if any, due under said sections after said deposits, shall be paid to the Retirement Annuity Fund by the respective active and retired teachers and other persons. If any of such teachers or other persons who is not retired, is not entitled to credit under the State Teachers' Retirement System for all or part of his service credited under such plan, or if any of such retired teachers or other persons is not entitled to a retirement allowance from such system, either before or after such discontinuance, the provisions of this subdivision (c) about contributions and credited interest or about the actuarial equivalent of annuity portions of retirement allowances, as the case may be, shall not apply to him with respect to service which is not credited under such state system, until and unless he becomes entitled to credit for such service or to an allowance from such state system, based on service which was credited to him under the discontinued plan. The balance of the assets held in the various funds of the discontinued district retirement plan after the transfers, deposits and payments required by this section, or after establishment of reserves from which such transfers, deposits and payments shall be made, shall be delivered to the district or districts in which the plan is discontinued.

(d) The district or districts in which the district retirement plan is discontinued shall pay monthly to teachers and other persons employed by the district or districts, prior to retirement, in a status requisite for membership in the State Teachers' Retirement System who were retired prior to the date of such discontinuance an amount equal to the amount by which the retirement allowance to which any of said retired teachers or other persons was entitled under said plan exceeds the increase in said teacher's or other person's retirement allowance under the State Teachers' Retirement System resulting from said discontinuance. If the amount payable to any such teacher or other person, under the sentence next preceding, is less than two dollars ($2), the district or districts may pay, in lieu of such amount, one amount which shall be actuarially equivalent to such monthly amount thereafter payable, according to the interest rate and mortality table used in the determination of the teacher's or other person's retirement allowance under the said district retirement plan. The payment of such actuarially equivalent amount shall discharge fully

the district's liability to such teacher or other person under this subdivision (d). The arrangement under which said amounts are paid by said district shall not be considered to be a local retirement system for the purposes of Sections 13801 to 14415, inclusive, of the Education Code, nor shall said amount be taken into account in the calculation of retirement allowances under the State Teachers' Retirement System. If any of such teachers or other persons is not entitled to a retirement allowance from the State Teachers' Retirement System, either before or after such discontinuance, such district or districts shall pay monthly to him, an amount equal to his retirement allowance under said plan prior to such discontinuance. If any teacher or other person has left the service of the district or districts, and is in a status under such plan, which if continued would qualify him for a retirement allowance without his return to such service, but is in a status otherwise which would not qualify him for retirement under such state system, such district or districts shall pay monthly to such teacher or other person, beginning at the date upon which he would have qualified for service retirement under such plan, an amount equal to the retirement allowance for which he would have qualified if such plan had not been discontinued. If any teacher or other person has credit under such plan for service which does not qualify for credit under either the State Teachers' Retirement System or State Employees' Retirement System, such district or districts shall pay monthly to such teacher or other person, beginning on the date upon which he would have qualified for service retirement under such plan, an amount equal to the retirement allowance for which he would have qualified on the basis of such service if such plan had not been discontinued. If such individual at a later date becomes entitled to a retirement allowance from such state system, based on such service which was credited to him under the discontinued plan, such monthly payments shall cease, and he shall become subject forthwith to the provisions of subdivision (c) of this section, and the provisions of the first four sentences of this subdivision (d), in the same manner as he would have been subject, if he had been entitled to such a retirement allowance at the date of discontinuance, but calculation of actuarial equivalents and amounts payable shall be made as of the later date.

(e) If any person who was retired prior to such discontinuance from a position requisite for membership in the State Teachers' Retirement System, under a district retirement salary plan which is discontinued pursuant to this section, elected either under such plan or under such system, but not under both, to have his retirement allowance modified according to an option under which he would receive a smaller allowance and provide a benefit for his beneficiary, such person shall have the right, to be exercised not later than sixty (60) days after the discontinuance of such plan to change his election under the State Teachers' Retirement System with respect to

said options. Any computations of actuarial equivalent under a changed election shall be made as of the date of discontinuance of the plan, and no adjustment shall be included in the computation on account of retirement allowance payments made prior to that date.

Balance of assets

14695. The balance of the assets delivered to the district or districts pursuant to subdivision (c) of Section 14694, after the transfers, deposits and payments required by such section, or after establishment of reserves from which such deposits and payments shall be made, shall be held intact by the district until the Legislature expressly authorizes the expenditure thereof.

Transfer to State Employees' Retirement System, etc

14696. (a) Notwithstanding the provisions of Section 14694, persons other than (1) teachers and (2) other persons employed in a status requisite for membership in the State Teachers' Retirement System, who are active or retired members of a district retirement salary plan established under Sections 14551 to 14698, inclusive, in any school district or districts, in which the average daily attendance of all districts combined is in excess of 200,000, governed by the same governing board, may be transferred by the governing board of the district or districts, with the consent of the majority of such active members of the plan expressing their desires with respect to the transfer evidenced in such manner as the governing board may prescribe; but no transfer of such active and retired members shall be effective for any purpose unless provision is made for retirement allowances for active and retired employees of the district as provided in subdivision (b) of this section.

(b) (1) Active and retired employees, including future employees, of the district or districts who otherwise would be members of such plan, persons who are members of the district's retirement salary plan under Section 14689 of this code, and persons who were employees on June 30, 1957, and who attained age 65 or over during the 12 months immediately preceding July 1, 1957, other than teachers and persons employed in a status requisite for membership in the State Teachers' Retirement System or who were so employed prior to retirement, shall be made members and beneficiaries, respectively, of the State Employees' Retirement System according to the provisions of Part 3, of Division 5, of Title 2 of the Government Code, including transfer to said system of the accumulated contributions of said members, together with such other assets of said plan as may be determined. The total of such other assets transferred, however, shall not be greater than the portion of the reserves of such plan which is allocable to such active and retired employees, as determined by actuarial valuation. In such valuation the portion of the reserves allocable to such active and retired employees proposed to be transferred shall be determined as an amount which bears the same ratio to the total reserves under such plan as the liabilities under the plan on account of such active and retired

employees bear to the total liabilities under the plan on account of all active and retired employees thereunder. On the effective date of the contract making such active employees members of the State Employees' Retirement System, such employees shall cease to be members of such plan, and neither they nor retired persons who are made beneficiaries of such state system, shall be paid or have any right to any allowance or other benefit under such plan for time beginning with said effective date.

(2) With respect to persons who are members of such plan at such transfer, it shall be provided in the contract making such employees members of the State Employees' Retirement System, that their respective rates of contribution thereunder shall be based on the age at the nearest birthday at July 1, 1944, or at the respective later effective dates of their membership in such plan, all instead of the age at the nearest birthday at the effective date of membership in such employees' system.

(3) Each employee of the district or districts who is included in such contract, but who during all or part of his employment in a status requisite for membership in such plan was not a member thereof, because of his election under an available option, or who, while employed in a status not requisite for membership in such plan, was a member of the State Teachers' Retirement System and was contributing to that system, or who did not redeposit upon re-entry into membership contributions previously withdrawn, shall have the right to elect by written document filed with the Board of Administration, State Employees' Retirement System, at any time within 90 days after the date upon which the notice of the right to make such election is mailed by such system either to the member's latest address on file in the office of such system, or to the office of the governing board of such district or districts, and prior to the date of retirement, to contribute to such system, subject to minimum payments fixed by the Board of Administration, and in one or more sums, or in not to exceed 60 monthly payments, an amount which, when added to his accumulated contributions, including interest, transferred as required in paragraph (1) of this subdivision (b), will make a total amount equal to the accumulated contributions, including interest, which would have been credited to him in such plan, if he had never elected not to be a member thereof, or if he had been a member of such plan during the time he was a member of such State Teachers' Retirement System and was contributing thereto, or if he had redeposited such withdrawn contributions upon such reentry, as the case may be. Such employee shall pay to the State Employees' Retirement System interest on the unpaid balance of the amount payable to such system, beginning with the date of transfer, at the rate of interest currently used from time to time under the system. If such employee elects to make, and makes such contributions, and pays such interest, but not otherwise, he shall receive credit under such

employees' system, as state service, for all the service rendered while he was not a member of such plan, because of his optional exclusion, or for service rendered while he was contributing to such State Teachers' Retirement System; provided, such service is no longer credited under such teachers' system, or for all service upon which the withdrawn contributions were based, and for the purpose of paragraph (2) shall be considered as a member of such plan at such transfer and from November 1, 1937, or later beginning date of such service. Regardless of whether such contributions are made, such employee shall receive credit for service with which he was credited or would have been credited if he had been a member, as prior service under such plan. The contributions under this paragraph (3) shall be added to and administered in the same manner as the contributions transferred under paragraph (1) of this subdivision (b).

(4) Service rendered by active employees who are made members of the State Employes' Retirement System prior to or after the assumption by the district or districts of the function under which the service was rendered, but prior to the effective date of the contract making active employees such members, and the compensation for which was paid wholly or in part from funds other than the funds of the district or districts, shall be credited under such employees' system; provided, such service qualified for credit under such plan.

(5) The contract making such active employees members of the State Employees' Retirement System, shall include such employees with respect to service rendered in a status in which they are not eligible for membership in the State Teachers' Retirement System, as provided in Section 20491 of the Government Code, and also with respect to service rendered in a status in which they are eligible for such membership, but which is no longer credited under such teachers' retirement system, and such service shall be credited in the manner applicable to service otherwise qualifying for credit.

(6) Retirement allowances being paid under such plan to retired employees of the district or districts, who are made beneficiaries of the State Employees' Retirement System, shall be changed by action of the governing board of such districts, effective at such transfer, to retirement allowances calculated on the basis of service used in the calculation of the respective allowances under such plan, and average annual salary earnable during the highest three consecutive years of creditable service, calculated according to the methods used at the date of transfer, under such plan in determining salary earnable, but excluding any salary based on overtime as provided in Section 20025.2 of the Government Code, but otherwise according to the formulae under such employees' system which apply to active employees who are made members thereof. Such changed allowances shall be paid to such beneficiaries for time commencing on the date they are made bene-

ficiaries of such employees' system. No allowance shall be reduced by such change.

(7) If two or more districts under the control and management of a single governing board are participants in such plan, one contract between the board of administration and such governing board may include all such districts. The governing board may apportion the total contributions required under the contract, among the districts on the basis of total salaries upon which the contributions are computed, and on the basis of other pertinent information.

(8) The contract making such active employees members of the State Employees' Retirement System shall provide that the service included in the calculation of the completed years of service as a basis for the portion of the basic death benefit provided in subdivision (b) of Section 21361 of the Government Code for persons who were members of such plan at transfer, shall not be limited to service under the State Employees' Retirement System, but instead that service rendered as members of such plan shall also be included.

Relinquishment of allowances

14697. (a) Notwithstanding any other provisions of Sections 997 to 1002, inclusive, Sections 12901 to 13004, inclusive, Sections 13006 to 13553, inclusive, and Sections 13555 to 14775, inclusive, any person who retired under a district retirement plan established under Sections 14551 to 14698, inclusive, in any school district or districts in which the average daily attendance of all districts combined is in excess of 200,000, governed by the same governing board, from an employment in which he was a member of the State Teachers' Retirement System, and who is entitled to receive a retirement allowance from each of such plan and system, may elect without right of revocation, in writing on a form provided by such plan, and to be filed in the office of such plan not later than 90 days after the date upon which notice of the right to make such election is mailed by such plan to the retired person's latest address on file in the office of such plan, to relinquish his right to a retirement allowance from such district retirement plan. If such person so elects to relinquish such right, his retirement allowance under such plan shall be canceled effective at the close of the last day of the month in which such election is filed at such office, and no payment of such allowance shall be made to him, or on his account, for time after the effective date of cancellation.

(b) An amount equal to the actuarial equivalent of the annuity portion of the retirement allowance to which such retired person was entitled under such plan, based on the interest rate and mortality tables used in its determination at the time of retirement, shall be deposited in the Retirement Annuity Fund of such Teachers' Retirement System, to be applied on the amount due from such retired person under Section 14414 of this code, but not to exceed the amount so due. Any excess of the actuarial equivalent over the amount due under such section shall be paid forthwith to such retired

person. Further amounts, if any, due under such section after such deposit, shall be paid to the Retirement Annuity Fund by such retired person.

(c) If such retired person elected under either such plan or such system, but not under both, to have his retirement allowance modified according to an option under which he would receive a smaller allowance and provide a benefit for his beneficiary, such person shall have the right, to be exercised not later than 60 days after the cancellation of his retirement allowance under such plan, to change his election under such system with respect to such options. Any computation of actuarial equivalents under a changed election shall be made as of the day next following such cancellation, and no adjustment shall be included in the computation on account of retirement allowance payments made for time prior to that day.

Same Prior to Sept 1, 1959

14698. Notwithstanding the provisions of Section 14697, any person who retired under a district retirement plan established under Sections 14551 to 14698, inclusive, in any school district or districts in which the average daily attendance of all districts combined is in excess of 200,000, governed by the same governing board, from an employment in which he was a member of the State Teachers' Retirement System, and who is entitled to receive a retirement allowance from each of such plan and system, may elect without right of revocation, in writing on a form provided by such plan, and to be filed in the office of such plan not later than September 1, 1959, to relinquish his right to a retirement allowance from such district retirement plan. If such person so elects to relinquish such right, his retirement allowance under such plan shall be canceled effective at the close of the last day of the month in which such election is filed at such office, and no payment of such allowance shall be made to him, or on his account, for time after the effective date of cancellation. The provisions of subdivisions (b) and (c) of Section 14697 apply to such person.

CHAPTER 6. JOINT DISTRICT SALARY RETIREMENT PLANS

Article 1. Establishment of the Plan

Establishment

14701. The governing boards of two or more school districts, in none of which the employees are entitled to the benefits of a pension or retirement system maintained by a city, city and county, or county in which the district, or a part thereof, is located, meeting in joint session, may in their discretion, submit to the qualified electors of the districts, and upon petition signed by not less than 10 percent (10%) of the qualified electors of each district the governing boards shall submit to the qualified electors of the districts the proposition of establishing a joint plan for a retirement salary to be paid by the districts to all teachers fulfilling the requirements of the

plan in the public schools of the districts and to such other employees of the districts as the governing boards may determine, or, in the case of a petition, such other employees as may be specified in the petition, and to provide, out of funds of the districts, a portion of the cost thereunder, including expenses incident to the administration of the plan.

Election

14702. The proposition of establishing the plan may be submitted to the electors of the districts at any general or special election called and held in the districts, as the governing boards of the districts may determine. The governing boards of the school districts may call and hold the elections.

Consolidation

14703. The governing boards calling the election shall consolidate the election and submit to the electors of the respective districts on the same day the question of whether a district retirement plan shall be established in the districts. Within the territory affected by the order of consolidation, the election precinct polling places and voting booths shall, in every case, be the same. There shall be only one set of election officers in each precinct. The propositions to be voted upon within the respective districts may be set forth on one ticket or ballot. All proceedings had in the premises shall be recorded in one set of election papers, and the election shall be held in all respects as though there were only one election.

Same

14704. The election may be consolidated with any other election pursuant to Chapter 4 of Part 2 of Division 11 of the Elections Code.

Notices

14705. The election shall be called by posting notices, signed by a majority of the governing board of each district, not less than 10 days before the election. If there is a newspaper of general circulation published in any of the districts, notice shall be published in such a newspaper at least once, and at least 10 days prior to the election.

Conduct of election

14706. In all respects not otherwise specified the election shall be called and held, and returns canvassed and the result announced in the manner provided for the holding of elections for the purpose of authorizing bonds of the school districts, so far as the provisions of such laws are applicable. The governing boards of the school districts in which the election is held shall for the purposes of this section be considered as one board.

Ballots

14707. There shall be printed on the ballots to be used at the election the proposition: "Shall the governing boards of (here insert the names of the districts under the control of the boards submitting the proposition) school districts be authorized to establish a plan for a joint district retirement salary for the teachers and such other employees of the districts as the governing boards or the petition determines." To the right of the proposition shall be printed the words "Yes" and "No" with voting squares.

Favorable vote

14708. If, at the election, a majority of the voters in each district voting on the proposition cast their ballots in favor of the proposition, the governing boards shall establish a joint

district retirement salary plan for the teachers and for such other employees of the districts as the boards or the petition determine.

Negative vote

14709. If a majority of the votes cast in each district on the proposition is in the negative, the governing boards shall not submit the proposition again within a period of six months after the date of the election.

Article 2. Administration of the Plan

Inclusion in plan

14751. Every teacher and every other employee of the school districts for which the plan for district retirement is adopted, who is employed by the districts at the time of the adoption of the plan, and who signs an agreement to be subject to the burdens of the district retirement plan, shall be entitled to the benefits and subject to the burdens of the plan and of this chapter (commencing at Section 14701). Every teacher employed in the public schools of the districts after the adoption of the provisions of this chapter (commencing at Section 14701) by the governing boards of the districts, and such other employees as the boards or the petition determines, shall be bound by the benefits and burdens of this chapter (commencing at Section 14701).

Requirements of plan

14752. Any plan shall not be adopted or established until the governing boards, after such inquiry and hearing as they may direct, find that the respective contributions of the teachers and other employees and the districts provided for in the plan, are substantially in accordance with the more recent generally prevailing rates of contributions in public institutions which have established retirement systems, and that the plan is in accordance with sound business practice and with recognized actuarial methods.

Retirement benefits

14753. The plan may provide that the retirement salary shall be a stipulated monthly sum, or that all benefits under the retirement feature of the plan shall be based upon the monthly salary for each year of future active service in the district earned by the employee up to the date of retirement and upon the average monthly salary earned by the teacher or other eligible employee during the year immediately preceding the adoption of the plan and the number of years of past active service of the employee in the district, and subject to such provisions as may be made in the plan for minimum benefits. No employee with less than 15 years' service in the district prior to normal retirement age shall receive the benefit of the minimum. In no instance shall the retirement benefits be based upon or allowed for any amount of salary in excess of the sum of five hundred dollars ($500) per month.

Basis of retirement salary re substitute plan

14754. In lieu of the authorizations or requirements provided for in Sections 14751 and 14753, the plan may provide only that the retirement salary shall be based on service rendered prior to the effective date of the plan or prior to

July 1, 1944, and shall be an amount which, when added to the retirement allowance the respective member is entitled to receive under the State Teachers' Retirement System, shall equal a sum of not less than one hundred dollars ($100) per month and none of the provisions of Sections 14751 and 14753 shall be applicable thereto. The costs of the benefits under such a plan may be met by the contributions of the districts alone, any other provision of Sections 997 to 1002, inclusive, Sections 12901 to 13004, inclusive, Sections 13006 to 13553, inclusive, and Sections 13555 to 14775, inclusive, to the contrary notwithstanding, and only teachers who have credit for service rendered prior to said date shall be subject to the plan.

Supplemental benefit plans Discontinuance

14755. (a) A plan established under this chapter (commencing at Section 14701) which is intended to provide supplemental benefits only on account of service rendered before July 1, 1944, may be discontinued by the governing board of the district, subject to the following conditions:

1. Notwithstanding any other provisions of Sections 997 to 1002, inclusive, Sections 12901 to 13004, inclusive, Sections 13006 to 13553, inclusive, and Sections 13555 to 14775, inclusive, any teacher who is not retired on July 1, 1956, shall be entitled to the contributions made by him to the discontinued plan with interest credited in accordance with the rules and regulations of the local retirement plan to and including June 30, 1957. Likewise, a teacher who retired prior to July 1, 1956, shall be entitled to a refund equal to the actuarial equivalent, at his attained age, of the annuity which would have been provided by the total contributions required of the member under the system, based on interest and mortality tables currently in use, less the amount of any contributions remaining unpaid on the date of discontinuance. The amount to which any teacher is entitled under this section shall be paid to him within 90 days of his request in writing on a form provided by and filed with the local retirement system. All such requests shall be filed prior to July 1, 1959.

2. The district in which the plan is discontinued shall pay monthly to teachers, who were retired prior to the date of such discontinuance, an amount equal to the amount by which the retirement allowance to which any said retired teacher was entitled under said plan exceeds the increase in said teacher's retirement allowance under the State Teachers' Retirement System after said discontinuance. In lieu of such monthly payment, the district may elect to pay in a single sum the amount which shall be the actuarial equivalent to such monthly amount thereafter payable, according to the interest rate and mortality table currently in use under said plan. Payment of such amount shall discharge fully the district's liability to such teacher under this subdivision. The arrangement under which such amounts are paid by said district shall not be considered to be a local retirement system for the purposes of Sections 13801 to 14415, inclusive, of the

Education Code, nor shall said amount be taken into account in the calculation of the retirement allowances under the State Teachers' Retirement System.

(b) Any person who was retired prior to July 1, 1956, from a position requisite for membership in the State Teachers' Retirement System, under a district supplemental retirement salary plan which has been discontinued pursuant to this section, and elected either under said plan or under said system, but not under both, to have a portion of his retirement allowance modified according to an option under which he would receive a smaller allowance and provide for a benefit for his beneficiary, said person shall have the right, to be exercised not later than 60 days after July 5, 1956, to change his election under the State Teachers' Retirement System with respect to said options. Any computations of actuarial equivalents under a changed election shall be made as of the said effective date, and no adjustment shall be included in the computation on account of retirement allowance payments made prior to that date.

(c) When any local retirement plan is discontinued under the provisions of this section, all funds remaining in the district retirement fund of the local system shall be transferred to the general fund of the school district in which the plan is discontinued. Thereafter any payments to meet continuing obligations of the district arising from the establishment or discontinuance of the plan shall be paid from the general fund of the district.

Amendments to plan

14756. The governing boards, after the adoption of the plan, shall at regular intervals, each not exceeding a period of five years, secure a general survey and actuarial report of the plan, and the boards shall from time to time amend the plan in such manner as may be found to be advisable to meet changed conditions, or, as in the light of experience, may be considered necessary.

Permitted plan

14757. A plan under which the districts establishing it agree to pay to employees who become entitled to retirement salaries within a specified period, not exceeding 15 years, after the establishment of the plan, a specified sum which, during the life expectancy of the employees, will be approximately equal, in the aggregate, to the aggregate difference, during the life expectancy, between the maximum salary paid to employees in the respective classes of the retiring employees, and the salaries paid to beginning employees in the classes, shall be construed to comply with the provisions of this chapter (commencing at Section 14701) requiring the plan to be in accordance with sound business practices and recognized actuarial methods.

District taxes

14758. For the purpose of providing funds which may be necessary to make the payments required by any joint district retirement plan, district taxes shall be levied and collected annually by the respective districts at the same time and in the same manner as other district taxes are levied and col-

lected The tax shall be in addition to any other district tax now or hereafter authorized by law, and shall not be considered in fixing maximum rates of tax for school district purposes.

Retirement qualifications

14759. Every joint district retirement plan shall provide that only those teachers and other employees who have served as teachers or employees of the districts for at least 20 years of service immediately preceding retirement, and who have reached a minimum age specified in the joint district retirement plan, which shall not be less than 55 years, shall be entitled to a district retirement salary.

Disability

14760. The plan may provide for the retirement of teachers or other employees on account of disability after 10 years of service immediately prior to the retirement, the proportion of the disability retirement salary to the full retirement salary to be specified in the plan.

Leaves of absence

14761. Absence from service by reason of a leave of absence granted by the governing board of an employing district shall not be construed as a break in the continuity of service or by any district retirement plan adopted pursuant to the provisions hereof, but the period of leave shall not be counted as time served toward retirement unless the period is so counted under the State Teachers Retirement Act.

Computation of time

14762. Time of service may be counted in the aggregate and fractions of years amounting to whole years may be counted as whole years when payments by the teacher or other employee have been made for all of the time counted.

Retired list

14763. The governing boards of the districts shall in all cases determine the teachers and other employees who are entitled to retirement salaries, and make and keep a list of the teachers and other employees, known as the retired list For the purpose of making the retired list the boards may take testimony and examine witnesses under oath which may be administered by any member of the board.

Rules

14764. The governing boards of the districts may make all necessary and proper rules and regulations in aid or furtherance of the provisions of this chapter (commencing at Section 14701) and in order to carry out and administer such provisions.

"Joint district retirement fund"

14765. When a joint district retirement plan is established there shall be created in the treasury of the county in which the districts are located, or, if the districts are located in more than one county, in the treasury of the county selected by the governing boards of the districts meeting in joint session, and opened upon the books of the auditor and treasurer of the county, a trust fund account designated as the "Joint district retirement fund." All moneys, whether from contributions by teachers or other employees, or by the districts, or from any source, properly belonging to the joint district retirement fund shall be placed in the fund. Upon approval of the joint district retirement board all incidental expenses, including

actual and necessary clerical or other help, incurred in carrying out the provisions of this chapter (commencing at Section 14701) shall be paid out of the fund and in the same manner as other expenditures are paid from district funds.

Compensation of governing board

14766. Members of governing boards shall discharge the powers, duties, purposes, responsibilities, and jurisdiction conferred or imposed upon the governing boards under this chapter (commencing at Section 14701) without extra or additional compensation.

"Joint district retirement board"

14767. The governing boards of the districts establishing the retirement plan shall provide for the administration of the funds and the payment of retirement salaries by a "joint district retirement board" composed of three persons not officers or employees of any of the districts, one representative of each district, one representative of the teachers of each district and one representative of the other employees of each district, who shall serve without compensation. The representatives chosen by the teachers and other employees shall be chosen by secret ballot. The county treasurer of the county in the county treasury of which the "Joint district retirement fund" is created shall be ex officio a member of the joint district retirement board. All members of the retirement board shall serve for such terms as may be specified by the governing boards in establishing a plan. The joint district retirement board shall have such further powers and duties as may be prescribed by the governing boards of the districts.

Duties

14768. The joint district retirement board shall have charge and control of the district retirement fund of the district and of the payment of all retirement salaries and annuities payable from the fund. The joint district retirement board shall invest the funds in securities which are legal for the investment of funds of savings banks in this State and shall sell the securities and reinvest the proceeds in securities legal for investment of funds of savings banks when in the judgment of the joint district retirement board the sale and reinvestment is advisable. No investment in or sale of securities shall be made except upon authorization of the joint district retirement board at a meeting of the board.

The board also shall collect the income from the securities and pay it into the joint district retirement fund.

Suits

14769. The joint district retirement board may sue in its own name when necessary to carry out the powers and duties conferred upon it. The district attorney, or, if there is a county counsel, the county counsel of the county in which are employed the largest number of employees entitled to the benefits and subject to the burdens of the joint district retirement plan shall act as attorney for the joint district retirement board without additional compensation.

Securities

14770. All securities purchased by the joint district retirement board shall be deposited with the county treasurer for safe keeping.

14771. All payments from the joint district retirement fund shall be made in the same manner as payments from school district funds but shall be subject to approval of the joint district retirement board. Warrants drawn on the fund shall be signed by at least one member of the joint district retirement board who shall be designated by the board. Payments

The duties imposed upon the county treasurer shall be a part of his official duties, for the faithful performance of which he shall be liable upon his official bond.

14772. The county auditor of the county in the county treasury of which the "Joint district retirement fund" is created shall audit the accounts of the joint district retirement board at least once every 12 months and report upon the financial condition thereof to the governing boards of the districts. Audit

14773. The retirement salaries provided for in this chapter (commencing at Section 14701) shall be in addition to any other retirement salaries received by any person under Sections 13801 to 14415, inclusive, or as may be otherwise provided by law. Retirement salaries

14774. The retirement salaries provided for in this chapter (commencing at Section 14701) for all other employees, shall be in addition to any other retirement salaries that may be provided by law. Same

14775. Whenever by the provisions of this chapter (commencing at Section 14701), the governing boards of two or more school districts are required, or authorized, to perform any act, the act may be done only at joint meetings of the boards, and no action shall be taken by the boards except upon the affirmative vote of a majority of the members of a majority of the boards. Joint actions

PART 3. PROPERTY, TRANSPORTATION AND FINANCE

DIVISION 11. SCHOOL SITES AND CONSTRUCTION

CHAPTER 1. SITES

Article 1. General Provisions

15001. The State Department of Education shall establish standards for school sites. Standards

15002. The governing board of any school district may, and when so directed by a vote of the voters within the district shall, purchase or improve school lands. Purchase

15003. The provisions of Sections 15051 to 15209, inclusive, apply only to school sites selected during the first two years in a new school district. Applicable provisions

15004. To promote the safety of pupils and comprehensive community planning the governing board of each school dis- Report of planning commission

trict before acquiring title to property for a new school site or for an addition to a present school site, shall give the planning commission having jurisdiction notice in writing of the proposed acquisition. The planning commission shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the governing board a written report of the investigation and its recommendations concerning acquisition of the site.

The governing board shall not acquire title to the property until the report of the planning commission has been received. If the report does not favor the acquisition of the property for a school site, or for an addition to a present school site, the governing board of the school district shall not acquire title to the property until 30 days after the commission's report is received.

Reports: California Aeronautics Commission

15005. To promote the safety of pupils, comprehensive community planning, and greater educational usefulness of school sites, the governing board of each school district, including districts governed by a city board of education if the proposed site is within two miles, measured by air line, of that point on an airport boundary which is nearest the site and excluding them if the property is not so located, before acquiring title to property for a new school site or for an addition to a present site, shall give the State Department of Education notice in writing of the proposed acquisition and shall submit any information required by the Department of Education.

Immediately after receiving notice of the proposed acquisition of property which is within two miles, measured by air line, of that point on an airport boundary which is nearest the site, the Department of Education shall notify the California Aeronautics Commission, in writing, of the proposed acquisition. The California Aeronautics Commission shall make an investigation and report to the Department of Education within 25 days after receipt of the notice. If the California Aeronautics Commission is no longer in operation, the Department of Education shall, in lieu of notifying the commission, notify the Civil Aeronautics Authority or any other appropriate agency, in writing, of the proposed acquisition for the purpose of obtaining from the authority or other agency such information or assistance as it may desire to give.

The State Department of Education shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the governing board a written report and its recommendations concerning acquisition of the site. The governing board shall not acquire title to the property until the report of the State Department of Education has been received. If the report does not favor the acquisition of the property for a school site or an addition to a present school site, the governing board shall not acquire title to the property until 30 days after the department's report is received.

Option agreement

15006. The governing board of any school district may acquire and pay for an option upon a school site. The option

agreement may provide that if the option is not exercised by the district during the period for which it is granted that, upon an additional payment by the district, made on or before the last day of such period, the option may be extended for a further period. Any such option agreement may contain provisions for additional successive renewals.

Before acquiring any such option the governing board shall comply with Sections 15004 and 15005 of this code.

Sewerage, water, etc., facilities

15007. Where a city, district, or other political corporation or subdivision of the State is authorized by law to furnish sewerage, water, or other utility facilities to a school district and is not required to provide for the installation thereof to such school district at its own expense, it may enter into an agreement with such school district whereby the cost of installation will be paid by the school district under such terms as the parties may agree to, with reimbursement from charges made or to be made to other users of such facilities as may be agreed upon between the parties, save insofar as other provisions of law control the terms of such reimbursement. Any agreement made prior to September 11, 1957, between a school district and any of the aforesaid entities, which is otherwise in accordance with this section shall be deemed to be as valid and effective as if such agreement had been entered into subsequent to September 11, 1957.

Article 2. Sites for Union Schools

Temporary location

15051. The governing board of any union school district may make temporary arrangements for the location of one or more union schools in the district.

Trustees' meeting

15052. Within 40 days after the selection of trustees for a union school district, they shall notify the county superintendent of schools that they desire to meet to locate one or more union schools in and for the district. Thereafter they shall meet in conjunction with the county superintendent of schools at a time and place to be named by him, for the purpose of determining the location of a union school or schools pursuant to this article (commencing at Section 15051).

Chairman

15053. At the meeting the superintendent shall be the chairman and is entitled to vote and participate in all its proceedings.

Disagreement

15054. If the trustees fail to agree unanimously upon a location for the school or schools they shall propose in writing to the county superintendent, or if he is not present, they shall transmit to his office, within 10 days, the names of the locations which they, or any of them favor

Election

15055. Within 20 days after receiving the notice the superintendent shall call an election in the same manner as the election for the formation of the union school district, to determine the location of the union school or schools.

Propositions

15056. At the election only sites which have been named by the trustees and certified to the county superintendent shall be voted upon.

Ballot

15057. Any form of ballot by which the voter signifies his choice of location or locations shall be allowed.

Election procedure

15058. The result of the election shall be determined and certified to the county superintendent within five days subsequent to the holding of the election.

Result

15059. The location or locations which receive the largest number of votes shall be chosen as the location or locations of the school or schools.

Option of lease

15060. If satisfactory apartments or buildings in a suitable location are offered or can be procured for a consideration or at a rental which make it advisable to accept them, the board of trustees of the union school district may secure an option of a lease on the apartments or buildings for a period not to exceed three years from the first day of July next ensuing.

Establishment of location

15061. In lieu of the unanimous action required by Section 15054, the location or locations of the school or schools of the district will be established if a majority of the trustees agree on the location having the greatest merit as determined by the State Department of Education pursuant to subdivision (a) of Section 15302.

Article 3. Sites for Joint Union Schools

Joint action

15101. The location of the joint union school or schools, shall be determined by the joint action of the trustees and the county superintendents of the counties in manner and form as provided for the location of a union school or schools.

Article 4. Change of Location of Union or Joint Union Schools

Change of location

15151. No change of location of any union or joint union school, when once established, shall be made, except in accordance with all the provisions for the original location of the school.

Article 5. Sites for High Schools

Meeting

15201. When the money for the purchase of a site for a high school in any newly formed high school district has been provided and is in the county treasury, the superintendent of schools who has jurisdiction over the high school district shall at once call a meeting of the high school board in the same manner as he called the first meeting of the board for organization, for the purpose of making a permanent location of the high school.

Disagreement

15202. If at the meeting the members of the high school board fail to agree unanimously upon the location for the high school, they shall propose, in writing, to the superintendent of schools and shall transmit to his office within 10 days the names of the locations which they favor.

15203. Within 20 days after receiving the proposals, the superintendent of schools shall call an election in the same manner as the election for the formation of the district, to determine the location of the high school. Election

15204. At the election only the sites which have been named by the members of the high school board, and certified to the superintendent of schools shall be voted upon. Propositions

15205. Any form of ballot by which the voter signifies his choice of location shall be allowed. Ballot

15206. The result of the election shall be determined and certified to the superintendent of schools as provided in case of the election for the formation of the district. Election procedure

15207. The location which receives the largest number of votes shall be chosen as the location of the high school. Result

15208. Except in high school districts with more than 60,000 average daily attendance, no change of location of any high school where once established, shall be made except in accordance with the provisions for the original location of the school. Change of location

The election shall be called and held, and the returns thereof made to the superintendent of schools, in the same manner as in the case of the election for the formation of the district.

15209. In lieu of the unanimous action required by Section 15202, the location or locations of the school or schools of the district will be established if a majority of the trustees agree on the location having the greatest merit as determined by the State Department of Education pursuant to subdivision (a) of Section 15302. Establishment of location

Article 6. Roads to Schoolhouses

15251. As used in this article (commencing at Section 15251), "school approach" means any highway or portion thereof which: "School approach"

(a) Runs from a primary or secondary state highway, or from a county highway to a public school building maintained and used as such by the district.

(b) Is not more than one-half mile in length.

(c) Is entirely outside of the boundaries of any city.

15252. The governing board of any school district may contract with the Division of Highways for the construction, improvement, or maintenance of a school approach which runs from any state primary or secondary highway. The Division of Highways may enter into such contracts. Contract with Division of Highways

15253. The governing board of any school district may contract with the board of supervisors for the construction, improvement, or maintenance of a school approach which runs from any county highway. The board of supervisors may enter into such contracts. Contract with board of supervisors

15254. The governing board of any school district may construct, improve, and maintain any school approach, and may use the funds of the school district for the purpose or for Improvement by governing board

the purpose of carrying out any contract entered into by the district pursuant to this article (commencing at Section 15251).

Lease of equipment

15255. For the purpose of constructing, improving, or maintaining a school approach, the governing board of a school district may lease such equipment as is necessary.

CHAPTER 2. CONSTRUCTION OF SCHOOL BUILDINGS

Article 1. Powers and Duties of Department of Education

Rules and regulations for schoolhouse planning

15301. The Department of Education shall establish and make rules and regulations needed for the expeditious handling of the work required to carry out the purposes of this article (commencing at Section 15301).

Duties of department: School sites, etc.

15302. The Department of Education shall:

(a) Advise with the governing board of each school district on the acquisition of new school sites, and after a review of available plots give the governing board of the district in writing a list of the approved locations in the order of their merit considering especially the matters of educational merit, reduction of traffic hazards, and conformity to the organized regional plans as presented in the master plan of the planning commission having jurisdiction.

(b) Establish standards for school buildings.

(c) Review all plans and specifications for buildings in every district required to submit plans and specifications therefor to it for approval. The department may, upon the request of the governing board of any other district, review plans and specifications for buildings in such district.

A schedule of charges for such services shall be formulated by the department.

(d) Approve plans and specifications submitted by governing boards of school districts, and return without approval and with recommendation for changes, any plans not conforming to established standards.

(e) Make all necessary provisions by which governing boards of school districts, or architects engaged by them, may procure by purchase or otherwise, copies of standard specifications, plans, and building codes prepared by the department.

(f) Make, upon the request of the governing board of any school district, except a city board of education, a survey of the building needs of the district, advise the governing board concerning the building needs, suggest plans for financing a building program to meet the needs, and collect the cost of the survey, exclusive of the salaries of the state employees participating therein, from the district.

(g) Employ experts, and clerical, and stenographic assistants as may be required for expediting the checking and approving of plans and specifications.

Money

15303. All money collected by the Department of Education under the provisions of this article (commencing at Section 15301) shall be available for the use of the department.

Article 2. Building of Schoolhouses

15351. The governing board of any school district may, and when directed by a vote of the district shall, build and maintain a schoolhouse. Duty of governing board

15352. When the school enrollment of any school causes overcrowded schoolrooms, the governing board of the school district may make arrangements for the location of the school in temporary quarters or in portable buildings. Temporary quarters

These quarters or portable buildings may be procured for a consideration, or at a rental, or by the construction of temporary or portable buildings on school property. The leasing of any portable buildings for placement on the school property shall not be made for a longer period than seven years and may include a provision for the purchase of such buildings on a depreciated basis at the end of such seven-year period or prior thereto.

Any building leased for placement on the school property for a total time in excess of three years or under a purchase agreement shall be deemed the construction or alteration of a school building as those terms are defined in Sections 15451 to 15465, inclusive, and all the provisions of those sections and of 15409 shall apply thereto.

15353. The governing board of any school district, whenever in its judgment it is desirable to do so, may establish additional schools in the district. Additional schools

15354. The governing board of any school district may purchase property and construct and equip buildings in an area after the legal action has been taken that will result in annexation of the area to the school district, but before the annexation has become effective. Construction, etc., in annexed areas

15355. The State Allocation Board may allocate any funds appropriated therefor to a school district for the necessary repair of a building to be used as a temporary school building because the regular school building of the district has been damaged or destroyed by fire or other causes after January 11, 1955, and before January 30, 1955, if the school building so damaged or destroyed was the only school building of the district. Any money allocated pursuant to this section shall be repaid in full by the district to the General Fund, plus interest as determined by the State Allocation Board, within two years after the making of the allocation. The school district may repay such money from the proceeds of any district bonds issued after the receipt of such allocation. State aid for temporary school building

Article 3. Plans of Schoolhouses

15401. As used in Sections 15401 to 15407, inclusive, "school buildings" refers to only one-story schoolhouses of not more than nine classrooms. "School buildings"

15402. The Department of Education shall:

(a) Establish a pool of duplicate plans for school buildings appropriate for school districts in rural areas. The series shall Plan pool for rural areas

be composed of plans designed to meet the requirements of school districts located in rural areas of varying characteristics. The plans may include landscape suggestions.

(b) Provide specifications for the design and construction of such school buildings.

Payment for use

15403. Any school district may request sets of such plans and specifications appropriate for use in constructing a school building of the type desired by the district. Such plans and specifications shall be furnished to the school district subject to the payment of the actual expense incurred by the Department of Education, but such expense shall not exceed more than 2 percent of the total cost of the project. Any payments received for such plans and specifications shall be paid into the State Treasury to the credit of the General Fund.

Approval of plans

15404. The plans and specifications for any school building as defined in Section 15452, together with estimates of cost, shall be submitted by the board to the Division of Architecture of the Department of Public Works for approval.

Applicable provisions

15405. All provisions of Sections 15451 to 15465, inclusive, are made applicable to school buildings as defined in Section 15452 constructed from plans and specifications furnished under Sections 15401 to 15407, inclusive, except as otherwise provided in the latter sections.

Supervision of construction, etc.

15406. The district shall furnish its own architect or structural engineer, or both, for necessary structural engineering and supervision of construction.

Filing

15407. The governing board of a school district shall, before letting any contract for the construction of a school building as defined in Section 15452 according to such plans and specifications, file a set of the plans and specifications with the Division of Architecture of the Department of Public Works accompanied by a fee in the amount fixed by Section 15457.

Approval by county superintendent

15408. Except in cities having boards of education, the superintendent of schools of each county shall pass upon and approve or reject all plans for schoolhouses. To enable him to do so, the governing board, before adopting any plans for school buildings, shall submit the plans to him for his approval.

Contracts totaling $5,000

15409. The governing board of each school district, except districts governed by a city board of education, before letting any contract or contracts totaling five thousand dollars ($5,000) or more, for the erection of any new school building, or for any addition to, or alteration of, an existing school building, shall submit plans therefor to the State Department of Education, and obtain the written approval of the plans by the department. No contract for building made by any governing board of a school district contrary to the provisions of this section is valid, nor shall any public money be paid for erecting, adding to, or altering any school building in contravention of this section.

Plans, etc., property of district

15410. Any contract entered into by and between the governing board of any school district and any certified architect or structural engineer pursuant to Section 15459 shall provide

that all plans, specifications and estimates prepared pursuant thereto shall be and remain the property of the school district.

Filing

15411. The governing board of any school district shall, upon completion of any school building let pursuant to Sections 15451 to 15465, inclusive, file with the Division of Architecture of the Department of Public Works an ozalid type reproducible duplicate set of architect plans for the new school building plant.

Appointment and qualifications

15412. The county superintendent of schools may appoint a director of school building planning, who shall be a person qualified by training, experience and demonstrated ability to supervise the building, construction and contracting business of the school districts of the county having an average daily attendance of less than 10,000. The director shall be responsible for the co-ordination of the building program of the school districts of the county having such average daily attendance and shall advise the governing boards and other employees of the districts with respect to the negotiation and performance of the school building construction contracts let by the governing boards of the school districts.

Co-operation by contiguous districts

15413. The county superintendent of schools of two or more contiguous counties may co-operate with each other and to that end may enter into agreements with each other for the appointment of a joint director of school building planning, and may do all things necessary or convenient to aid and co-operate in carrying out the provisions of Sections 15412 to 15415, inclusive.

Advice of director before contracting

15414. Before letting any contract for the preparation of plans and specifications for any construction or alteration of any school building, the governing board of any school district having an average daily attendance of less than 10,000 shall consult the director of school building planning of the county and secure the benefit of his technical knowledge with respect to the negotiation and letting of any contract for the construction or alteration of a school building.

Same

15415. If any school district having an average daily attendance of less than 10,000 receives a final apportionment of state school building aid funds under Sections 19551 to 19689, inclusive, of this code, the governing board of such school district shall consult the director of school building planning on all matters relating to the construction of the project for which the apportionment was granted until final completion of the project.

Article 4. Approval of Plans and Supervision of Construction

Construction exceeding $4,000

15451. The Division of Architecture of the Department of Public Works under the police power of the State shall supervise the construction of any school building or, if the estimated cost exceed four thousand dollars ($4,000), the reconstruction or alteration of or addition to any school building, for the protection of life and property.

"School building"

15452. "School building" as used in this article (commencing at Section 15451) means and includes any building used, or designed to be used, for elementary or secondary schools or junior college purposes and constructed, reconstructed, altered, or added to, by the State or by any city or city and county, or by any political subdivision, or by any school district of any kind within the State, or by the United States Government, or any agency thereof.

"Construction or alteration"

15453. "Construction or alteration" as used in this article (commencing at Section 15451) includes any construction, reconstruction, or alteration of, or addition to, any school building.

Approval of plans

15454. The Division of Architecture shall pass upon and approve or reject all plans for the construction or alteration of any school building. To enable it to do so, the governing board of each school district and any other school authority before adopting any plans for a school building shall submit the plans to the Division of Architecture for approval, and shall pay the fees prescribed in this article (commencing at Section 15451).

Safety

15455. Before letting any contract for any construction or alteration of any school building, the written approval of the plans, as to safety of design and construction, by the Division of Architecture, shall be first had and obtained.

Accompanying papers

15456. In each case the application for approval of the plans shall be accompanied by the plans and full, complete, and accurate specifications, and structural design computations, and estimates of cost, which shall comply in every respect with any and all requirements prescribed by the Division of Architecture.

Filing fee

15457. The application shall be accompanied by a filing fee in amounts as determined by the Division of Architecture based on the estimated cost and according to the following schedule:

(a) For the first two hundred fifty thousand dollars ($250,000), a fee of not more than one-half of 1 percent of the estimated cost.

(b) For all costs in excess of two hundred fifty thousand dollars ($250,000), a fee of not more than one-fourth of 1 percent.

The minimum fee in any case shall be fifty dollars ($50). If the actual cost exceeds the estimated cost by more than 10 percent, a further fee shall be paid to the Division of Architecture, based on the above schedule and computed on the amount by which the actual cost exceeds the amount of the estimated cost.

Division of Architecture Public Building Fund

15458. All fees shall be paid into the State Treasury and credited to the Division of Architecture Public Building Fund, which fund is continued in existence, and are available without regard to fiscal years for the use of the Division of Architecture, subject to approval of the Department of Finance, in

carrying out the provisions of this article (commencing at Section 15451)

On July 1st of each year, the State Controller shall transfer from the Division of Architecture Public Building Fund to the General Fund money in said fund in excess of seven hundred fifty thousand dollars ($750,000).

Architect or engineer

15459. All plans, specifications, and estimates shall be prepared by a certified architect holding a valid license under Chapter 3 of Division 3 of the Business and Professions Code or by a structural engineer holding a valid certificate to use the title structural engineer under Chapter 7 of Division 3 of the Business and Professions Code, and the supervision of the work of construction shall be under the responsible charge of such an architect or structural engineer, except that where plans, specifications, and estimates for alterations or repairs do not involve architectural or structural changes said plans, specifications, and estimates may be prepared and work of construction may be supervised by a professional engineer duly qualified to perform such services and holding a valid certificate under Chapter 7 of Division 3 of the Business and Professions Code for performance of services in that branch of engineering in which said plans, specifications, and estimates and work of construction are applicable.

Compliance

15460. No contract for the construction or alteration of any school building, made or executed by the governing board of any school district or other public board, body, or officer otherwise vested with authority to make or execute such a contract, is valid, and no public money shall be paid for any work done under such a contract or for any labor or materials furnished in constructing or altering any such building, unless the plans, specifications, and estimates comply in every particular with the provisions of this article (commencing at Section 15451) and the requirements prescribed by the Division of Architecture and unless the approval thereof in writing has first been had and obtained from the division.

Reports

15461. From time to time, as the work of construction or alteration progresses and whenever the Division of Architecture requires, the certified architect or structural engineer in charge of construction or registered engineer in charge of other work, the inspector on the work, and the contractor shall each make to the Division of Architecture a report, duly verified by him, upon a form prescribed by the division, showing, of his own personal knowledge, that the work during the period covered by the report has been performed and materials used and installed, in every particular, in accordance with the approved plans and specifications, setting forth such detailed statements of fact as are required by the Division of Architecture.

Rules

15462. The Division of Architecture may from time to time make such rules and regulations as it deems necessary, proper, or suitable effectually to carry out the provisions of this article (commencing at Section 15451).

Inspection

15463. The State Division of Architecture shall make such inspection of the school buildings and of the work of construction or alteration as in its judgment is necessary or proper for the enforcement of this article (commencing at Section 15451) and the protection of the safety of the pupils, the teachers, and the public. The school district, city, city and county, or the political subdivision within the jurisdiction of which any school building is constructed or altered shall provide for and require competent, adequate, and continuous inspection during construction or alteration by an inspector satisfactory to the architect or structural engineer and the Division of Architecture. The inspector shall act under the direction of the architect or structural engineer as the board may direct, and be responsible to the governing board.

Violations

15464. Any person who violates any of the provisions of this article (commencing at Section 15451) or makes any false statement in any verified report or affidavit required pursuant to this article (commencing at Section 15451), is guilty of a felony.

Examination of buildings

15465. Upon written request by the governing board of any school district or upon written request by at least 10 percent of the parents having children enrolled as pupils in any school district as certified to by the county superintendent of schools, the Division of Architecture shall make an examination and report on the structural condition of any public school building of the district, subject to the payment by the governing board of the actual expenses incurred by the Division of Architecture. Payment of the expenses may be waived by the Division of Architecture on recommendation of the State Superintendent of Public Instruction when it appears to him that the school district in which the public school building is located cannot afford to pay them.

Article 5. Fitness of Buildings for Occupancy

Report of supervisor of health

15501. If the supervisor of health of any school district notes any defect in plumbing, lighting, or heating, or any other defect in the school building which tends to make the building unfit for the proper housing of the children, he shall at once make a detailed report to the governing board of the school district.

If within 15 days after he has filed this report, he finds that the board has made no provision for the correction of the defect, he shall at once report the defect to the county superintendent of schools who shall under the provisions of Sections 15851 to 15856, inclusive, proceed to have the defect corrected.

Fire escapes

15502. Each school building shall, if two or more stories in height, be provided with suitable and sufficient fire escapes.

The governing board of any school district shall provide the fire escapes for the school buildings under its jurisdiction.

Estimates

15503. Whenever an examination of the structural condition of any school building of a school district has been made

by the Division of Architecture of the Department of Public Works, or by any licensed structural engineer or licensed architect for the governing board of the school district, or under the authorization of law, and a report of the examination, including the findings and recommendations of the agency or person making the examination, has been made to the governing board of the district, and the report shows that the building is unsafe for use, the governing board of the district shall immediately have prepared an estimate of the cost necessary to make such repairs to the building or buildings as are necessary, or, if necessary, to reconstruct or replace the building so that the building when repaired or reconstructed, or any building erected to replace it, shall meet such standards of structural safety as are established in accordance with law.

Repair

15504. After securing the estimate, the governing board of the district shall, if the district has sufficient funds to its credit to permit the repairs, reconstruction, or replacement, immediately proceed in such manner as is authorized by law to secure the necessary authorization for the expenditure of the funds. If authorization to expend the funds is not required by law, the board shall within 60 days from the receipt of the report of the examination of the building proceed with the repair, reconstruction, or replacement of the building.

Insufficient funds

15505. If the district has not sufficient funds available to permit the governing board of the district to proceed with the repair, reconstruction, or replacement of the building, the governing board may after receiving the report of the examination of the building call an election at which there shall be submitted to the qualified electors of the district all of the following propositions:

(a) Authorization of bonds of the district in an amount sufficient, as shown by the estimate, to provide funds for the repair, reconstruction, or replacement of the building

(b) Authorization of the increase of the maximum tax rate of the district for such length of time as will permit raising sufficient funds by district taxation for the repair, reconstruction, or replacement of the building.

(c) Abandonment of the building and use of tents or other temporary structures for school purposes in lieu of the building abandoned.

Election

15506. Where authoriaztion of the qualified electors for the expenditure of the funds is required under any law of this State, the proposition to authorize the expenditure shall be submitted at the election.

Resolution and notice

15507. The resolution or notice calling the election shall specify the building or buildings proposed to be repaired, reconstructed, or replaced, and those proposed to be abandoned.

Conduct of election

15508. The election shall be called and held and the vote canvassed and result declared in the manner provided by law for the calling and holding of district bond elections. Each elector shall be entitled to vote upon each of the propositions.

Bonds

15509. If, at the election, the requisite number of voters cast their ballots in favor of the issuance of bonds, the bonds shall be issued and sold in the manner provided by law for the issuance and sale of bonds of the district, and the proceeds used for the purpose or purposes specified in the resolution or notice calling the election. In such event, the results of the voting upon the other two propositions submitted at the election shall be disregarded.

Increase in tax rates

15510. If, at the election, issuance of bonds of the district is not authorized, and if, on the proposition of increasing the tax rate of the district the number of votes cast in the affirmative is sufficient to authorize an increase in the tax rate of the district, the increase shall be authorized, and the governing board shall proceed to increase the rate and to use the proceeds of the increased tax solely for the purpose or purposes specified in the resolution or notice calling the election. In such event the result of the voting upon the third proposition submitted at the election shall be disregarded.

Temporary structures

15511. If, at the election, neither the proposition to issue bonds nor the proposition to increase the maximum tax rate is authorized by the electors, the result of the voting upon the proposition to authorize the use of tents or other temporary structures shall be considered by the governing board, as an advisory vote, and the tents or other temporary structures may be used for school purposes to the extent that such use is deemed necessary by the governing board.

Liability of members Temporary structures

15512. No member of the governing board shall be held personally liable for any damage or injury to person or property as a result of the use of tents or other temporary structures, except in case of his own personal negligence or misconduct.

Same: Continued use of buildings

15513. If, at the election, neither the issuance of bonds nor the increase of the tax rate is authorized, and the other proposion on the ballot does not receive a majority of the votes cast thereon in favor thereof, no member of the governing board of the district shall be held personally liable for any injury to person or damage to property as a result of the continued use of any building or buildings referred to in the resolution or notice calling the election.

Same: Use of buildings

15514. No member of the governing board of the district shall be held personally liable for injury to person or damage to property by reason of the use of any building.

Liability of district

15515. Nothing in Sections 15512, 15513, or 15514 shall be construed as relieving any school district of any liability for injury to person or damage to property imposed by law.

Voluntary pupils Injury, etc

15516. No member of the governing board of any school district or employee of any school district shall be held personally liable for the death or injury of any pupil above the compulsory school age or for damage to the property of any such pupil resulting from his voluntary attendance upon classes on premises and not under the management and control of the governing board of the district, or resulting from his voluntary

attendance in buidings not owned, rented or leased by the school district or upon field trips, if such death, injury, or damage is caused by the dangerous or defective condition of the premises or buildings in which such classes are maintained or which are entered on field trips.

Article 6. Buildings in Union or Joint Union Districts

15551. After the location of the union or joint union school or schools has been determined, the board of trustees may erect or lease suitable buildings, as they deem advisable. Erection

15552. A lease shall not be made for a longer period than three years. Leases

15553. In all cases the plan shall be approved by the county superintendent of schools of the county in which the schoolhouse is located. Approval of plans

Article 7. High School Buildings

15601. The high school board may, at any time after its organization, make arrangements for the temporary location of the high school. Temporary location

15602. If satisfactory quarters in a suitable location are offered or can be procured for a consideration or at a rental which makes it advisable to accept them, the high school board may secure or lease the quarters for a period not to exceed three years. Lease

15603. At the expiration of the lease or other arrangement, the board may make another lease or other arrangement for the same or different quarters for a period not exceeding three years. Renewal

15604. If rooms can be obtained in a public school building in the place where the high school is temporarily located, on reasonable terms, such rooms shall be given the preference. Rooms

15605. The governing board of any district maintaining a high school, when in its judgment necessity therefor exists, may construct and maintain dormitories in connection with any high school within the district for use and occupancy by pupils in attendance at the high school, and shall fix the rates to be charged the pupils for quarters in the dormitories. Dormitories

Article 8. Junior College Buildings

15651. The governing board of any district maintaining a junior college, when in its judgment necessity therefor exists, may construct and maintain dormitories in connection with any junior college within the district for use and occupancy by pupils in attendance at the junior college, and shall fix the rates to be charged the pupils for quarters in the dormitories. Same

15652. Moneys received by a district from rental of quarters in dormitories constructed with moneys derived from the sale of bonds may, in lieu of being deposited in the county Deposit of dormitory rentals

treasury to the credit of the general fund of the district, be deposited in the county treasury to the credit of the interest and sinking fund of the district.

Leasing quarters

15653. If satisfactory quarters in a suitable location are offered at a rental which makes it advisable to accept them, the governing board of the junior college may lease the quarters for a period not to exceed three years.

At the expiration of the lease or other arrangement, the board may continue to renew said lease or other arrangement, for a period not to exceed three years and may continue to renew for periods not to exceed three years as long as the facilities are needed.

Article 9. Leasing of School Buildings

"Building"

15701. Any school district may enter into leases and agreements relating to real property and buildings to be used by the district pursuant to this article (commencing at Section 15701). As used in this article (commencing at Section 15701), "building" includes on-site and off-site facilities, utilities or improvements which the governing board determines are necessary for the proper operation or function of the school facilities to be leased. It also includes the permanent improvement of school grounds.

Site

15702. Before the governing board of a school district enters into a lease or agreement pursuant to this article (commencing at Section 15701), it shall have available a site upon which a building to be used by the district may be constructed and shall have complied with the provisions of law relating to the selection and approval of sites, and it shall have prepared and shall have adopted plans and specifications for such building which have been approved pursuant to Sections 15408 to 15411, and Sections 15451 to 15465, inclusive. A district has a site available for the purposes of this section if it owns a site or if it has an option on a site which allows the school district or the designee of the district to purchase the site. Any school district may acquire and pay for an option containing such a provision.

Term of lease or agreement

15703. The term of any lease or agreement entered into by a school district pursuant to this article (commencing at Section 15701) shall not exceed 40 years.

Exemption

15704. Sections 16051 to 16068, inclusive, shall not apply to leases made pursuant to this article (commencing at Section 15701).

Lease-purchase

15705. The governing board of a school district may let, at a minimum rental of one dollar ($1) a year, to any person, firm, or corporation any real property which belongs to the district if the instrument by which such property is let requires the lessee therein to construct on the demised premises, or provide for the construction thereon of, a building or buildings for the use of the school district during the term thereof, and provides that title to such building shall vest in the school

district at the expiration of such term. Such instrument may provide for the means or methods by which such title shall vest in the school district prior to the expiration of such term, and shall contain such other terms and conditions as the governing board may deem to be in the best interest of the school district.

Same

15706. The governing board of any school district may enter into an agreement with any person, firm, or corporation under which such person, firm, or corporation shall construct, or provide for the construction of, a building to be used by the district upon a designated site and lease such building and site to the district. Such instrument shall provide that the title to such building and site shall vest in the district at the expiration of such lease, and may provide the means or method by which the title to the building and site shall vest in the district prior to the expiration of such lease, and shall contain such other terms and conditions as the governing board of the district deems to be in the best interest of the district.

The agreement entered into shall be with the lowest responsible bidder who shall give such security as the board requires. The board may reject all bids. For the purpose of securing bids the board shall publish at least once a week for two weeks in some newspaper of general circulation published in the district, or if there is no such paper, then in some paper of general circulation circulated in the county, a notice calling for bids, stating the proposed terms of the agreement and the time and place where bids will be opened.

Election

15707. The governing board of a school district shall call and hold an election, pursuant to Section 15708 or 15709, before or after entering a lease or agreement, as the case may be.

Same: Ballot

15708. Before entering into a lease or agreement pursuant to this article (commencing at Section 15701), the governing board of the district shall call, hold, and conduct an election in the manner provided in Section 20803, except that the ballot used in the election shall contain substantially the words: "shall the governing board of the _ _____ District purchase a site, prepare plans and specifications, [the reference to the site and plans and specifications shall not be included if, prior to calling the election, the governing board of the district has acquired a site or proposes to lease a site and has prepared plans and specifications] and lease [a site and] a building to be constructed for use by the school district [designating the location of the site on which the building will be constructed and generally describing the building], and, for such purposes, shall the maximum tax rate of the district be increased from _____ to _____, such rate to be in effect in the _____ District for the year 19___ to 19 __, be authorized and the amount of such increase used solely and exclusively for such purposes?"

Same Alternative method

15709. In lieu of calling an election pursuant to Section 15708, the governing board of a school district may call an election pursuant to this section. Within 10 days after the governing board has opened the proposals pursuant to Section

15714 it may accept a proposal and execute the lease or agreement, and immediately thereafter call an election pursuant to this section.

The governing board of the district shall call, hold, and conduct an election in the manner provided in Section 20803, except that the ballot used in the election shall contain substantially the words: "shall the governing board of the _____ District lease [a site and] a building to be constructed for use by the school district [designating the location of the site on which the building will be constructed, and generally describing the building and the cost thereof], and, for such purposes, shall the maximum tax rate of the district be increased from _____ to _____, such rate to be in effect in the _____ District for the years 19___ to 19___, be authorized and the amount of such increase used solely and exclusively for such purposes?"

Same: Majority vote

15710. If, at the election held pursuant to Section 15708, a two-thirds majority of the electors voting on the proposition vote "yes," the governing board may proceed pursuant to this article (commencing at Section 15701). If, at the election held pursuant to Section 15709, one-third of the electors voting on the proposition vote "no," any lease or agreement entered into by the governing board for the lease of the site or building, or both, designated in the proposition is void.

Limitation

15711. If the governing board of the district fails to enter into a lease pursuant to this article (commencing at Section 15701) within one year after the result of an election, held pursuant to Section 15708, at which a two-thirds majority of the votes cast favors the proposition submitted, the authorization for an increase in the maximum tax rate shall become void.

Declaration of intention

15712. After the governing board of a school district has complied with Section 15702, it shall, in a regular open meeting, adopt a resolution declaring its intention to enter into a lease or agreement pursuant to this article (commencing at Section 15701). The resolution shall describe, in such manner as to identify it, the available site upon which the building to be used by the district shall be constructed, shall generally describe the building to be constructed and state that the building shall be constructed pursuant to the plans and specifications adopted by the governing board therefor, shall, if such is the case, state the minimum yearly rental at which the governing board will lease real property belonging to the district upon which the building is to be constructed, and shall state the maximum number of years for which the school district will lease the building or site and building, as the case may be, and shall state that the proposals submitted therefor shall designate the amount of rental, which shall be annual, semiannual, or monthly, to be paid by the school district for the use of the building, or building and site, as the case may be. The resolution shall fix a time, not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to enter such a lease or agreement with the school district will

be received from any person, firm, or corporation, and considered by the governing board. Notice thereof shall be given in the manner provided in Section 16058.

At the time and place fixed in the resolution for the meeting of the governing body, all sealed proposals which have been received shall, in public session, be opened, examined, and declared by the board. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to enter a lease or agreement and which are made by responsible bidders, the proposal which calls for the lowest rental shall be finally accepted, or the board shall reject all bids. The board is not required to accept a proposal, or else reject all bids, on the same day as that in which the proposals are opened.

Law applicable

15713. Any building constructed for the use of a school district pursuant to this article (commencing at Section 15701) is subject to Sections 15451 to 15465, inclusive.

Bonded indebtedness

15714. For the purposes of Sections 21801, 21802, and 21805, 60 percent of any remaining payments which would become due from the district under any leases and agreements entered into by the district pursuant to this article (commencing at Section 15701), if such leases and agreements were to run their full term, shall be considered outstanding bonded indebtedness.

Rental amount

15715. The amount of rental which a district agrees to pay during any one year, under a lease or agreement entered into pursuant to this article (commencing at Section 15701), is an obligation of such district and is an obligation of such district for such year only.

Wages of construction workers

15716. The governing board of the school district shall ascertain the general prevailing rate of per diem wages in the locality in which the building is to be constructed for each craft, classification or type of workman needed for the construction of the building and shall specify in the resolution and in the notice, required by Section 15714, and in the lease or agreement made pursuant to this article (commencing at Section 15701), what the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work in the locality is for each craft, classification or type of workmen needed for the construction of the building. The holidays upon which such rate shall be paid need not be specified by the governing board, but shall be all holidays recognized in the collective bargaining agreement applicable to the particular craft, classification or type of workmen employed on the project.

In determining such rates, the governing board shall ascertain and consider the applicable wage rates established by collective bargaining agreements and such rates as may have been predetermined for federal public works, within the locality and in the nearest labor market area. Where such rates do not constitute the rates actually prevailing in the locality, the governing board shall obtain and consider further data

from the labor organizations and employers or employer associations concerned, including the recognized collective bargaining representatives for the particular craft, classification or type of work involved. The rate fixed for each craft, classification or type of work shall not be less than the prevailing rate paid in such craft, classification or type of work.

Any agreement or lease entered into pursuant to this article (commencing at Section 15701) shall require that such general prevailing rates will be paid. It shall also require that work performed by any workman employed upon the project in excess of eight hours during any one calendar day shall be permitted only upon compensation for all hours worked in excess of eight hours per day at not less than 1½ times the basic rate of pay. There may also be included in leases or agreements entered into pursuant to this article (commencing at Section 15701) any other requirements with respect to matters related to the subject of this section which the governing board deems necessary or desirable.

Construction

15717. The provisions of this article (commencing at Section 15701) prevail over any provisions of law which conflict therewith.

Termination date

15718. The provisions of this article (commencing at Section 15701) shall terminate on the ninety-first day after final adjournment of the 1961 Regular Session of the Legislature.

DIVISION 12. MANAGEMENT AND CONTROL OF SCHOOL PROPERTY AND EQUIPMENT

CHAPTER 1. GENERAL

Article 1. Powers and Duties of Governing Boards of School Districts

Control of property

15801. The governing board of any school district shall manage and control school property within its district.

Same Insurance, etc.

15802. The governing board of any school district shall furnish, repair, insure, and in its discretion rent the school property of its districts. The insurance shall be written in any admitted insurer. In districts within or partly within cities of the first class or of the first and one-half class fire insurance on property of the districts may be, in the discretion of the governing board, of the deductible type of coverage. By deductible type of coverage is meant a form of insurance under which the insurance becomes operative when the loss and damage exceeds an amount stipulated in the policy or policies.

Fire loss fund

15803. In districts situated within or partly within cities of the first class or of the first and one-half class any board of education may establish a fund in the county treasury for the purpose of covering fire losses to school property in lieu of carrying fire insurance in admitted insurers as provided in Section 15802 of this code. In such fund shall be placed such

sums, to be provided in the budget of the district, as will create an amount which, together with investments made from such fund, will be sufficient in the judgment of the board of education upon the advice of competent actuaries to protect such board of education against losses by fire on all or any part of the school property within its jurisdiction. Nothing contained herein shall be construed as prohibiting the board of education from providing protection against fire losses partly by means of such fund and partly by means of fire insurance written by admitted insurers as provided in Section 15802 of this code.

Notwithstanding any other provision of law, such fund shall be considered as separate and apart from all other funds of the district and the balance therein shall not be considered as being part of the working cash of the district in compiling annual budgets or fixing annual tax rates.

Notwithstanding any other provision of law, warrants shall not be drawn on or transfers made from the fund so created except to reimburse the district for losses by fire and then only after resolution duly adopted by the board of education based upon findings by competent appraisers.

The cash placed in such fund may be invested and reinvested by the county treasurer with the advice and consent of the board of education in securities which are legal investments for surplus county funds in this State. The income derived from such investments together with interest earned on uninvested funds shall be considered revenue of and be deposited in such fund.

The county treasurer shall make quarterly reports to the board of education as to the condition of the fund, using as a basis for such report the cost or market value, whichever may be the lower, of the securities held as investments plus the cash in such fund.

Improvements

15804. The governing board of any school district may grade, pave, construct sewers, or otherwise improve streets and other public places in front of real property owned or controlled by it, and also may construct in immediate proximity to any school or site owned or controlled by the district, pedestrian tunnels, overpasses, footbridges, sewers and water pipes when required for school or administrative purposes, may acquire property, easements and rights-of-way for such purpose, and may appropriate money to pay the cost and expense of the improvements, whether made by the board under contract executed by the board, or under contracts made in pursuance of any of the general laws of the State respecting street improvements, or under other contracts made in pursuance of the charter of any county or municipality.

Same

15805. Any provision to the contrary notwithstanding, the governing board of any school district, other than a city school district, may construct pedestrian walks, footbridges, and pedestrian tunnels when required for the safety of pupils attending the schools of the district, may acquire easements

and rights-of-way for such purposes, and may appropriate money to acquire such easements and rights-of-way and to pay the cost and expense of the improvements, whether made by the board under contract executed by the board, or under contracts made in pursuance of any of the general laws of the State respecting street improvements, or under other contracts made in pursuance of the charter of any county or municipality. Such pedestrian walks, footbridges, and pedestrian tunnels shall be constructed, and such easements or rights-of-way for such purposes shall be acquired, within one mile of the school for the pupils of which such walks, bridges, and tunnels are necessary.

Improvement assessments

15806. The governing board of any school district may appropriate money to pay assessments, for the improvement of streets or other public places, levied against any real property owned by, or under the control of the board, when the property is included within an assessment district formed in pursuance of any general law of the State or under the charter of any municipality. The assessments may be paid out of any funds belonging to the school district, except funds derived from the sale of bonds or required by law to be used for teachers' salaries.

Water supply

15807. The governing board of each school district shall provide a sufficient, convenient, and healthful supply of water for each school within the district.

If the board, upon investigation by the health officer of the county in which any school under control of the board is located, is found to have neglected to make such provision, the superintendent of schools of any county having jurisdiction over the district shall do so, and may pay the cost thereof out of any funds of the district available for the purpose.

Eating place

15808. The governing board of every school district shall provide a warm, healthful place in which children who bring their own lunches to school may eat the lunches.

Housing employees

15809. The governing board of any school district may construct, lease, or purchase buildings for housing employees of the district, and may equip and maintain the buildings. The employees of the district shall pay rent for the use of the buildings, or the rental value of the buildings used by them shall be taken into account in fixing their compensation.

Water closets

15810. The governing board of every school district shall provide, as an integral part of each school building, or as part of at least one building of a group of separate buildings, sufficient patent flush water closets for the use of the pupils. In school districts where the water supply is inadequate, chemical water closets may be substituted for patent flush water closets by the board.

This section shall apply to all buildings existing on September 19, 1947, or constructed after such date.

Sewers and drains

15811. In addition to the other powers granted the governing board of each school district may provide sewers and drains adequate to treat and/or dispose of sewage and drainage on or

away from each school property. For this purpose it may construct adequate systems or acquire adequate disposal rights in systems constructed or to be constructed by others for these purposes without regard to their proximity. The cost thereof shall be paid from the building fund, including any bond moneys therein.

Football equipment Cleaning, etc

15812. The governing board of each district maintaining a high school or junior college and the president of each state college shall provide for the annual cleaning, sterilizing, and necessary repair of football equipment of their respective schools, junior colleges, or state colleges pursuant to Sections 15812 to 15814, inclusive.

Same

15813. All football equipment actually worn by pupils shall be cleaned and sterilized at least once a year. Football equipment used in spring training shall be cleaned and sterilized before it is used in the succeeding fall term.

Contracts for repair

15814. Any contract with a dealer or craftsman for the repair of football equipment belonging to the district or the state college shall specifically state or describe the materials to be used by the dealer or craftsman in repairing such equipment.

Article 2. Duties of County Superintendents

Repair of buildings

5851. The superintendent of schools of each county may require the governing board of any district, except a district governed by a city or city and county board of education, to repair the school buildings or property or to abate any nuisance in or about the premises if the cost of the repairs or abatement does not exceed fifty dollars ($50) and there is a sufficient amount of money in the treasury to the credit of the district.

Adornment of school grounds

15852. The county superintendent of schools may also require the governing board, where practicable, to adorn the school grounds with fruit and ornamental trees and shrubbery. If the governing board neglects to do so, he may cause it to be done and pay for it on his requisition upon the county auditor, who shall draw his warrant payable out of any money to the credit of the district.

"School maintenance and repair fund"

15853. Whenever the county superintendent of schools of any county provides for the maintenance and repair of the property of such school districts under his jurisdiction as elect to take advantage of the provisions of this article (commencing at Section 15851), he shall upon the request of the governing board of any such district transfer from the general fund of the district to the "school maintenance and repair fund" a sum not to exceed 1 percent of the amount apportioned from the State School Fund to the district during the fiscal year in which the governing board of the district notifies him of its election to take advantage of the provisions of this article (commencing at Section 15851).

Use of fund

15854. Out of the school maintenance and repair fund the superintendent of schools of the county shall purchase mate-

rials, bill the district on supplies and equipment, and employ labor to maintain and repair school premises and property of the school districts under his jurisdiction which have elected to take advantage of the provisions of this article (commencing at Section 15851), and shall deliver a memorandum in triplicate of the cost of the service on or about the first of each calendar month to the school district.

Accounting

15855. Upon receipt of the memorandum the governing board of the district shall draw an order on the funds of the district in favor of the county superintendent of schools in the amount of such cost and forward it with the duplicate and triplicate of the memorandum to the superintendent of schools who shall verify the cost and file the duplicate with the county auditor and the triplicate with the county treasurer. In lieu of the issuance of an order by the governing board of the district in payment of the supplies and equipment, the superintendent of schools of the county may transfer from the proper account of the school district to his school maintenance and repair fund a sum equal to the cost of the services as stated in the memorandum.

Maintenance and repair

15856. The superintendent of schools of the county may employ such extra help as is necessary to perform the labor of the maintenance and repair work, as well as to provide for the supervision and transportation of the labor together with the equipment and materials for the work. The cost price of the maintenance and repair services to any school district is the original cost thereof and in addition a sum sufficient to reimburse the county superintendent of schools for all supervision, transportation, equipment, and other expenses, but the sum added shall not in any case exceed 10 percent of the cost of labor and supplies.

Article 3. Duties of Clerks of Districts

Repair and supervision of property

15901. The clerk of each district except a district governed by a city or city and county board of education shall, under the direction of the governing board, keep the schoolhouse in repair during the time school is taught therein, and exercise a general care and supervision over the school premises and property during the vacations of the school.

Article 4. Contracts

Contracts in excess of $1,000

15951. The governing board of any school district shall let any contracts involving an expenditure of more than one thousand dollars ($1,000) for work to be done or for materials or supplies to be furnished, sold, or leased to the district, to the lowest responsible bidder who shall give such security as the board requires, or else reject all bids. This section applies to all materials and supplies whether patented or otherwise.

Notice

15952. For the purpose of securing bids the board shall publish at least once a week for two weeks in some newspaper

of general circulation published in the district, or if there is no such paper, then in some newspaper of general circulation, circulated in the county, a notice calling for bids, stating the work to be done or materials or supplies to be furnished and the time when and the place where bids will be opened.

Estimates of cost

15953. In school districts, having an average daily attendance of 1,000 or more, as shown by the annual report of the county superintendent of schools for the preceding school year, the board may secure from responsible bidders at least three estimates of the cost of the work to be done or materials or supplies to be furnished. The estimates shall be secured from bona fide dealers or craftsmen engaged in the business or in handling the goods specified.

Estimates shall be submitted in writing and shall be filed with the clerk or secretary of the board, or with such other officer or employee as the board may designate.

If any of the estimates of cost is less than two thousand dollars ($2,000), the board may let a contract for the work, materials, or supplies, to the lowest responsible bidder without publishing the notice calling for bids.

Purchases through public corporations

15954. Notwithstanding any other provisions of Sections 15951 to 15960, inclusive, the governing board of any school district without advertising for bids may authorize by contract, requisition or purchase order, any public corporation or agency within the county whose superintendent of schools has jurisdiction over such school district, including the county, any city, town, district, or other school district of such county under the jurisdiction of the same county superintendent of schools, to purchase materials, supplies, equipment, automotive vehicles, tractors and other personal property for the district in the manner in which such other public corporation or agency is authorized by law to make such purchases. Upon receipt of any such personal property, provided the same complies with the specifications set forth in the contract, requisition or purchase order, the school district shall draw a warrant in favor of such other public corporation or agency for the amount of the approved invoice, including the reasonable costs to such other public corporation or agency for furnishing the services incidental to the purchase of such personal property.

Continuing contracts

15955. Continuing contracts for work to be done, services to be performed, or for materials or supplies to be furnished, sold or leased to the district may be made with an accepted vendor as follows: for work or services, not to exceed five years; for materials or supplies, not to exceed one year.

Emergency repairs

15956. In an emergency when any repairs, alterations, work or improvement is necessary to permit the continuance of existing school classes, or to avoid danger to life or property, the board may by unanimous vote, with the approval of the county superintendent of schools, make a contract in writing or otherwise on behalf of the district for the performance of labor and

furnishing of materials or supplies for the purpose without advertising for or inviting bids.

Work not exceeding $1,000

15957. In each school district, the governing board may make repairs, alterations or additions to school buildings, repair or build apparatus or equipment, make improvements on the school grounds, and erect new buildings by day's labor, or by force account, whenever the total cost of labor on the job does not exceed one thousand dollars ($1,000).

Purchases without estimates or bids

15958. Notwithstanding any other provisions of law to the contrary, the governing board of any school district may purchase supplementary textbooks, library books, and educational films, test materials, and work books, in any amount needed for the operation of the schools of the district without taking estimates or advertising for bids.

Same

15959. Notwithstanding any other provisions of law to the contrary, the governing board of any school district may purchase from the Federal Government or any agency thereof any surplus property, as defined in the Surplus Property Act of 1944, in any amount needed for the operation of the schools of the district without taking estimates or advertising for bids.

Payment of construction contracts

15960. The governing board of any school district shall determine the method of payment for construction contracts, including progress payments for completed portions of the work or for materials delivered on the ground or stored subject to the control of the board and unused.

Majority vote

15961. Wherever in this code the power to contract is invested in the governing board of the school district or any member thereof, such power may by a majority vote of the board be delegated to its district superintendent, or if there be no such officer then to such other officer or employee of the district as the board may designate. Such delegation of power may be limited as to time, money or subject matter or may be a blanket authorization in advance of its exercise, all as the governing board may direct; provided, however, that no contract made pursuant to such delegation and authorization shall be valid or constitute an enforceable obligation against the district unless and until the same shall have been approved or ratified by the governing board, said approval or ratification to be evidenced by a motion of said board duly passed and adopted. The school district official invested by the governing board with such power of contract shall be personally liable to the school district employing him for any and all moneys of said district paid out on any contracts made in violation or disregard of any provision of this section, but may insure himself against such liability with any insurance company authorized to do business in this State, and the cost of such insurance in whole or in part may be made a proper charge against school district funds, in the discretion of the governing board.

CHAPTER 2. SALES, LEASE, OR OTHER DISPOSITION OF PROPERTY

Article 1. Conveyances

16001. The governing board of any school district shall receive in the name of the district conveyances for all property received and purchased by it, and shall make in the name of the district conveyances of all property belonging to the district and sold by it. Conveyances to and from district

Article 2. Sale or Lease of Real Property

16051. The governing body of any school district may sell or lease for a term not exceeding 99 years, without a vote of the electors of the district first being taken, any real property belonging to the school district, and which is not or will not at the time of delivery of title or possession be needed for school classroom buildings by the district owning it. Power of governing board

16052. The sale may be made for cash, or for part cash and upon such terms of deferred payments secured by purchase money, mortgage, or deed of trust as are determined by the action of the governing board. Cash or terms

16053. The funds derived from the sale shall be used for capital outlay. Use of funds

16054. Any lease may be made upon such consideration or for such rental, as is authorized by the action of the governing board. Lease

16055. Every sale or lease shall be made in the manner provided by this article (commencing at Section 16051). Method

16056. Before ordering the sale or lease of any property the governing body shall, in a regular open meeting, by a two-thirds vote of all its members, adopt a resolution, declaring its intention to sell the property, or a resolution declaring its intention to lease it, as the case may be. The resolution shall describe the property proposed to be sold, or leased, in such manner as to identify it and shall specify the minimum price, or rental, and the terms upon which it will be sold, or leased, and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker, either out of the minimum price, rental, or otherwise, and shall fix a time, not less than three weeks thereafter for a public meeting of the governing body to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered. Declaration of intention

16057. If, in the discretion of the board, it is advisable to offer to pay a commission to a licensed real estate broker who is instrumental in obtaining any proposal, the commission shall be specified in the resolution. No commission shall be paid unless there is contained in or with the sealed proposal or stated in or with the oral bid, which is finally accepted, the Broker's commission

name of the licensed real estate broker to whom it is to be paid, and the amount or rate thereof. Any commission shall, however, be paid only out of money received by the board from the sale or rental of the real property.

Notice

16058. Notice of the adoption of the resolution and of the time and place of holding the meeting shall be given by posting copies of the resolution signed by the board or by a majority thereof in three public places in the district, not less than 15 days before the date of the meeting, and by publishing the notice not less than once a week for three successive weeks before the meeting in a newspaper of general circulation published in the county in which the district or any part thereof is situated, if any such newspaper is published therein.

Same

16059 Whenever it is proposed to lease real property and the governing body unanimously determines in the resolution that in its opinion, the monthly rental value of the property does not exceed the sum of fifty dollars ($50), the resolution may, before the date of the meeting, be published in two successive issues of a weekly newspaper of general circulation or in five successive issues of a newspaper of general circulation, published daily.

Acceptance of bids

16060. At the time and place fixed in the resolution for the meeting of the governing body, all sealed proposals which have been received shall, in public session, be opened, examined, and declared by the board. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or to lease and which are made by responsible bidders, the proposal which is the highest, after deducting therefrom the commission, if any, to be paid a licensed real estate broker in connection therewith, shall be finally accepted, unless a higher oral bid is accepted or the board rejects all bids.

Oral bids

16061. Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to purchase the property or to lease the property, as the case may be, upon the terms and conditions specified in the resolution, for a price or rental exceeding by at least 5 percent, the highest written proposal, after deducting the commission, if any, to be paid a licensed real estate broker in connection therewith, then the oral bid which is the highest after deducting any commission to be paid a licensed real estate broker, in connection therewith, which is made by a responsible person, shall be finally accepted.

Division of commission between brokers

16062. In the event of a sale on a higher oral bid to a purchaser procured by a licensed real estate broker, other than the broker who submitted the highest written proposal, and who is qualified as provided in Section 16057 of this code, the board shall allow a commission on the full amount for which the sale is confirmed. One-half of the commission on the amount of the highest written proposal shall be paid to the broker who submitted it, and the balance of the commission on the purchase

price to the broker who procured the purchaser to whom the sale was confirmed.

16063. The final acceptance by the governing body may be made either at the same session or at any adjourned session of the same meeting held within the 10 days next following

Final acceptance

16064. The governing body may at the session, if it deems such action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale or lease.

Rejection of bids

16065. Any resolution of acceptance of any bid made by the governing body authorizes and directs the president of the governing body, or other presiding officer, or the members thereof, to execute a deed or lease and to deliver it upon performance and compliance by the purchaser or lessee of all the terms or conditions of his contract to be performed concurrently therewith.

Deed or lease

16066. Notwithstanding any of the provisions of this article (commencing at Section 16051) to the contrary, the governing board of any school district may, with the approval of the Director of Finance, lease real property owned by the school district to the State Department of Education or to the Regents of the University of California upon such terms and conditions as may be agreed upon. The State Department of Education or the Regents of the University of California may enter into any agreement to lease real property pursuant to this section.

Lease to Department of Education or University of California

16067. Nothing in Sections 16051 to 16453, inclusive, shall prevent the governing board of any school district from acquiring, leasing or subleasing property pursuant to Section 1261 of the Military and Veterans Code.

Lease, etc., to veterans association

16068. The governing board of any school district may, without complying with any other provision of this article (commencing at Section 16051), let in the name of the district any buildings, grounds, or space therein not needed for school purposes upon such terms and conditions as may be agreed upon by the governing board of the district and the lessee thereof for a period not exceeding five separate or consecutive calendar days or portions thereof in each fiscal year.

Letting of unnecessary property

Article 3. Leasing of Real Property for Production of Gas

16101. The governing board of a school district may, upon complying with the provisions of this article (commencing with Section 16101), enter into and be a party to a community lease to which a city or other public agency and one or more private persons or private agencies are also parties for the leasing of the parcels of lands owned by the district and the other parties for the extraction and taking of gas not associated with oil, on such terms and conditions as the governing board of the district may prescribe. Such lease may be entered into without complying with any provisions of this code except as provided in this article (commencing with Section 16101).

Community lease

Conditions

16102. The board shall not enter into and be a party to any such lease unless the following conditions have been met:

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

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

Wells

16103. No well for the production of gas shall be drilled on any land owned by the district and leased pursuant to this article (commencing at Section 16101).

Article 4. Sale or Lease of Real Property by One District to Another, the Majority of Personnel of Boards Being the Same

Powers of governing board

16151. The governing board of any school district, constituting the governing body of an elementary school district, a high school district, and a junior college district, or any two of such districts, may sell, or lease for a term not exceeding 99 years, any real property belonging to one of its respective districts to another district, upon the conditions set forth in this article (commencing with Section 16151), whenever the majority of the personnel of the governing body of the district selling or leasing and the majority of the personnel of the governing body of the district purchasing or to which the property is to be let, are the same.

Resolution of intention

16152. Before ordering any sale or lease of real property the board shall, in open meeting by a two-thirds vote of its members, adopt a resolution declaring its intention to sell the property, or a resolution declaring its intention to lease it.

Terms

16153. The resolution shall describe the property to be sold or leased in such manner as to identify it, and the terms and conditions, not including the price or rental, upon which it will be sold or leased.

Board of appraisers

16154. The board, by the resolution, shall appoint two members of a board of appraisers, the third member of which shall be selected by the county superintendent of schools. The compensation of the board of appraisers shall be fixed by the governing board and is a legal charge against the funds of the district selling the property.

Report

16155. The board of appraisers shall thereafter make a report in duplicate to the board and county superintendent of schools of its finding and determination of the cash market value of the property proposed to be sold, or the rental value of the property proposed to be leased.

Notice

16156. The resolution, together with a notice fixing the time and place within the district at which a public meeting of the board will be held to consider the report of the appraisers and the sale or lease of the real property described in

the resolution, shall be published in a newspaper of general circulation published within the district if there is one, or if none is published in the district, in a newspaper published in the county, for not less than once a week for two weeks prior to the meeting.

16157. At the time and place fixed in the published notice, the board shall meet and consider the sale or lease and the report of the board of appraisers. Meeting

16158. If the county superintendent of schools approves the sale or lease at the price or rental fixed by the board of appraisers and the terms and conditions of sale or lease set forth in the resolution appointing the board of appraisers, the governing board of the district owning the property may thereupon consummate the sale or lease by one district to the other district governed by it, by executing, acknowledging and delivering such instruments as are necessary to convey title or demise the property. Execution

Article 5. Sale or Lease of Property by a District to Other Public Agencies

16201. The governing boards of any school district may sell, exchange, grant or quitclaim all or any of its interest in, or may lease for a term not exceeding 99 years, to the State, or to any county, city and county, city or special district, or to any other school district except in cases included within Article 4 (commencing at Section 16151) of this chapter, any real property belonging to the school district, and which is not or will not at the time of delivery of title or possession be needed for school classroom buildings by the district owning it, as provided in this article (commencing at Section 16201). Disposition of unnecessary realty

16202. Any sale, exchange, lease or grant of an interest in real property by a school district pursuant to Section 16201 shall be upon such terms and conditions as the parties thereto may agree and may be entered into without complying with any provisions of this code except as provided in this article. Same: Terms

16203. The board shall not enter into and be a party to any such sale, exchange or lease unless the following conditions have been met: Procedure

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

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

16204. In any lease made pursuant to this article (commencing at Section 16201), it shall be competent to provide Purchase by lessee

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

Sale to junior college district

16205. In any sale made pursuant to this article (commencing at Section 16201) by a high school district maintaining a junior college to a newly formed junior college district which includes the territory of such high school district, it shall be competent for the governing board of the high school district to give consideration to prior tuition charges for the use of buildings and equipment which have been received by the district as a result of taxes levied upon property in the territory included in the newly formed junior college district and not in the high school district maintaining the junior college.

Article 6. Dedication of Real Property

Powers of governing board

16251. The governing board of any school district may, pursuant to this article (commencing with Section 16251), dedicate or convey to the State, or any political subdivision or municipal corporation thereof, for public street or highway purposes, either with or without consideration and without a vote of the electors of the district first being taken, any real property belonging to the district, either in fee or any lesser estate or interest therein, including abutter's right of access to any public street or highway; and may dedicate or convey to any public corporation, or private corporation engaged in the public utility business, without a vote of the electors of the district first being taken, an easement to lay, construct, reconstruct, maintain, and operate water, sewer, gas, or storm drain pipes or ditches, electric or telephone lines, and access roads used in connection therewith, over and upon any land belonging to the school district, upon such terms and conditions as the parties thereto may agree.

Resolution of intention

16252. Before ordering the dedication or conveyance of any property the governing board shall in regular open meeting by a two-thirds vote of all its members adopt a resolution declaring its intention to dedicate or convey the property. The resolution shall describe the property proposed to be dedicated or conveyed in such manner as to identify it, and shall specify the purposes for which and the terms upon which it will be dedicated or conveyed, and shall fix a time not less than 10 days thereafter for a public meeting of the governing board to be held at its regular place of meeting for a public hearing upon the question of making the dedication or conveyance.

Notice

16253. Notice of adoption of the resolution and of the time and place of holding the meeting shall be given by posting copies of the resolution signed by the members of

the board, or by a majority thereof, in three public places in the district not less than 10 days before the date of the meeting, and by publishing the notice once not less than five days before the date of the meeting in a newspaper of general circulation, published in the district, if there is one, or, if there is no such newspaper published in the district, then in a newspaper published in the county in which the district or any part thereof is situated and having a general circulation in the district.

Public hearing

16254. At the time and place fixed in the resolution for the meeting of the governing board the public hearing shall be held, and the governing board may at the meeting, or at any other meeting of the governing board held within 60 days thereafter, unless a protest is entered, adopt a resolution by a two-thirds vote of all its members authorizing and directing the president of the governing board, or any other presiding officer, or the secretary, or the members thereof, to execute a deed of dedication or conveyance of the property and to deliver it. Upon the delivery and acceptance of the deed the dedication or conveyance is fully effective.

Protest

16255. A petition protesting against the proposed dedication or conveyance signed by at least 10 percent of the qualified electors of the district, as shown by the affidavit of one of the petitioners, may be filed with the governing board at the meeting held at the time and place fixed in the resolution. If a protest is filed, the governing board shall, before taking any further action on the proposed dedication or conveyance, submit the question of whether the proposed dedication or conveyance should be made, to the superintendent of schools of the county having jurisdiction over the district, whose decision is final. If the superintendent approves the proposed dedication or conveyance, the board may proceed as provided in Section 16254. If the superintendent of schools does not approve the proposed dedication or conveyance, no further proceedings shall be had thereon.

Article 7. Sale or Disposition of Buildings, Structures, and Other Fixtures by One District to Another

Powers of governing board

16301. The governing board of any school district, constituting the governing body of an elementary district, a high school district, and a junior college district, or any two of such districts, may sell any building, structure, or other fixture, belonging to one of its respective districts to another district governed by it, for an amount to be fixed by the governing body, and approved by the county superintendent of schools, without advertisement for or receipt of bids or compliance with any other provisions of this code.

Whenever any property is sold under this section it shall be removed from the premises of the district selling it within 60 days from the date of the sale.

Withdrawal from district

16302. When any territory withdrawn from a school district pursuant to this code contains a school building, site or real property, the building or site, together with the fixtures thereof, shall, upon the withdrawal of the territory becoming effective, become the property of the district of which the territory becomes a part or the whole.

Fixtures

16303. If a dispute arises between the governing boards of the two districts concerned as to what constitutes fixtures, a board of arbitrators shall be appointed who shall determine what articles in a school building located within territory withdrawn from any school district are fixtures thereof. The board shall consist of one person selected by the district from which the territory is withdrawn, one person selected by the district of which it has become a part, and a third person appointed by the county superintendent of schools of the county in which the districts are located. The two districts involved may mutually agree that the person appointed as arbitrator by the county superintendent of schools may act as sole arbitrator of the matters to be submitted to arbitration. The necessary expenses and compensation of the arbitrators shall be divided equally between the two districts, and the payment of the portion of the expenses is a legal charge against the funds of the school districts. The arbitrator or arbitrators shall proceed to view and examine such property, articles, equipment, and fixtures as they are requested to pass upon by the respective school districts and make a written finding as to what property, articles, or equipment constitute fixtures. The written finding and determination of a majority of the board of arbitrators is final and binding upon the school districts submitting the question to the board of arbitration.

Article 8. Exchange of Property

Access roadways

16351. The governing board of any school district which has acquired title to property included within an application which has been approved by the State Allocation Board for state school building aid and which property is to be used as an access roadway to such school site may exchange such property for other property to be used as an access roadway which abuts a state highway, if in the opinion of the Division of Highways in the Department of Public Works there is objection to the first access roadway, and if in the opinion of the governing board the property acquired by such exchange will afford more safety to the pupils of the district.

Article 9. Sale of Personal Property

Notice

16401. The governing board of any school district may sell to the highest bidder for cash any personal property belonging to the district not required for school purposes, or which should be disposed of for the purpose of replacement, or because unsatisfactory, or not suitable for school use, after

notice given by publication in a newspaper of general circulation published in the county for a period of not less than two weeks, or by posting notice in at least three public places in the district for not less than two weeks.

Private sale

16402. If in the unanimous judgment of the board the property does not exceed in value the sum of two hundred dollars ($200) it may be sold at private sale without advertising, by any member or employee of the board empowered for that purpose by the majority vote of the board.

Deposit of money

16403. The money received from the sale shall be placed to the credit of the fund from which the original expenditure for the purchase of the property was made.

Sale for replacement

16404. The governing board of any school district may dispose of personal property belonging to the district for the purpose of replacement by providing in the notice calling for bids for furnishing new materials, articles, or supplies that each bidder shall agree in his bid to purchase the property being replaced and to remove it from the school grounds and shall state in his bid the amount which he will deduct from the price bid for furnishing new materials, articles, or supplies as the purchase price for the personal property being purchased from the district. The board shall let the contract to the bidder whose net bid is the lowest, after deducting the amount bid for the purchase of the property, if the bidder is a responsible person.

Exchange for replacement

16405. The governing board of any school district may enter into contracts with manufacturers or suppliers for the exchange of household appliances and equipment belonging to the district and used for instructional purposes for new property of like class and kind for a similar use without advertising for or taking bids; provided, the cost to the district for such exchange shall not exceed the excess, if any, of the manufacturer's or supplier's selling price of the new property over the original cost to the district of the property being disposed of by the district, plus any applicable tax.

Removal of old material

16406. The governing board of any school district may, when calling for bids and letting contracts for constructing new school buildings, or repairing, altering, adding to, or reconstructing existing school buildings, or demolishing existing school buildings, require each bidder for the performance of the work to agree in his bid to purchase and to remove from the school grounds all old materials required by the specifications to be removed from any existing school building on the same school grounds and not required for school purposes and to state in his bid the amount which he will deduct from the price bid for the work as the purchase price of the old materials. The board shall let the contract to the bidder whose net bid is the lowest after deducting the amount bid for the purchase of the old materials, if the bidder is a responsible person.

Property made by pupils

16407. The governing board of a school district may authorize any officer or employee of the district to sell to any

pupil personal property of the district which has been fabricated by such pupil, at the cost to the district of the materials furnished by the district and used therein.

Materials sold to adult pupils

16408. The governing board of a school district may sell to persons enrolled in classes for adults maintained by the district such materials as may be necessary for the making of articles by such persons in such classes. The materials shall be sold at not less than the cost thereof to the district and any article made therefrom shall be the property of the person making it.

Article 10. Sale or Lease of Personal Property by One District to Another

Powers of governing board

16451. The governing board of any school district may sell any personal property or school supplies belonging to the district to another district and the governing board of the other district may purchase the property, for an amount equal to the cost thereof plus the estimated cost of purchasing, storing, and handling the property, without advertisement for or receipt of bids or compliance with any other provisions of this code The governing board of any school district may purchase any personal property or school supplies for the purpose of selling them, pursuant to this section.

This section does not authorize the purchase, for the purpose of resale, of standard school supplies and equipment by any elementary school district governed by school trustees.

Sale of personal property

16452. The provisions of Section 16451 shall be applicable to a sale of personal property from a unified school district whose boundaries are coterminous with a city or city and county to that city or city and county.

Used personal property

16453. The governing board of any school district may sell or lease used personal property belonging to the district to another district, and the governing board of the other district may purchase or lease the property. The selling price and the terms of sale, or the lease price and the terms of lease shall be fixed by the governing boards of the school districts effecting the sale or lease, and approved by the county superintendent of schools. The sale or lease may be made without advertisement for or receipt of bids, or compliance with any other provisions of this code.

Chapter 3. Apparatus and Supplies

Rules and regulations

16501. The county board of education shall on or before the first day of February of each year establish rules and regulations under which elementary school districts governed by school trustees and having an average daily attendance of less than 2,500 during the preceding fiscal year shall purchase standard school supplies and equipment through the county superintendent of schools, or when so directed by him, through a county purchasing agent.

When the county superintendent of schools purchases standard school supplies without directing their purchase through the county purchasing agent or other county, city, or school district agent or agency, he shall make such purchase from the lowest responsible bidder who shall give such security as the county superintendent of schools requires, or else reject all bids. For the purpose of securing bids, the county superintendent of schools shall publish at least once a week for two weeks in a newspaper of general circulation published in the county, a notice calling for bids stating where the list and specifications of standard school supplies and equipment to be furnished may be obtained and the time when, which shall not be less than 30 days after the date of completion of publication, and the place where bids will be opened.

The county board of education shall list as standard school supplies and equipment such supplies and equipment as can be advantageously purchased in quantity. The list of standard school supplies shall be accompanied by a table of specifications giving the minimum grade, quality, substance, or other standard required for the purchase of each item listed.

The cost of advertising for bids and the cost of preparation of a table of specifications shall be paid from the county general fund.

Powers of governing board

16502. The governing board of each school district shall, except as otherwise provided in this code, purchase school furniture, including musical instruments, and apparatus, and such other articles as are necessary for the use of schools, and may, in its discretion, purchase uniforms and other regalia for the use of school bands, orchestras and choirs, and including uniforms and equipment necessary for the use of athletic teams. The provisions of Article 1 of Chapter 4 of Division 5 of Title 1 of the Government Code shall not apply to the purchase of musical instruments made pursuant to this section. Any such articles purchased shall always remain the property of the school district purchasing them Only such books, apparatus, uniforms, and equipment shall be purchased by the governing board of an elementary school district, if the board is not a city board of education, as have been adopted by the county board of education having jurisdiction over the district.

Standard school supplies and equipment

16503. Trustees of elementary school districts having an average daily attendance of less than 2,500 during the preceding fiscal year shall purchase standard school supplies and equipment in accordance with the general regulations of the county board of education established pursuant to this code.

Same

16504. City boards of education, high school boards, and boards of trustees of elementary school districts having an average daily attendance of 2,500 or more during the preceding fiscal year may purchase standard school supplies and equipment in the manner provided for the purchase of such supplies and equipment for elementary school districts governed by school trustees and having an average daily attendance of less than 2,500 during the preceding fiscal year.

Other supplies and equipment

16505. The governing board of any school district may purchase any necessary school supplies and equipment, other than standard school supplies and equipment listed by the county board of education, in the manner provided in this chapter (commencing with Section 16501) for the purchase of standard school supplies and equipment, or they may purchase such supplies and equipment directly from the vendor.

Duty of clerk

16506. The clerk of each district shall, under the direction of the board of trustees, provide all school supplies authorized by this chapter (commencing at Section 16501).

Duty of county superintendent

16507. In accordance with the general rules and regulations prescribed by the county board of education, the county superintendent of schools shall provide for the purchase of all standard school supplies and equipment needed in the elementary districts of his county governed by boards of school trustees and having an average daily attendance of less than 2,500 during the preceding fiscal year.

Agent for high school districts

16508. The county superintendent of schools, when so requested, shall act as agent for the purchase of supplies for the city and high school districts of his county.

County purchasing agent

16509. The county superintendent may arrange with a county purchasing agent for the purchase of standard school supplies and equipment in accordance with the regulations of the county board of education and the purchasing agent shall act in such capacity when so authorized.

School busses

16510. The cost of purchasing and maintaining school busses may be paid out of any funds of the district except funds derived from the sale of bonds and funds required by law to be set aside for teachers' salaries.

School supply revolving fund

16511. The superintendent of schools of each county may transfer at the beginning of any school year from the funds of the elementary school districts of the county which are governed by boards of trustees, and from the funds of other districts of the county the governing boards of which elect to take advantage of Section 16504, to the school supply revolving fund, which fund is continued in existence, a sum not to exceed 10 percent of the amount to be received during the school year by each district from the State General Fund.

Purchase of supplies and equipment

16512. The county superintendent of schools, or, when so directed by him, the county purchasing agent, shall, whenever a school supply revolving fund is established, purchase school supplies and equipment for the school districts of the county which are required or authorized to purchase supplies or equipment through him, and upon requisition therefor by the proper authorities of the district shall deliver or cause the supplies to be delivered to the district together with a memorandum of the amount of the cost of the supplies delivered.

Payment

16513. Upon proper evidence of the receipt by any school district of the school supplies and equipment, and upon approval by the county superintendent of schools for payment of the invoice therefor, he shall draw his requisition upon the county auditor against the proper funds of the district in

favor of the school supply revolving fund for the cost of the supplies and equipment plus a charge, not to exceed 10 percent of the cost, to cover expenses of handling and possible losses. He shall thereupon draw his requisition upon the county auditor against the school supply revolving fund in favor of the vendor of the supplies and equipment in the amount of the approved invoice. The requisitions, when allowed and signed by the county auditor, constitute warrants on the county treasurer against the funds of the district and against the school supply revolving fund, respectively.

Assistants

16514. The county superintendent of schools, or, if so directed by him, the county purchasing agent, may employ such help as is necessary to care for the receiving, handling, and forwarding of school supplies and equipment, and the necessary wages and expenses for the help shall be paid from the school supply revolving fund on requisition by the superintendent.

Abolishment of fund

16515. The superintendent of schools may determine to abolish the school supply revolving fund in his county by serving notice in writing upon the auditor and treasurer of the county. Upon filing the notice discontinuing the fund, the superintendent of schools shall immediately arrange for the sale of supplies in his possession at their market price at the time of the sale plus any handling charges that may be charged against them. The sums secured from the sale shall be deposited by the superintendent of schools in the revolving fund which shall then be returned by the auditor to the respective districts from which it was created. A determination upon the part of the superintendent of schools to dispose of the school supply revolving fund shall not prejudice his right at a future time to recreate the fund.

Payment where no fund exists

16516. If in any county a school supply revolving fund is not established, payment for school supplies and equipment purchased through the county superintendent of schools or through the county purchasing agent shall be made by order of the governing board of the school district purchasing them, in the same manner as other payments are made from school district funds.

Duty of governing board to supply flags

16517. The governing board of each school district throughout the State shall provide for each schoolhouse under its control, a suitable Flag of the United States, which shall be hoisted above each schoolhouse during all school sessions and on school holidays, weather permitting.

The governing board of each school district shall provide smaller and suitable United States Flags to be displayed in each schoolroom at all times during the school sessions.

The governing board of each school district shall enforce this section.

Failure of governing board to supply flags

16518. If a board of school trustees of any school district refuses or neglects to purchase and display United States Flags as provided in Sections 16517 and 16518, the superintendent

of schools of the county shall purchase the Flags and direct the teacher or teachers to display the Flags as provided by law.

The superintendent of schools shall draw his warrant on the current expense fund of the district in payment of the cost of such Flags as he finds necessary to purchase.

Duties of governing board to furnish supplies

16519. Writing and drawing paper, pens, inks, blackboards, blackboard rubbers, crayons, lead and slate pencils, and other necessary supplies for the use of the schools, shall be furnished under the direction of the governing boards of the school districts.

Audit and payment

16520 Charges for supplies shall be audited and paid in the same manner as other claims against the county school fund of the districts.

Subscriptions

16521. The governing board of a school district may pay in advance for subscriptions to newspapers, magazines, periodicals and other publications for the district and the schools thereof when such action will result in a decrease in the cost to the district or which cannot be secured without payment in advance.

CHAPTER 4. USE OF SCHOOL PROPERTY FOR PUBLIC PURPOSES

Conditions

16551. The governing board of any school district may grant the use of school buildings or grounds for public, literary, scientific, recreational, or educational meetings, or for the discussion of matters of general or public interest upon such terms and conditions as the board deems proper, and subject to the limitations, requirements, and restrictions set forth in this chapter (commencing at Section 16551).

Interference with school work

16552. No use shall be inconsistent with the use of the buildings or grounds for school purposes, or interfere with the regular conduct of school work.

Monopoly

16553. No use shall be granted in such a manner as to constitute a monopoly for the benefit of any person or organization.

Term

16554 No privilege of using the buildings or grounds shall be granted for a period exceeding one year. The privilege is renewable and revocable in the discretion of the board at any time.

Personnel examinations

16555. The governing board of any school district may grant the use of school buildings, grounds, and equipment without charge to public agencies for the purpose of holding examinations for the selection of personnel.

Establishment

16556. There is a civic center at each and every public school building and grounds within the State where the citizens, parent-teachers' association, Campfire Girls, Boy Scout troops, farmers' organizations, clubs, and associations formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts may engage in supervised recreational activities, and where they may meet and discuss, from time to time, as they may desire, any subjects and questions which in their judgment appertain to the

educational, political, economic, artistic, and moral interests of the citizens of the communities in which they reside. Governing boards of the school districts may authorize the use, by such citizens and organizations of any other properties under their control, for supervised recreational activities.

Rules

16557. The use of any public schoolhouse and grounds for any meeting is subject to such reasonable rules and regulations as the governing board of the district prescribes and shall in nowise interfere with the use and occupancy of the public schoolhouse and grounds, as is required for the purposes of the public schools of the State.

Management

16558. The management, direction, and control of the civic center is vested in the governing board of the school district.

Powers of governing board

16559. The governing board of the school district shall make all needful rules and regulations for conducting the civic meetings and for such recreational activities as are provided for in this chapter (commencing at Section 16551) and which aid, assist, and lend encouragement to the activities.

Appointee of governing board

16560. The governing board of any school district may appoint a person who shall have charge of the grounds, preserve order, protect the school property, plan, promote, and supervise recreational activities, and do all things necessary in the capacity of a representative of the board. He shall have the power of a peace officer, to carry out the provisions and the intents and purposes of this chapter (commencing at Section 16551).

Free use

16561. The use of schoolhouses, property, and grounds pursuant to this chapter (commencing at Section 16551) shall be granted free, except as otherwise provided by Section 16562, to organizations, clubs, or associations organized for general character building or welfare purposes

For any other use of schoolhouses, property, and grounds pursuant to this chapter, including uses for which charges may be made under Section 16562, the governing board of any school district may charge not to exceed an amount sufficient to pay the cost to the district of supplies, utilities, and salaries paid school district employees necessitated by such use of schoolhouses, property, and grounds of the district.

Admission fees

16562. In the case of entertainments or meetings where admission fees are charged or contributions are solicited and the net receipts of the admission fees or contributions are not expended for the welfare of the pupils of the district or for charitable purposes a charge shall be made for the use of the schoolhouses, property, and grounds.

The governing board may, however, permit such use, without charge, by organizations, clubs, or associations organized for general character building or welfare purposes, when membership dues or contributions solely for the support of the organization, club, or association, or the advancement of its character building or welfare work, are accepted.

Necessary expense

16563. Lighting, heating, janitor service, and the services of the person when needed, and other necessary expenses,

in connection with the use of public school buildings and grounds pursuant to this chapter (commencing at Section 16551), shall be provided for out of the county or special school funds of the respective school districts in the same manner and by the same authority as similar services are provided for.

Individuals, groups, etc., intending overthrow of government

16564. Any use, by any individual, society, group, or organization for the commission of any act intended to further any program or movement the purpose of which is to accomplish the overthrow of the Government of the United States or of the State by force, violence, or other unlawful means shall not be permitted or suffered.

Any individual, society, group, or organization which commits any act intended to further any program or movement the purpose of which is to accomplish the overthrow of the government by force, violence or other unlawful means while using school property pursuant to the provisions of this chapter (commencing at Section 16551), is guilty of a misdemeanor.

Same: Prohibition

16565. No governing board of a school district shall grant the use of any school property to any person or organization for any use in violation of Section 16564.

For the purpose of determination by such governing board whether or not any individual, society, group or organization applying for the use of such school property intends to violate Section 16564, the governing board shall require the making and delivery to such governing board, by such applicant of a written statement of information in the following form:

STATEMENT OF INFORMATION

The undersigned states that, to the best of his knowledge, the school property for use of which application is hereby made will not be used for the commission of any act intended to further any program or movement the purpose of which is to accomplish the overthrow of the Government of the United States by force, violence or other unlawful means;

That _____, the organization on whose behalf he is making application for use of school property, does not, to the best of his knowledge, advocate the overthrow of the Government of the United States or of the State of California by force, violence, or other unlawful means, and that, to the best of his knowledge, it is not a communist-action organization or communist-front organization required by law to be registered with the Attorney General of the United States. This statement is made under the penalties of perjury.

_____
(Signature)

The school board may require the furnishing of such additional information as it deems necessary to make the determination that the use of school property for which application is made would not violate Section 16564 of the Education Code.

Any person applying for the use of school property on behalf of any society, group or organization shall be a member of such applicant group and, unless he is an officer of such group, must present written authorization from such applicant group to make such application.

The governing board of any school district may, in its discretion, consider any statement of information or written authorization made pursuant to the requirements of this section as being continuing in effect for the purposes of this section for the period of one year from the date of such statement of information or written authorization.

Perjury

16566. Written statements of information as required by Section 16565 need not be under oath, but shall contain a written declaration that they are made under the penalties of perjury, and any person so signing such statements who wilfully states therein as true any material matter which he knows to be false, is subject to the penalties prescribed for perjury in the Penal Code of this State.

CHAPTER 5. CHILD CARE CENTERS

Legislative policy

16601. The policy of the Legislature in enacting this chapter (commencing at Section 16601) is to continue child care centers to provide care and supervision of children necessitated by the employment of women with children, without imposing additional taxes on property which the owners of such property cannot, because of the burden now imposed, be reasonably expected to bear.

"Parent"

16602. As used in this chapter (commencing at Section 16601) "parent" includes any person having legal custody of a child.

Determination of need

16603. The need of a parent and child for child care center service shall be determined upon the following conditions:

(a) That there is but one parent in the home who both supports and cares for the child, or there is but one parent in the home who requires not to exceed 12 months of education or training to qualify for entrance upon employment that will make the family economically self-sufficient, or

(b) That there are two parents in the home, both of whom are working, or one of whom is physically or mentally unable to either support the family or care for the child, or

(c) That either parent is a veteran attending school or receiving instruction under the Servicemen's Readjustment Act of 1944 or Veterans Readjustment Assistance Act of 1952 or under Article 2, Chapter 6, Division 4 of the Military and Veterans Code, and the other parent, if any, is gainfully employed, or

(d) That the services of the parent having care of the child are necessary as a qualified and acceptable teacher in a public school or as a qualified and acceptable worker to serve in the care and guidance of children in a child care center or a super-

visor of a child care program, as shall be evidenced by a statement from the employing authority of the public school to the governing body of the child care center, or

(e) That the services of the parent having care of the child are necessary as a registered nurse, as shall be evidenced by a statement from the responsible employer to the governing body of the child care center, or

(f) That the services of the parent having care of the child are necessary as a worker in industry essential to the mobilization effort, as shall be evidenced by a statement from the employer in such industry as shall have been designated as essential to the mobilization effort by the Director of Employment, or

(g) That the services of the parent having care of the child are necessary to meet an emergency arising from the necessity of harvesting or processing crops, or as an agricultural worker where the employer shall have established facilities for use by the child care centers, or

(h) That the parent having care of the child is attending school or receiving instruction under the State Vocational Rehabilitation Program, as shall be evidenced by a statement from that agency.

The need for child care of a parent and child who come within (a) and (b) of this section shall take precedence over the need for child care of a parent, or parents, and child who come within (c) to (h), inclusive, of this section.

Maximum total monthly income

16604. Except as provided in Section 16605, no child shall be admitted to a child care center if the total monthly income from all sources of the child's immediate family:

(a) Where both parents are working, exceeds four hundred sixty-two dollars ($462) if there is one child in the family, and an additional sixty-six dollars ($66) for each additional child.

(b) Where but one parent, who has both custody and care of the child, is the sole wage earner of the child's immediate family, exceeds three hundred thirty dollars ($330) if there is one child in the family, and an additional sixty-six dollars ($66) for each additional child.

Except as provided in Section 16605 the maximum "total monthly income" figure in either case may be exceeded in any month or months of the year if in the opinion of the board the total income from all sources, of the child's immediate family for the calendar year divided by 12 will not exceed such maximum. In computing the maximum "total monthly income" of self-employed persons the gross income of such persons may be reduced by the legitimate business expenses incident to the self-employment. In estimating earnings of any member of the child's immediate family the computation of weekly wages shall be on the basis of wages based on a five-day week if the employer of such person certifies to said governing board that the workweek of such person is five days or more.

16605. If either parent is a veteran coming within (c) of Section 16603 and is attending school or receiving instruction for not less than half-time, or if the parent or if either parent comes within (a), (d), (e), (f), (g), or (h) of Section 16603, and if the income from all sources of the child's immediate family exceeds that fixed by Section 16604, but is not greater than three times the amount fixed by Section 16604, a child of such parent may be admitted to a child care center but the governing board of the school district maintaining the child care center shall, notwithstanding anything in Section 16614 to the contrary, charge and collect from the person having custody of the child, except a parent coming within (a) of Section 16603, a weekly fee which shall be in such amount as will reimburse the district for the cost of supervision, care, and the cost of all food furnished such child. The governing board shall charge a parent coming within (a) of Section 16603 the fee required for the applicable maximum income as provided in Section 16604, plus, for each full eleven dollars ($11) of an additional sixty-six dollars ($66) of income, one-sixth of the difference between that fee and the amount which will reimburse the district for the cost of supervision, care, and all food furnished the child. Same: Veterans

As applied to the families of men on active duty with the United States armed forces, only that portion of the pay and allowances of such men shall be included in the "total monthly income" which is the amount legally required to be made available for the support of the family by rule or regulation.

16606. The governing board of any school district may, subject to the provisions of this chapter (commencing at Section 16601), establish and maintain such child care centers within the district as it may deem necessary to provide for the proper supervision and care, including such health supervision as may be established under the standards established for child care centers by the Superintendent of Public Instruction as hereinafter provided, of children between two years and 16 years of age living within, and in the custody of persons residing in, the district when such care and supervision cannot be provided by such persons because such persons are gainfully employed. Establishment

16607. Children regularly enrolled in a child care center who are absent on account of illness or quarantine shall be considered to be in regular attendance for the number of hours per day for which they are enrolled for the purpose of reporting attendance for state apportionments, whenever the school district certifies that such absence was on account of illness or quarantine and is verified by the district in such manner as the Superintendent of Public Instruction shall require. All attendance shall be recorded and reported in accordance with the requirements of the Superintendent of Public Instruction. Effect of absence

16608. Said governing board may accommodate in a child care center maintained by it children residing in another dis- Nonresident children

trict, upon such terms and under such conditions as may be agreed upon by the governing boards of both districts.

Agreements with public agencies

16609. Said governing board may enter into agreements with any city or city and county or other public agency for the furnishing to, or use by, said governing board in carrying out the provisions of this chapter (commencing at Section 16601), of property, facilities, personnel, supplies, equipment and other necessary items and such city, county, city and county, or other public agency is authorized to enter into such agreements.

Use of school facilities

16610. The said governing board may permit the use of and furnish maintenance for buildings, grounds, and equipment, and the use of existing administrative personnel for the purposes of this chapter (commencing at Section 16601).

Standards

16611. The Superintendent of Public Instruction shall establish reasonable and uniform standards not in conflict with the provisions of this chapter (commencing at Section 16601) for child care centers established and maintained under the provisions of this chapter (commencing at Section 16601) and no child care center shall be so established and maintained which does not comply with such standards.

The Superintendent of Public Instruction may establish such regulations as he deems advisable concerning conditions of service and hours of enrollment for children in child care centers.

Hours

16612. The hours in any day, the days in any week and the months in any year during which such child care centers may be maintained shall be determined by said governing board.

Same

16613. Children shall be accommodated at such child care centers only during the hours in which the person or persons having custody of such children are at work, or unable to care for such children for any reason connected with such work, or unable to care for such children for any reason specified in Section 16603.

Weekly fees

16614. Said governing board shall charge and collect, in advance, from the person having custody of any child admitted to a child care center a weekly fee equal to that specified in the fee schedule prescribed by the Superintendent of Public Instruction.

It is hereby declared to be the policy of the Legislature that child care centers shall be made available first to those who have the greatest financial need, and the sliding scale of fees prepared by the Superintendent of Public Instruction shall provide for a nominal fee for children of families having a monthly income of less than one hundred fifty dollars ($150) or of less than forty dollars ($40) per member of the child's immediate family, and increasingly larger fees shall be charged for children of families having larger incomes. It is further declared to be the policy of the Legislature that so far as possible when it becomes necessary for the Superintendent of Public Instruction to adjust the fee schedule that any increase

shall be made first in fees charged to those in the higher income brackets, and the rate of increase in fees charged for children of families of different income levels need not be uniform as between the different income levels. It is further declared to be the policy of the Legislature that the fee schedule shall so far as reasonably possible, be established on such basis and in accordance with such principles as the Superintendent of Public Instruction may determine to insure proper administration of the child care center program and to establish uniform budgetary and accounting procedures.

Legislative policy re cost of maintenance

16615. It is hereby declared to be the policy of the Legislature that, on a statewide average, of the total amount of the cost for the maintenance and operation of child care centers paid for by state funds apportioned to the districts and fees collected from parents, two-thirds of such total cost shall be paid from such state funds and one-third from such fees. Fund derived from district taxes levied under this chapter (commencing at Section 16601) may be expended in addition to parent fees and state funds, and shall not operate to affect the operation of either the fee schedule or the formula for apportioning state funds provided for in this chapter (commencing at Section 16601).

Fee schedule

16616. The Superintendent of Public Instruction shall prepare a schedule of fees which shall be used by each school district for the charging of fees to parents. For parents who come within the provisions of Section 16604, the schedule shall be on a sliding scale, ranging from a lesser amount for parents within low income levels to a higher amount for higher income levels. The schedule shall provide as nearly as possible an amount equal to thirteen cents ($0.13) per hour per child. The fee schedule shall be on an hourly basis, and shall be uniformly applied.

Same: Revision

16617. The Superintendent of Public Instruction may revise the fee schedule as necessary in order to conform with the provisions of this code. A change in the fee schedule shall become effective 15 days after notice of such change has been given by the Superintendent of Public Instruction in writing to each district maintaining a child care center.

Statewide average state support rate

16618. The statewide average state support per hour per child shall be twenty-six cents ($0.26). The Superintendent of Public Instruction shall apportion state funds to the districts using twenty-six cents ($0.26) per hour per child. If the fees collected by any district shall for any month be less or more than thirteen cents ($0.13) per hour per child, the amount of the apportionment shall be increased or decreased in an amount equal to the amount by which the fees collected are less or more, respectively, than thirteen cents ($0.13) per hour per child, except that in no event shall the amount apportioned exceed thirty-one cents ($0.31) per hour per child.

Consideration of income

16619. Recognizing the fact that certain mothers are forced to work due to the father serving in the armed forces of the United States—the State of California, or as civilians, having

been killed, reported missing, or so disabled so as to be unable to follow his employment, as a result of enemy action, it is the intent of the Legislature that consideration be given to the income of such mother and dependent children in setting fees to be charged by the school district for the care of such children.

Exceptions from computations

16620. Hours of attendance of children of, and fees collected from, parents required by this chapter (commencing at Section 16601) to pay the full cost of supervision, care, and all food of a child in a child care center shall not be used in computing amounts under Section 16618.

"Child care center fund"

16621. The said governing board shall establish in the county treasury a fund to be known as the "child care center fund" into which shall be paid all funds received by the district for, or from the operation of, child care centers, including, but not limited to, all funds derived under Sections 16634 and 16635. The costs incurred in the maintenance and operation of child care centers shall be paid from said fund, except that any contributions authorized or required to be paid by the district on account of services of employees of a child care center to a retirement system shall be paid from the general fund of the district or from funds of the district derived from a special tax levied pursuant to Section 14657 or 14758 of the Education Code or Section 20532 of the Government Code.

No other funds of a district derived from the receipts of district taxes, except a district tax levied under Sections 16633 and 16635, or derived from moneys apportioned to the district for the support of the schools thereof, except state moneys expressly appropriated from the General Fund for the support of child care centers, may be expended for, or in connection with, a child care center.

Excess or deficiency apportionment adjustment

16622. If during any fiscal year there is apportioned to the "child care center fund" more or less than the amount to which the fund was entitled, the Superintendent of Public Instruction during the next or any succeeding fiscal year shall withhold from, or add to, the apportionment during such next or succeeding year, the amount of such excess or deficiency.

Rules and regulations

16623. Said governing board may adopt such reasonable rules and regulations governing the child care center or centers maintained by it as are not in conflict with law or the standards and regulations established for child care centers by the Superintendent of Public Instruction. The rules and regulations adopted by the governing board may include, among others, rules and regulations relating to the admission of children to, and their exclusion from, such center or centers.

Medical examination or immunization

16624. No standard, rule or regulation shall require medical examination or immunization for admission to a child care center of a child whose parent or guardian files a letter with the governing board of the school district stating that such medical examination or immunization is contrary to his or her religious beliefs, or provide for the exclusion of a child from the center because of parent or guardian having filed such a letter; pro-

vided, however, that whenever there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child may be temporarily excluded from the center until the governing board of the school district is satisfied that any contagious or infectious disease does not exist.

Qualifications of employees

16625. The said governing board shall employ in a child care center only such persons who hold permits issued by the Superintendent of Public Instruction. The filing with the county superintendent of schools of a regulation of a governing board or a public health agency requiring a physical examination of persons employed in child care centers shall be deemed to be the issuance of a valid permit except for persons employed in positions pertaining to the care and guidance of children or supervision of a child care program. Each person employed by the governing board of a school district for a position requiring a permit shall, not later than 60 days after the date fixed by the governing board of the district for the commencement of his service, file with the county superintendent of schools a valid permit issued on or before said date, authorizing him to serve in the position for which he was employed, and must, not later than 60 days after the renewal thereof, file the renewed permit in the same manner.

Effect of employment

16626. Each person employed by a school district in a child care center under the provisions of this chapter (commencing at Section 16601) shall be deemed for all purposes, including retirement, to be a person employed by the school district in a position not requiring certification qualifications, except that he shall not be subject to the provisions of Sections 13701 to 13756, inclusive, of this code.

Retirement rights of employees

16627. Any city, county, or city and county charter provision to the contrary notwithstanding, each person employed by a school district on July 1, 1955, and each person employed by a school district on the effective date of the amendment of this section at the 1957 Regular Session of the Legislature who was theretofore excluded, solely by reason of the provisions of Section 16626 in effect prior to July 1, 1955, or who was theretofore excluded solely by reason of the provisions of this section prior to the amendment thereof at the 1957 Regular Session of the Legislature, from membership in any retirement system in which the district participates or to which it contributes for the purpose of providing retirement rights and benefits for employees of the district not employed in a status requisite for membership in the State Teachers' Retirement System, shall become a member of the retirement system from which he was so excluded, on July 1, 1955, or on the effective date of the amendment of this section at the 1957 Regular Session of the Legislature if theretofore excluded solely by reason of the provisions of this section in effect prior to that date. Every such member shall be entitled to credit for service in child care centers rendered prior to July 1, 1955, or prior to the effective date of the amendment of this section if there-

fore excluded, and before he became a member of the system, in the same manner as if he had not theretofore been excluded from membership in the retirement system, except that he shall not be required to make any contributions to the retirement system in respect to such service rendered prior to his membership, and all contributions necessary to provide benefits on account of such service shall be paid to the retirement system by the school district by which the member is employed. For the purpose of computing benefits for services rendered prior to July 1, 1955, as provided in this section, the average monthly salary earned by such employee in the Fiscal Year 1954-55 shall be used and for the purpose of computing benefits for service rendered between July 1, 1955, and the effective date of the amendment of this section at the 1957 Regular Session of the Legislature for members receiving credit for service between those dates under the provisions of this section as amended, the average monthly salary earned by such employees in the Fiscal Year 1956-57 shall be used.

Notwithstanding any provision of law to the contrary, any person covered by the provisions of this section shall be given the option as to whether or not he shall be a contract member of the State Employees' Retirement System.

Same

16628. Every employee of a child care center who before his employment in such center was employed by the district maintaining such center in a position entitling him to membership in, and who was a member of, the retirement system maintained by such district, and if such employee's contributions to such retirement system were returned to him when he was employed in the child care center, such employee shall have the right to elect, by written document filed with the Board of Administration, State Employees' Retirement System, at any time within 90 days after the date upon which the notice of the right to make such election is mailed by such system, either to the member's latest address on file in the office of such system, or to the office of the governing board of such district or districts, and prior to the date of retirement, to contribute to such system, subject to minimum payments fixed by the Board of Administration, and in one or more sums, or in not to exceed 60 monthly payments, an amount which, when added to his accumulated contributions, including interest, transferred as required in paragraph (1) of subdivision (b) of Section 14696 of this code, will make a total amount equal to the accumulated contributions, including interest, which would have been credited to him in such plan, if he had never had his contributions returned to him. Such employee shall pay to the State Employees' Retirement System interest on the unpaid balance of the amount payable to such system, beginning with the date of transfer, at the rate of interest currently used from time to time under the system. If such employee elects to make, and makes, such contributions and pays such interest, but not otherwise, he shall receive credit under

such employees' system, as state service, for all prior service rendered while he was not a member of such plan.

Standards for permits

16629. The Superintendent of Public Instruction shall establish standards for the issuance of the permits herein provided for. Such standards may be changed from time to time, but changes therein shall not affect then valid permits issued to persons.

Acceptance of federal funds

16630. The State Department of Education is hereby authorized to accept funds from the Government of the United States and to apportion them to the governing board of such school districts as conduct child care centers which are hereby authorized to accept such funds or funds from any other source for any of the purposes of this chapter (commencing at Section 16601) and all such funds may be accepted subject to such conditions as will further the purposes of this chapter (commencing at Section 16601).

Apportionment of funds

16631. Any money appropriated to be apportioned by the Department of Education to school districts maintaining child care centers pursuant to this chapter (commencing at Section 16601), and to the governing authorities of state institutions maintaining child care centers, shall be apportioned to such school districts and governing authorities solely in accordance with the provisions of this chapter (commencing at Section 16601).

Reversion of unencumbered balance

16632. The unencumbered balance of any appropriation for child care centers shall revert to the General Fund June 30th of the year for which appropriated.

School district tax

16633. Pursuant to Sections 20501 to 21001, inclusive, the governing board of any school district maintaining a child care center may include in its budget the amount necessary to carry out its child care center program pursuant to this chapter (commencing at Section 16601) and the board of supervisors shall levy a school district tax necessary to raise such amount. The tax shall be in addition to any other school district tax authorized by law to be levied.

Support by school districts or counties

16634. After June 30, 1952, if no state funds are made available for the support of child care centers, a school district or a county may provide, either jointly or severally, for the continuance of the child care centers established and maintained in such school district or county. If a county desires to undertake, partially or wholly, the support and maintenance of such child care centers, it may levy a tax to provide funds for such partial or whole support. If a county undertakes the whole support of such child care centers, it may provide for their administration by the county department of social welfare or by contract entered into with the school district in which such child care center is located, or by both. If a county undertakes the partial support of such child care centers, it may either make contributions of the proceeds of the tax levied pursuant to this section to the school districts within such county maintaining child care centers, or may use such proceeds by contributing the services of the county depart-

ment of social welfare to the child care centers for purposes agreeable to the school districts maintaining such centers.

Same. Additional facilities

16635. In any county or school district in which local conditions demand or make desirable the furnishing of additional services or facilities, a school district or a county may provide, either jointly or severally, for such additional services or facilities of the child care centers established and maintained in such school district or county. Any additional services or facilities furnished pursuant to this section shall meet all of the requirements of this chapter. Any county desiring to provide such additional services or facilities may levy a tax to provide funds for such purpose. Pursuant to Sections 20501 to 21001, inclusive, the governing board of any school district desiring to provide such additional services or facilities may include in its budget the amount necessary therefor and the board of supervisors shall levy a school district tax necessary to raise such amount. The school district tax shall be in addition to any other school district tax authorized by law to be levied.

Discontinuance

16636. Any child care center may be discontinued at any time at the discretion of the govering board of the district upon the giving of the notice herein prescribed.

Not less than 30 days before the discontinuance of a child care center the governing board shall mail to each person having custody of a child in attendance at such child care center a notice of the intended discontinuance of the child care center and the date the discontinuance will become effective, and shall post a similar notice at the child care center.

Deposit of unencumbered balance

16637. Any unencumbered balance remaining in a district "child care center fund" may be deposited in the general fund of the school district one year after the discontinuance of its child care center program pursuant to Section 16636 or Section 16640.

Insurance

16638. Said governing board shall insure against the liability, other than a liability which may be insured against under Divsion 4 of the Labor Code, imposed upon the district by any law of this State, in any insurance company authorized to do business in this State. The cost of such insurance shall be paid out of the "Child Care Center Fund" of the district.

Limitation on additional centers

16639. No new child care center shall be established unless specifically authorized by the Department of Education after it has surveyed the financial needs of the existing child care centers and finds that the establishment of the new child care center will not financially jeopardize or otherwise curtail the operations of the existing child care centers.

Closing child care center

16640. A child care center may be closed by order of the Department of Education after it has determined that the economic conditions in the area served by such child care center no longer warrant its continued existence.

CHAPTER 6. COMMUNITY RECREATION

16651. The purposes of this chapter (commencing at Section 16651) are: Purposes

(a) To promote and preserve the health and general welfare of the people of the State and to cultivate the development of good citizenship by provision for adequate programs of community recreation.

(b) To authorize cities, counties, cities and counties, public corporations or districts having powers to provide recreation and public school districts to organize, promote, and conduct such programs of community recreation as will contribute to the attainment of general educational and recreational objectives for children and adults of the State.

16652. The following terms, wherever used or referred to in this chapter (commencing at Section 16651) have the following meanings, respectively, unless a different meaning clearly appears from the context: Definitions

(a) "Public authority" means any city of any class, city and county, county of any class, public corporation or district having powers to provide recreation, or school district in the State.

(b) "Governing body" means, in the case of a city, the city council, municipal council, or common council; in the case of a county or city and county, the board of supervisors; in the case of a public corporation or district, the governing board of the public corporation or district; and in the case of a school district, the governing board of the school district.

(c) "Recreation" means any activity, voluntarily engaged in, which contributes to the physical, mental, or moral development of the individual or group participating therein, and includes any activity in the fields of music, drama, art, handicraft, science, literature, nature study, nature contacting, aquatic sports, and athletics, or any of them, and any informal play incorporating any such activity.

(d) "Community recreation" and "public recreation" mean such recreation as may be engaged in under direct control of a public authority.

(e) "Recreation center" means a place, structure, area, or other facility under the jurisdiction of a governing body of a public authority used for community recreation whether or not it may be used also for other purposes, playgrounds, playing fields or courts, beaches, lakes, rivers, swimming pools, gymnasiums, auditoriums, rooms for arts and crafts, camps, and meeting places.

16653. The governing body of every public authority may (a) organize, promote, and conduct programs of community recreation, (b) establish systems of playgrounds and recreation, and (c) acquire, improve, maintain, and operate recreation centers within or without the territorial limits of the public authority. Powers

No events for which an admission price is charged shall be held pursuant to this chapter (commencing at Section 16651),

except amateur athletic contests, demonstrations, or exhibits and other educational and noncommercial events.

Parent co-operative nursery groups

16654. A public authority may permit the use of a recreation center or facility by parent co-operative nursery groups on a nonexclusive and nondiscriminatory basis when such use does not unreasonably impair or interfere with the right of the public to use the center or facility. As used in this section, a "parent co-operative nursery group" means a group of parents who (1) are licensed by a state agency; (2) on a nonprofit basis; (3) to provide recreation for their preschool age children; (4) on a nondiscriminatory basis.

Co-operation

16655. The governing body of any public authority may co-operate with the Federal Government or any department thereof, and the governing bodies of any two or more public authorities may co-operate with each other or with the Federal Government or any department thereof to carry out the purposes of this chapter (commencing at Section 16651), and to that end may enter into agreements with each other, and may do any and all things necessary or convenient to aid and co-operate in carrying out the purposes of this chapter, or to establish, improve or maintain campgrounds or other recreation facilities under the control of the Federal Government or any department thereof.

The governing bodies of any two or more public authorities having jurisdiction over any of the same territory or over contiguous territories may jointly establish a system or systems of recreation, and may jointly do any act which either is authorized to do under Section 16653. Nothing in this chapter (commencing at Section 16651) shall be construed to prohibit any joint or co-operative action authorized by this section.

Management

16656. The governing body of any public authority other than a school district may designate any already existing board, officer, or employee of the public authority to exercise the powers granted by this chapter (commencing with Section 16651) to carry out the purposes of this chapter (commencing with Section 16651), or may provide for the appointment of a board of recreation commissioners to exercise such powers. A school district may appoint one or more members of the board of trustees, officers or employees, to represent the district on a board of recreation commissioners.

Board of recreation commissioners

16657. The board of recreation commissioners shall consist of either five members or seven members, as determined by the governing body or bodies providing for its appointment, who shall serve with or without compensation at the discretion of the governing body. If compensation is authorized by the governing body it shall not exceed ten dollars ($10) per meeting.

Powers

16658. The board of recreation commissioners in each public authority, or the board, officer, or employee of the authority designted to exercise the powers, shall exercise such powers and perform such duties, pursuant to this chapter (commencing with Section 16651), as the governing body of the public authority may prescribe.

16659. The governing body of any school district may use the buildings, grounds, and equipment of the school district, or any of them, to carry out the purposes of this chapter (commencing at Section 16651), or may grant the use of any building, grounds, or equipment of the district to any other public authority for the purposes, whenever the use of the buildings, grounds, or equipment for community recreational purposes will not interfere with use of the buildings, grounds, and equipment for any other purpose of the public school system. Nothing in this section is intended to repeal any provision of, or to restrict or otherwise affect the use of school buildings under Sections 16551 to 16566, inclusive, of this code. Use of school property

16660. Every public authority may appoint, prescribe the duties of, and provide for the compensation and necessary expenses of such recreational directors, supervsiors, custodians, assistants, deputies, and other employees as it deems reasonably necessary for carrying out the provisions and purposes of this chapter (commencing at Section 16651). Only persons employed in positions requiring certification qualifications shall be paid out of funds set aside for the payment of teachers' salaries. Employees

16661. The governing body of a school district may require persons, other than students, or organizations desiring to use the recreational facilities on school grounds or belonging to a school or the facilities provided by the district at a community recreation center maintained solely by the district to pay such fees for such use as the said governing body may prescribe. Fees

16662. The governing body of a school district may require persons or organizations desiring to use school busses belonging to a school to pay such fees for such use as the governing body may prescribe. Use of school busses: Fees

16663. All necessary expenses incurred by the governing body of any school district in carrying out the purposes of this chapter (commencing at Section 16651) are a charge against the funds of the district from whatever source the funds have been received. All such expenditures shall be made in the same manner as funds are expended for other school purposes. Expenses

Nothing in this chapter (commencing at Section 16651) shall be construed to change in any way existing laws regarding the use of school grounds or school buildings by governing boards of school districts, except as specifically provided in this chapter (commencing at Section 16651).

16664. The Department of Education may advise and assist public school authorities, and upon request any public authority other than school districts, in establishing, developing, and maintaining a system or systems of recreation in accordance with this chapter (commencing at Section 16651). Duties of Department of Education

CHAPTER 7. DISTURBING SCHOOLS

16701. Any person who wilfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and Penalty

punishable by a fine of not less than ten dollars ($10) nor more than one hundred dollars ($100).

DIVISION 13. SUPPLEMENTARY SERVICES

CHAPTER 1. TRANSPORTATION

Article 1. Furnishing Transportation

Powers of governing board

16801. The governing board of any school district may provide, with the written approval of the county superintendent of schools, for the transportation of pupils to and from school whenever in the judgment of the board such transportation is advisable and good reasons exist therefor. The governing board may purchase or rent and provide for the upkeep, care, and operation of vehicles, or may contract and pay for the transportation of pupils to and from school by common carrier, or may contract with and pay responsible private parties for the transportation. Such contracts may be made with the parent or guardian of the pupil being transported.

Bids and contracts

16802. In order to procure the service at the lowest possible figure consistent with proper and satisfactory service, the governing board shall, whenever an expenditure of more than one thousand dollars ($1,000) is involved, secure bids pursuant to Sections 15951 and 15952 of this code whenever it be contemplated that a contract may be made with a person or corporation other than a common carrier or a parent or guardian of the pupils to be transported. The governing board may let the contract for the service to other than the lowest bidder. No board shall make any purchase or enter into any contract for the service without securing the written approval of the county superintendent of schools.

Duration of contracts

16803. Continuing contracts for the furnishing of transportation of pupils in school districts to and from school may be made for a period of not to exceed five years.

Payments in lieu of transportation

16804. In lieu of providing in whole or in part for the transportation of a pupil attending the schools of a district, the governing board may pay to the parents or guardian of the pupil a sum not to exceed the cost of actual and necessary travel incurred in transporting such pupils to and from the regular day schools of the district. No payments shall be made pursuant to this section unless it will be more economical to make the payments than to provide for said transportation.

Food and lodging

16805. In lieu of furnishing transportation to pupils attending the schools of a school district, the governing board may pay to the parents or guardian of each pupil the cost of food and lodging of the pupil at a place convenient to the schools. The amount paid on account of each pupil shall not exceed the estimated cost to the district of providing for the

transportation of the pupil to and from his home and the school he attends.

16806. The governing board of any school district may allow pupils entitled to attend the school of the district, but in attendance at a school other than a public school, under the provisions of Section 12154, transportation upon the same terms and in the same manner and over the same routes of travel as is permitted pupils attending the district school. Attendance in other schools

The allowance of this section shall be restricted to actual transportation when furnished by the district to children attending the district school, and nothing in this section shall be construed to authorize or permit in lieu of transportation payments of money to parents or guardians of children attending private schools.

16807. The governing board of any elementary school district may provide for the transportation to and from school of high school pupils who reside in the elementary school district and attend a high school in the same county. High school pupils

Article 2. Use of School Busses

16851. A school bus is defined as a motor vehicle regularly used for the transportation of pupils of the public schools to and from school or to and from school activities and owned either by any school district or by any person, firm, association, partnership, or corporation, excepting motor vehicles of the pleasure car type designed for and when actually carrying not more than seven pupils and the driver, and excepting motor vehicles subject to and meeting all requirements of the Public Utilities Commission operated by carriers operating under the jurisdiction of the Public Utilities Commission, or operated by and under the exclusive jurisdiction of any municipally owned transit system, if said transit system meets all the safety requirements of the Public Utilities Commission, but not used exclusively for the transportation of public school pupils. When any vehicles, other than vehicles of the pleasure car type designed for and when actually carrying not more than seven pupils and the driver, are being used for the transportation of public school pupils the operators shall possess the qualifications required by the regulations for school bus operators. "School bus"

16852. The State Board of Education may adopt reasonable regulations relating to the construction, design, operation, equipment, and color of school busses. No regulation relating to the construction, design, or color of school busses shall apply to busses purchased prior to September 15, 1935. Any school bus repainted after September 15, 1935, shall be painted to conform to all the regulations relating to the color of school busses. The regulations, if approved by the Commissioner of the California Highway Patrol, shall be enforced by the California Highway Patrol. The State Board of Education Regulations

may issue an order prohibiting the operation on public streets, highways and elsewhere of any school bus which does not comply with the regulations. The order shall be enforced by the California Highway Patrol.

School name on bus

16853. Notwithstanding any other provision of law to the contrary, the name or names of the particular school or schools to which a school bus conveys pupils may be painted on the side of such bus, in the manner prescribed by the State Board of Education.

Use of sold bus

16854. When a school bus is sold to a person, firm, association, partnership, or corporation and is used for purposes other than the transportation of pupils pursuant to this article (commencing at Section 16851), it shall be painted a color different than that prescribed by the State Board of Education for school busses before it is operated on any street or highway.

Violation

16855. Any officer, agent, or employee of a school district, or any other person knowingly operating, or permitting or directing the operation of a school bus in violation of any order of the State Board of Education, and any person knowingly operating a school bus without possessing the qualifications required by the regulations of the State Board of Education for school bus operators, is guilty of a misdemeanor.

Violation

16856. Any officer, agent, or employee of a school district, or any other person, knowingly operating, or permitting or directing the operation of a school bus, when it is loaded with school children in excess of the limits of its seating capacity, is guilty of a misdemeanor.

Permitted uses

16857. The governing board of any school district may use school busses to transport pupils attending the schools of the district and teachers or other employees employed by the district to and from school athletic contests or other school activities or to and from fairs or expositions held in the State or in any adjoining state and in which the pupils participate actively or as spectators. The transportation may be provided on any day or days throughout the school year.

Same

16858. The county superintendent of schools of any county may use school busses to transport pupils attending schools or classes operated by the county superintendent pursuant to Sections 8901 to 9004, inclusive, of this code and teachers or other employees employed by the county superintendent of schools, to and from school athletic contests or other school activities, or to and from fairs or expositions held in the State or in any adjoining state and in which the pupils participate actively or as spectators. The transportation may be provided on any day or days throughout the school year.

Same

16859. The governing board of any school district may use school busses within the county or counties in which the school district is located to provide transportation for teachers, volunteer adults who are assisting in the supervision of pupils, and other school personnel in connection with activities of an educational nature.

16860. The county superintendent of schools of any county may use school busses within the county under his jurisdiction to provide transportation for teachers and other employees of the county superintendent of schools in connection with activities of an educational nature. Same

16861. The governing board of any school district may use school busses to transport graduating twelfth grade pupils attending the schools of the district and teachers or other employees employed by the district to and from other states for educational excursions. The transportation may be provided on any day or days throughout the school year. Same

In computing the average daily attendance of a school district, there shall be excluded the attendance of such pupils while being transported on such educational excursions.

Any school district which transports graduating twelfth grade pupils attending the schools of the district, or teachers or other employees of the district to and from other states for educational excursions shall report to the Superintendent of Public Instruction on forms prescribed by him the total mileage of school busses used in connection with such educational excursions. In computing the additional allowance to such school district for transportation there shall be deducted therefrom an amount equal to the depreciation of school busses used for such transportation in accordance with rules and regulations adopted by the Superintendent of Public Instruction.

16862. (a) The governing board of any school district may use school busses to transport persons for purposes of community recreation as provided in Sections 16651 to 16664, inclusive, of this code. The transportation may be provided on any day or days throughout the school year. Community recreation

(b) Any school district which files forms with the Superintendent of Public Instruction covering the annual report of transportation expense in connection with reimbursement for transportation shall show on said forms the total mileage of school busses used in providing transportation for community recreation purposes. The Superintendent of Public Instruction, in accordance with regulations adopted by him, shall deduct from the allowances to a school district for transportation an amount equal to the depreciation of school busses due to their use in transporting persons for community recreation.

16863. During any national emergency declared by the President of the United States of America or during any war in which the United States of America is engaged, the governing board of a school district may operate any bus owned or under lease to the district for the transportation of pupils of the district engaged in the harvesting of crops to and from the places of harvest and shall require the payment of a reasonable charge for transportation furnished. Use in harvesting crops

Article 3. Contracts for Special Transportation

Contracts re special activities

16901. The governing board of any school district may, with the consent of the superintendent of schools of the county in which the district is located, contract for the transportation of pupils attending schools within the district to and from any exposition or fair, school activities, or other activities which the governing board determines to be for the benefit of the pupils, in this State, and may pay for the transportation out of any funds of the district available for the purpose.

Same: County superintendents

16902 The county superintendent of schools of any county may, with the consent of the county board of education, contract for the transportation of pupils attending schools or classes operated by the county superintendent of schools pursuant to Sections 8901 to 9004, inclusive, of this code, to and from any exposition or fair, school activities, or other activities which the county superintendent of schools determines to be for the benefit of the pupils, in this State, and may pay for the transportation out of the county school service fund.

Chapter 4. Transportation Districts

Creation of district

16951. In each county in which a junior college is not established and maintained there is hereby created a student transportation district.

Boundaries

16952. The boundaries of each student transportation district shall be coextensive with the boundaries of the county within which it is situated.

Resolution of need

16953. A student transportation district shall not transact any business or exercise any of its powers under this article (commencing with Section 16951) until or unless the board of supervisors of the county in which it is situated, by proper resolution, declares at any time hereafter that there is need for a student transportation district to function in such county.

Hearing

16954. The board of supervisors at any time on its own motion may hold a public hearing to determine whether or not there is need for a student transportation district to function.

Notice

16955. The board of supervisors shall give notice of the time and place of a public hearing to determine whether or not there is need for a student transportation district to function by publication pursuant to Section 6061 of the Government Code not less than 15 days before, and not more than 45 days before such hearing.

Resolution of need

16956. The board of supervisors may adopt a resolution declaring that there is need for a student transportation district to function if from the evidence received at such a public hearing it finds:

(a) That a junior college is not established and maintained within the county by a junior college district, high school district, or unified school district.

(b) That there are students residing in the county who are enrolled in the thirteenth or fourteenth grade of a state college, who can be transported daily to the state college in which they are enrolled.

Upon the adoption of this resolution the district shall begin to function.

16957. A resolution declaring that there is need for student transportation district to function is sufficient if it finds that there is need for student transportation district to function, and finds in substantially the wording of Section 16956 that both of the enumerated conditions exist. No further detail is necessary. Same

16958. A copy of a resolution declaring that there is need for student transportation district, duly certified by the county clerk, is admissible in evidence in any suit, action or proceeding. Same

16959. Upon the adoption by the board of supervisors of a resolution declaring there is need for a student transportation district to function the student transportation district in that county shall have power: Powers

(a) To have perpetual succession.

(b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at its pleasure.

(d) To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers.

(e) To employ such persons as are necessary to carry into effect any powers of the district.

(f) To provide for the transportation of students who are enrolled in the 13th or 14th grade of a state college and who are residing within the district to and from any state college located within the same or an adjoining county and for that purpose may purchase, or rent and provide for the upkeep, care, and operation of vehicles, or may contract and pay for the transportation of students to and from school by common carrier, or may contract with and pay responsible private parties for the transportation.

(g) To cause to be levied and collected taxes upon all the taxable property in the district in the manner and amount provided to meet the obligations of the district, and to defray the expenses incidental to the exercise of the district powers.

16960. The governing body of a student transportation district is a board of directors consisting of five members. Upon the adoption of a resolution by the board of supervisors declaring there is a need for a student transportation district, the board shall appoint five qualified electors residing within the district as members of the board of directors, and shall fix a time and place for the first meeting of the board and shall cause each member to be given written notice at least five days prior to the meeting. Board of directors

16961. A majority of the members constitutes a quorum, and in the absence of a quorum any lesser number may ad- Quorum

journ the meeting from time to time, and place to place, until the organization of the district board has been completed.

Officers

16962. At the first meeting of the district board at which a quorum is present, the members shall appoint a chairman and a vice chairman from among its membership. They shall appoint a secretary, who need not be a member. The secretary shall perform the duties prescribed by the board.

Same

16963. The board shall adopt rules governing the selection, duties, and term of office of its officers.

Compensation

16964. Members shall receive no compensation for their services, but shall be allowed their actual expenses incurred in connection with the discharge of their duties.

Term of office

16965. After the board has organized and selected its officers, the members shall classify themselves into two groups by lot. The larger group shall consist of three members. Each member in the larger group shall hold office for a term of four years, and until his successor is appointed and qualified. Each member in the smaller group shall hold office for a term of two years, and until his successor is appointed and qualified.

Successors

16966. Immediately upon the expiration of the term of any member, the board of supervisors shall appoint a successor to serve for a term of four years after the expiration of the term of his predecessor, and until his successor is appointed and qualified.

Quorum

16967. A majority of the members constitutes a quorum for the transaction of business. A majority vote of all of the members is necessary to take any action.

Rules

16968. The district board may make necessary rules relative to the orderly transaction of its business and the business of the district.

Vacancies

16969. Any vacancy shall be filled by the board of supervisors of the county in which the district is located. The appointee shall hold office only for the balance of the unexpired term.

Ex officio auditor

16970. The county auditor of the county in which the district is situated is ex officio auditor of the district.

Estimate of expenses

16971. The board of directors shall, at least 15 days before the first day of the month in which the board of supervisors of the county in which the district is situated is required by law to levy the amount of taxes required for county purposes, furnish the board of supervisors and county auditor of the county an estimate in writing of the amount of money necessary for the district's purposes during the next ensuing fiscal year. The county tax collector shall collect the district taxes at the same time and in the same manner as the county taxes are collected. All money collected for district purposes shall be paid into the county treasury and paid out on warrants of the county auditor drawn on the county treasurer, upon order of the board of directors.

Tax levy: Authority

16972. The board of supervisors of the county in which the district is situated shall, at the time of levying county taxes,

levy a tax to raise the amount reported to it by the board of directors. The board of supervisors shall determine the rate of the tax by deducting 10 percent for anticipated delinquencies from the total assessed value of the taxable property of the district within the county as it appears on the assessment roll of the county, and then dividing the sum reported to it by the board of directors by the remainder of the total assessed value, but the tax levied shall not exceed five cents ($0.05) on each one hundred dollars ($100) of taxable property of the district in the county.

Collection

16973. All taxes levied under this article (commencing at Section 16951) shall be computed and entered on the county assessment roll by the county auditor and collected at the same time and in the same manner as other county taxes. When collected, the taxes shall be paid into the county treasury for the use of the district.

Withdrawal of funds

16974. The funds shall only be withdrawn from the county treasury depository upon the order of the board of directors signed by its chairman, and countersigned by its secretary. However, if the county in which the district is situated has adopted a requisition system covering the withdrawal of funds for the purchase of services or supplies, the board of directors may, by resolution, adopt such system and make withdrawals in accordance therewith.

Bids

16975. The board of directors shall let any contract involving an expenditure of more than five hundred dollars ($500) for work or services to be performed, or for materials or supplies to be furnished, sold, or leased to the district, to the lowest responsible bidder who shall give such security as the board requires, or else reject all bids. This section applies to all materials and supplies whether patented or otherwise.

Notice

16976. For the purpose of securing bids, the board shall publish in the district a notice calling for bids, stating the work to be done, or materials, supplies, or services to be furnished, and the time when and the place where the bids will be opened. Publication of the notice shall be pursuant to Section 6066 of the Government Code.

Misdemeanor

16977. A member of the board of directors shall not be directly or indirectly interested in any contract awarded by the district, or in the profits to be derived from any contract entered into by the district. Any member who violates this section is guilty of a misdemeanor, and shall forfeit his office.

CHAPTER 2. CAFETERIAS

Article 1. Establishment and Use

"Cafeteria"

17001. The term "cafeteria" as used in this code is considered synonymous with the term "food service."

Establishment

17002. The governing board of any school district may establish cafeterias in the schools under its jurisdiction whenever in its judgment it is advisable to do so.

Sale of food

17003. Food shall not be sold at any cafeteria operated by a school district to anyone except pupils and employees of any school district, members of the governing board thereof, and members or employees of the fund or association maintaining the cafeteria; provided, however, that nothing herein contained shall prohibit the use of the cafeteria facilities by any work or harvest camp maintained by or within the district, and by persons entitled to use the school under the Civic Center Act; and provided further, that the governing board of any school district operating a cafeteria may exempt by formal resolution of the board other individuals and organizations from the operation of this section.

Junior colleges
Use as classrooms, etc.

17004. Whenever the cafeteria in any junior college is used as a laboratory or classroom for the quantity preparation of food, the governing board may make such financial and administrative arrangements as it may see fit to cover the use of the cafeteria as a laboratory or classroom and the disposition or sale of the food prepared.

Purchase of perishable foodstuffs, etc.

17005. Perishable foodstuffs and seasonal commodities needed in the operation of cafeterias may be purchased by the school district in accordance with rules and regulations for such purchase adopted by the governing board of said district notwithstanding any provisions of this code in conflict with such rules and regulations.

Price of food

17006. The food served shall be sold to the patrons of the cafeterias at such a price as will pay the cost of maintaining the cafeterias, exclusive of the costs made a charge against the funds of the school district by this chapter (commencing at Section 17001), and items made a charge against the funds of the school district by resolution of the governing board under authority of this chapter (commencing at Section 17001).

Article 2. Cafeteria Funds and Accounts

"Cafeteria fund"

17051. Money received for the sale of food or for any services performed by the cafeterias may be paid into the county treasury to the credit of the "cafeteria fund" of the particular school district.

Use of fund

17052. The cafeteria fund shall be used only for such expenditures as are necessary for the operation of school cafeterias.

Cafeteria accounts

17053. The governing board of any school district may establish an account for each cafeteria established in a school of the district, or for all cafeterias established in the schools of the district, in one or more banks. The account shall be known as "The Cafeteria Account of (insert name of district) District." If the account is established for one of several cafeterias, it shall be known as "The Cafeteria Account of the (insert name of school) School of (insert name of district) District." All receipts of the cafeteria, or cafeterias, as the case may be, derived from the sale of food shall be deposited in the account and shall be expended only for the maintenance

of the cafeteria, or cafeterias, exclusive of items made a charge against the funds of the school district by this chapter (commencing at Section 17001), and items made a charge against the funds of the school district by resolution of the governing board under authority of this chapter (commencing at Section 17001).

Custody of account

17054. The governing board of the district shall designate an employee or employees of the district to have custody of the account or accounts, who shall be responsible for the payment into the account or accounts of all moneys required to be paid into the account or accounts, and for all expenditures therefrom, subject to such regulations as the governing board prescribes.

Deposit of money

17055. Upon the order of the governing board of any district having a cafeteria fund in the county treasury and establishing an account, or accounts, the county treasurer shall deposit the money in the fund to the account, or accounts, and shall notify the county auditor and county or city and county superintendent of schools of his action. If the money is to be deposited in more than one account, the governing board of the district shall designate the amount to be placed in each account.

Article 3. Allocation of Charges

Charges against school district funds

17101. The cost of housing and equipping cafeterias is a charge against the funds of the school district. The governing board of a school district may by resolution make the cost of maintenance of the physical plant used in connection with cafeterias, the cost of replacement of equipment, and the cost of water, electricity, gas, coal, wood, fuel oil, and garbage disposal a charge against the funds of the school district.

Cafeteria equipment replacement reserve

17102. The governing board of any school district operating school cafeterias may establish and maintain a cafeteria fund reserve for the replacement of wornout or obsolete cafeteria equipment, to be known as the accumulative cafeteria equipment replacement reserve. The funds for this reserve are to be derived from the sales of food in the school cafeterias in an amount to be determined by the governing board and may be accumulated from year to year until expended for this purpose.

Each school district maintaining an accumulative cafeteria equipment replacement reserve may include in the annual cafeteria fund budget of the district an amount to be allocated to said reserve, as determined by the governing board, which amount shall be a charge against the operations of the cafeterias for that year as a depreciation cost for wear and tear on cafeteria equipment. The cost of replacing cafeteria equipment may be charged to the accumulative cafeteria equipment reserve of the cafeteria fund of the district.

Nothing in this section shall prohibit any school district from replacing cafeteria equipment from district funds as provided in Section 17101 of this chapter.

Charges against school district funds

17103. The governing board may provide for the general supervision of the cafeterias and if provided the cost of the said general supervision may be a charge against the funds of the school district. The governing board may by resolution make the salaries of any or all employees of cafeterias a charge against the funds of the school district.

Contributions to retirement systems

17104. Contributions required of the school district as the employer under any retirement system on account of cafeteria employees may be paid out of school district funds.

DIVISION 14. STATE FINANCIAL SUPPORT AND MANAGEMENT

CHAPTER 1. STATE FINANCIAL MANAGEMENT AND CONTROL

Article 1. Moneys Received by School Districts

Prohibition of fees

17151. Notwithstanding anything to the contrary in Section 25205 of the Government Code, no assessor, tax collector, city, city and county, or county treasurer shall charge or receive any fees or compensation for assessing, collecting, receiving, keeping, or disbursing any school moneys, but the whole moneys collected shall be paid to the city, city and county, or county treasurer.

Deposit of money

17152. The governing board of every school district shall pay all moneys received or collected by it from any source and all moneys apportioned to it from taxes levied and collected under the authority of city councils for school purposes, into the county treasury to be placed to the credit of the proper fund of its district. All money collected by the city council or other governing body of any municipality from taxes levied for school purposes when received shall be paid into the county treasury to the credit of the school district for the schools of which the taxes were levied. All deposits and payments required by this section shall be made daily, unless the county superintendent of schools authorizes them to be made weekly or otherwise, but in no event less frequently than monthly.

General Fund deposits

17153. All moneys received by any school district or paid into the county or city and county treasury to the credit of the district from state apportionments, county, district or municipal taxes, other than moneys required to be placed in a special reserve fund, a building fund or bond interest and sinking fund, and moneys authorized to be paid into a cafeteria fund or account, or school farm account, shall be deposited in the general fund of the district, which fund is continued in existence in each county and city and county treasury.

Nothing in this section shall be construed as discontinuing, nor as affecting the disposition of moneys in emergency cash funds, in revolving funds for warehouse stock, in cafeteria

funds or accounts, or school farm account, in special reserve funds, in building funds, or in bond interest and sinking funds created or established under this code.

Article 2. Accounting Regulations, Budget Controls and Audits

Transfers from General Fund

17201. Notwithstanding any other provision of the Education Code, and for the purpose of achieving clarity in the budgeting and reporting of school district expenditures by funds, whenever certain expenses are authorized or required to be paid from the general fund of the school district and the governing board so authorizes, the amount estimated or actually required to meet these expenditures shall be transferred or paid from the general fund to the cafeteria fund, the cafeteria account, or the child care center fund.

Any amount transferred or paid in excess of the amount actually required shall be refunded to the general fund.

The Superintendent of Public Instruction is hereby authorized to adopt rules and regulations governing the method of accounting for said payments and transfers.

Budgetary accounting

17202. Excepting only as provided in Articles 1 and 2 (Sections 17151 to 17208, inclusive), all constitutional and statutory limitations on the purposes for which moneys derived from particular specified sources may be expended, and all statutory provisions relative to the establishment of specified school district funds, shall be administered by county superintendents of schools, or in the discretion of county auditors, by county superintendents of schools and county auditors by means of budgetary accounting and not by the establishment and maintenance in the county or city and county treasury of special school district funds.

Investment of funds

17203. The governing board of any school district which, on or after May 28, 1943, has funds in a special reserve fund of the district or any surplus moneys not required for the immediate necessities of the district, is hereby authorized to invest all or any part of such funds in bonds, notes, bills or certificates issued by the United States of America Any bonds, notes, bills or certificates so purchased may be sold and the proceeds reinvested in similar bonds, notes, bills or certificates of the United States of America or placed in the county treasury for credit to the fund of the district from which purchased. This section shall not be construed as in any way limiting or modifying the application of any other law providing for or authorizing the investment of any funds of a school district. Notwithstanding any other provision of law, interest earned on funds representing the proceeds of bonds of the district shall be deposited and retained in the interest and sinking fund of the district to meet the principal and interest falling due on such bonds.

Bank accounts as clearing accounts

17204. The governing board of any school district may authorize any school district governed by it to deposit in one or more bank accounts as clearing accounts any miscellaneous

receipts, including receipts from the sale of property or materials pursuant to Section 16407 or 16408 of this code, received or collected by the school district, and may provide for the withdrawals from such accounts. All moneys in any such bank account shall be paid into the county treasury within the time periods specified pursuant to Section 17152. Cashiers' checks, certified checks, and money placed in the custody of the school district as security that a bidder will execute or faithfully perform a contract, if awarded to him, may be deposited in any such bank account but shall not be paid into the county treasury to the credit of the school district unless forfeited or unless unclaimed by the bidder for a period of 12 months.

Such bank accounts shall not be subject to the deposit of funds provisions of Article 2, Chapter 4, Part 1, Division 2, Title 5 of the Government Code, except to the extent provided by Section 53679 of the Government Code.

Annual audit

17206. Not later than the first day of June of each fiscal year each county superintendent of schools shall provide for an audit of all funds under his jurisdiction and control and the governing board of each district shall either provide for an audit of the books and accounts of the district or make arrangements with the county superintendent of schools having jurisdiction over the district to provide for such auditing. In the event the governing board of a school district has not provided for an audit of the books and accounts of the district by May 1st, the county superintendent of schools having jurisdiction over the district shall provide for the audit.

Each audit shall include all funds of the district including the student body and cafeteria funds and accounts and any other funds under the control or jurisdiction of the district.

The cost of the audits provided for by the county superintendent of schools shall be paid from the county school service fund and the county superintendent of schools shall transfer the pro rata share of the cost chargeable to each district from district funds.

The cost of the audit provided for by a governing board shall be paid from district funds. The audit of the funds under the jurisdiction and control of the county superintendent of schools shall be paid from the county school service fund.

The audits shall be made by a certified public accountant or a public accountant, licensed by the State Board of Accountancy. Not later than December 31st, a report of each audit for the preceding fiscal year shall be filed with the county clerk and the county superintendent of schools of the county in which the district is located, the Department of Education and the Department of Finance. The Superintendent of Public Instruction shall make any adjustments necessary in future apportionments of state funds, to correct any discrepancies revealed by such audit reports under the provisions of Section 17414 of this code.

If a governing board or county superintendent of schools fails or is unable to make satisfactory arrangements for audit pursuant to this section, the Department of Finance may make arrangements for the audit and the cost of such audit shall be paid from school district funds or the county school service fund as the case may be.

The Department of Finance with the co-operation of the Department of Education shall prescribe the statements and other information to be included in the audit reports filed with the State. The Department of Finance may make such audits, surveys and reports, and may develop suggested procedures for carrying out the purposes of this section, as in the judgment of the department will serve the best interests of the State.

Nothing in this section shall be considered as authorizing examination into or report on the curriculum used or provided for in any school district.

Employees' bonds

17207. The governing board of every school district shall require each employee of the district, whose duty it is to handle funds of the district, and may, in its discretion, require employees of the district, whose duty it is to handle property of the district, to be bonded under a suitable bond indemnifying the district against loss. Such bond may be a name schedule bond, schedule position bond or blanket bond, and shall be in such amount and type as the board shall consider necessary and desirable. The boards shall pay from the funds of the district the cost of the premium necessary to provide the bond.

Excess expenditures

17208. Except as provided in this section, any election held for the purpose of permitting a school district to exceed the expenditure of school district funds fixed by the Constitution or by the statutes of the State shall be called, held, and conducted as nearly as possible as are elections for the issuance of school district bonds.

The notice of election shall contain only the following:

(a) The time and place or places of holding the election.

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

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

(d) The amount by which it is proposed to increase the expenditures of the district during the school year.

(e) The total amount of proposed expenditures of the district, including the proposed increase, for the school year.

The ballots used at the election shall contain the following language: "Shall the total authorized expenditures of the district be increased from ____ (naming the sum) to_____ (naming the sum) for the school year ____ (naming the school year)?"

The hours during which the polls at the election are open shall be fixed in accordance with the provisions of Section 951.

Article 3. Miscellaneous Provisions

"County" or "Counties"

17251. "County" or "counties" as used in Sections 10951 to 11653, inclusive, 17151 to 18460.1, inclusive, 18654 to 20251, inclusive, 20501 to 21801, inclusive, and 21803 to 22152, inclusive, whichever are in effect, includes a city and county.

CHAPTER 2. SOURCES OF, MAINTENANCE OF, DISBURSEMENTS FROM THE STATE SCHOOL FUND

Article 1. Appropriations to State School Fund, Sources, Conditions of Appropriation, Amounts of Support per Average Daily Attendance

State School Fund: Transfer from General Fund

17301. The State Controller shall during each fiscal year transfer from the General Fund of the State to the State School Fund such sums, in addition to the sums accruing to the State School Fund from other sources, as shall provide in the State School Fund for apportionment during the fiscal year a total amount not less than one hundred eighty dollars ($180) per pupil in average daily attendance during the preceding fiscal year accredited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds, as certified by the Superintendent of Public Instruction.

He shall also transfer to the State School Fund any additional amounts appropriated thereto by the Legislature in augmentation of any of the amounts prescribed for any of the purposes set forth in Section 17303 and such additional amounts shall be allowed and apportioned by the Superintendent of Public Instruction and warrants therefor drawn by the Controller in the manner provided in Articles 1 and 2 (Sections 17301 to 17354, inclusive, whichever are in effect) of this chapter and in Sections 11256, 11257, and 17251, and Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive, whichever are in effect. This section shall become effective on July 1, 1959.

Same

17301.1. The State Controller shall during each fiscal year transfer from the General Fund of the State to the State School Fund such sums, in addition to the sums accruing to the State School Fund from other sources, as shall provide in the State School Fund for apportionment during the fiscal year a total amount not less than one hundred ninety-three dollars and thirty-seven cents ($193.37) per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds, as certified by the Superintendent of Public Instruction.

He shall also transfer to the State School Fund any additional amounts appropriated thereto by the Legislature in augmentation of any of the amounts prescribed for any of the purposes set forth in Section 17303.1, and such additional

amounts shall be allowed and apportioned by the Superintendent of Public Instruction and warrants therefor drawn by the Controller in the manner provided in Articles 1 and 2 (Sections 17301 to 17354, inclusive, whichever are in effect) of this chapter and in Sections 11256, 11257, and 17251, and Sections 17401 to 17417, inclusive, and Sections 17601 to 18460.1, inclusive, whichever are in effect.

This section shall remain in effect until July 1, 1959.

State assent

17302. The assent of the State is given to the provisions in the act of Congress entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas and sodium on the public domain," and approved by the President, February 25, 1920.

All money derived from bonuses, royalties, and rentals under the act of Congress referred to in this section and apportioned under the act to the State, shall be received by the State Treasurer and by him credited to the State School Fund.

Expenditure of appropriation

17303. The amount appropriated in Section 17301 shall be expended in accordance with the following schedule:

(a) Ninety-four cents ($0.94) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for allowance to county school service funds pursuant to subdivision (a) of Section 18352.

(b) For the Fiscal Years 1955-56 through 1958-59 three dollars and fifty-seven cents ($3.57) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for allowance to county school service funds pursuant to subdivision (b) of Section 18352.

(c) Three dollars and twenty cents ($3.20) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 10 (Sections 18051 to 18061, inclusive) of Chapter 3 of this division, except Section 18060.

(d) Forty cents ($0.40) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year, for the purposes of Section 18060.

(e) Two dollars and twenty-five cents ($2.25) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 11 (Sections 18101 to 18106, inclusive) of Chapter 3 of this division.

(f) One dollar ($1) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county

school tuition funds during the preceding school year for the purposes of Article 12 (Sections 18151 to 18156, inclusive) of Chapter 3 of this division.

(g) Five cents ($0.05) multiplied by the total daily average attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 13 (Sections 18201 to 18206, inclusive) of Chapter 3 of this division.

(h) Twelve dollars ($12) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 9 (Sections 18001 to 18009, inclusive, whichever are in effect) of Chapter 3 of this division.

(i) One hundred forty-eight dollars and two cents ($148.02) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, and elementary schools in the State and county school tuition funds on account of elementary school pupils, plus the difference between eight dollars and fourteen cents ($8.14) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, and junior college schools in the State and to county school tuition funds and one dollar and sixty cents ($1.60) multiplied by the average daily attendance during the preceding fiscal year credited to all high schools in the State and county school tuition funds on account of high school pupils, plus forty-three cents ($0.43) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for basic and equalization aid to be apportioned on account of average daily attendance during the preceding fiscal year credited to all kindergarten and elementary schools in the State and county school tuition funds on account of elementary school pupils.

(j) One hundred forty-nine dollars and sixty-two cents ($149.62) multiplied by the average daily attendance during the preceding fiscal year credited to all high schools in the State and county school tuition funds on account of high school pupils for basic and equalization aid to be apportioned on account of average daily attendance during the preceding fiscal year credited to all high schools in the State and county school tuition funds on account of high school pupils.

(k) One hundred forty-eight dollars and two cents ($148.02) multiplied by the average daily attendance during the preceding fiscal year credited to all junior college schools in the State for basic and equalization aid to be apportioned on account of average daily attendance during the preceding fiscal year credited to all junior college schools in the State.

This section shall become effective on July 1, 1959.

17303.1. The amount appropriated in Section 17301.1 shall be expended in accordance with the following schedule: Same

(a) Seventeen dollars and seventy-eight cents ($17.78) multiplied by the total average daily attendance credited during the second preceding school year to elementary school districts which during the second preceding school year had less than 901 units of average daily attendance, to high school districts which during the second preceding school year had less than 301 units of average daily attendance, and to unified districts which during the second preceding school year had less than 1,501 units of average daily attendance for allowance to county school service funds pursuant to subdivision (a) of Section 18352.1.

(b) Three dollars ($3) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for allowance to county school service funds pursuant to subdivision (b) of Section 18352.1.

(c) Four dollars ($4) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 10 (Sections 18051 to 18061, inclusive, whichever are in effect) of Chapter 3 of this division, except Section 18060.1.

(d) Five dollars and fifteen cents ($5.15) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year, for the purposes of Section 18060.1, and Articles 11, 12 and 13 (Sections 18101 to 18106, inclusive, Sections 18151 to 18156, inclusive, and Sections 18201 to 18206, inclusive, whichever are in effect) of Chapter 3 of this division.

(e) Twelve dollars and fifty-two cents ($12.52) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 9 (Sections 18001 to 18009, inclusive, whichever are in effect) of Chapter 3 of this division.

(f) One hundred sixty-seven dollars and four cents ($167.04) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year, plus the difference between one dollar and sixty-six cents ($1.66) multiplied by the average daily attendance during the preceding school year credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds and seventeen dollars and seventy-eight cents ($17.78) multiplied by the total average

daily attendance credited during the second preceding school year to elementary school districts which during the second preceding school year had less than 901 units of average daily attendance, to high school districts which during the second preceding school year had less than 301 units of average daily attendance, and to unified districts which during the second preceding school year had less than 1,501 units of average daily attendance, for basic and equalization aid, and for allowances in lieu of basic and equalization aid allowed pursuant to Sections 18355.1 to 18401.1, inclusive, whichever are in effect, to be apportioned on account of average daily attendance during the preceding school year credited to all kindergarten, elementary, high school and junior college schools in the State and county school tuition funds.

This section shall remain in effect until July 1, 1959.

Report on average daily attendance

17304. The Superintendent of Public Instruction shall report to the Controller, on or before the twenty-fifth day of September of each year, the total average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds.

Automobile driver training: Actual cost reimbursement

17305. (a) In addition there shall be provided such sum as the Superintendent of Public Instruction shall certify as necessary to reimburse school districts for the actual cost of instructing pupils in the operation of motor vehicles. The amount shall not exceed thirty-five dollars ($35) per pupil instructed in automobile driver training, in accordance with the rules and regulations as set forth by the State Board of Education. Such amounts as are necessary to carry out the provisions of this section are appropriated from the General Fund and shall be transferred therefrom to the State School Fund by the State Controller each fiscal year.

Limitation

17306. If any amount is appropriated by the Legislature in augmentation of any of the purposes set forth in the schedule in Section 17303, the amounts allowed for such purpose to districts and funds under Sections 11256, 11257, and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive, whichever are in effect, shall not exceed the amount computed under the formula or provisions of Sections 11256, 11257, and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive, whichever are in effect, for such purpose. If the amount in the schedule plus the amount appropriated in augmentation exceeds the total of the amounts so computed for such purpose for all districts and funds, the excess shall be allowed pursuant to Sections 18459 and 18460, as the case may be, for purposes specified in subdivision (a), (b), (c), (d), (e), (f), (g), and (h) of Section 17303, or pursuant to Sections 18452, 18453, and 18454, as the case may be, for the purposes specified in subdivisions (i), (j) and (k) of Section 17303, whichever section or sections are applicable.

This section shall become effective on July 1, 1959.

17306.1. If any amount is appropriated by the Legislature in augmentation of any of the purposes set forth in the schedule in Section 17303.1, the amounts allowed for such purpose to districts and funds under Sections 11256, 11257, and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460.1, inclusive, whichever are in effect, shall not exceed the amount computed under the formula or provisions of Sections 11256, 11257, and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460.1, inclusive, whichever are in effect, for such purpose. If the amount in the schedule plus the amount appropriated in augmentation exceeds the total of the amounts so computed for such purpose for all districts and funds, the excess shall be allowed pursuant to Section 18460 1 for purposes specified in subdivisions (a), (b), (c), (d), (e), and (f) of Section 17303.1. Same

This section shall remain in effect until July 1, 1959.

17307. In addition there shall be provided such amount as the Superintendent of Public Instruction shall certify as necessary to provide the allowances to school districts during each fiscal year under the provisions of Sections 18303 to 18307, inclusive. Such amount is hereby appropriated from the Investment Fund in the State Treasury and shall be transferred therefrom to the State School Fund by the State Controller each fiscal year. Appropriation

17308. Within the first month of the 1957-58 Fiscal Year, the State Controller shall transfer to the General Fund (1) from the School Bond Retirement Fund, ten million dollars ($10,000,000) and (2) from the money deposited in the Teachers' Permanent Fund by Section 3 of Chapter 13, Statutes of 1943, Fourth Extra Session, an amount equal to the appropriation from the General Fund to the Retirement Annuity Fund made by Item 425 of the Budget Act of 1957. Transfers to General Fund

Within the first month of the 1958-59 Fiscal Year, the State Controller shall transfer to the General Fund (1) the remaining balance in the School Bond Retirement Fund, and (2) the balance of the amount, together with all increments thereon, deposited in the Teachers' Permanent Fund by Section 3 of Chapter 13, Statutes of 1943, Fourth Extra Session; provided, that no more shall be transferred from the Teachers' Permanent Fund than is appropriated from the General Fund to the Teachers' Permanent Fund and to the Retirement Annuity Fund for the 1958-59 Fiscal Year.

Transfers to effectuate the purposes of this section need not be made in cash but may be made in investments pursuant to Article 5, Chapter 3, Part 2, Division 4, Title 2 (commencing at Section 16485) of the Government Code, except that investments shall be transferred at actual market value as determined by the State Board of Control rather than at "market value" as defined by Section 16486 of the Government Code.

This section shall remain in effect until July 1, 1959.

Article 2. Maintenance of the State School Fund Account; Amount and Manner of Drawing Warrants

Separate account

17351. The Controller shall keep a separate account of the State School Fund, and of the interest and income thereof, together with such money as is raised by special tax or otherwise for school purposes.

Warrants

17352. (a) The Controller shall draw warrants on the State Treasury in favor of the county treasurer of each county in each month of each year in the amounts and manner as herein prescribed as to provide in each warrant a portion of the total amount certified by the Superintendent of Public Instruction as apportioned under the provisions of Sections 11256, 11257, 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460.1, inclusive, whichever are in effect, during the fiscal year from the State School Fund to the school districts under the jurisdiction of the county superintendent of schools of the county, to the county school service fund, and to the county school tuition fund of the county.

(1) Warrants in the months of July, August and September shall be for amounts equal to 8 percent in July, 16 percent in August, and 12 percent in September of the amounts certified under Section 17401 by the Superintendent of Public Instruction and shall constitute an advance upon the amounts payable under Section 17402.

(2) Warrants in the months from October to June, inclusive, shall include, in addition to the amounts required by subdivisions (3), (4), and (5) of this subdivision, one-tenth of the difference between the amounts certified by the Superintendent of Public Instruction as apportioned under Section 17402, subject to the provisions of Section 17403 or 17403.1, whichever is in effect, and the amounts advanced thereon in the warrants for July, August and September. An additional one-tenth of such difference shall be included in the warrants for the month of November or for another month in the fiscal year as the Controller shall determine.

Warrants for the months of December and January, at the discretion of the Controller, may be reduced not to exceed 50 percent and the amount reduced shall be included in the warrants for any later month or months in the fiscal year as the Controller shall determine.

(3) Warrants in December shall include four-tenths of the amounts certified by the Superintendent of Public Instruction as apportioned under Sections 17405 or 17405.1, whichever is in effect, and 17406 and subdivision (a) of Section 17404. An additional one-tenth of such amounts shall be included in the warrants for the months from January to June, inclusive.

(4) Warrants in February shall include the total amounts certified by the Superintendent of Public Instruction as apportioned under subdivision (a) of Section 17407.

(5) Warrants in June shall include the total amounts certified by the Superintendent of Public Instruction as appor-

tioned under subdivision (b) of Section 17407 and Section 17408.

(b) The drawing of the warrants required to be drawn during any one of the months mentioned may be postponed by the Controller for not to exceed 30 days, but the total amounts due the several counties during any fiscal year shall be paid within the fiscal year. The warrants shall be paid by the State Treasurer from the State School Fund and are not subject to the provisions of Government Code Section 16003.

Same

17353. (a) If the Superintendent of Public Instruction does not certify to the Controller, on or before the twenty-fifth day of September, the amounts apportioned by him under Section 17402, the Controller shall draw warrants on the State Treasury in favor of the county treasurer of each county in the month of October, and in each month thereafter until the month following his receipt of such certification, for amounts equal to one-tenth of the amounts certified under Section 17401 by the Superintendent of Public Instruction.

(b) In the month following the receipt of the certification of the amounts apportioned by the Superintendent of Public Instruction under Section 17402, the Controller shall draw warrants on the State Treasury in favor of the county treasurer of each county in an amount equal to the difference between the amount of the warrants which would have been drawn pursuant to Section 17352 had the certification been received by the Controller not later than September 25th and the amount of the warrants drawn pursuant to subdivision (a) of this section.

(c) Warrants drawn under this section shall be drawn on the State School Fund and are not subject to the provisions of Government Code Section 16003.

Disposition of apportionments by county treasurers

17354. All moneys received by the treasurer of any county from the apportionments of the State School Fund shall be immediately credited by the treasurer to the county school service fund, the county school tuition fund, and the general funds of the several school districts of the county exactly as apportioned by the Superintendent of Public Instruction.

Article 3. Requirements and Calendar for Disbursement for State School Fund; Duties of Superintendent of Public Instruction

Average daily attendance certification

17401. The Superintendent of Public Instruction shall on or before July 10th of each year, certify to the Controller the total number of units of average daily attendance that is estimated, on the basis of the report of the district or fund for the second previous fiscal year, and the report of the district for growth during the second period of the previous fiscal year, for each elementary school district, high school district, junior college district, county school service fund, and county school tuition fund, and the amount to be apportioned to each such school district or fund on account of such average daily at-

tendance during the current fiscal year under Sections 17751, 17751.1, 17801, 17801.1, 17851, 17851.1, and Sections 18355 to 18401.1, inclusive, whichever are in effect.

Principal apportionment

17402. The Superintendent of Public Instruction shall on or before September 25th of each year apportion to each elementary school district, high school district, junior college district, county school service fund, and county school tuition fund the total amounts allowed to them under Sections 17401, 17614 and 17615, Sections 17751 to 17906.1, inclusive, Sections 17951 to 17952.1, inclusive, and Sections 18351 to 18458, inclusive, whichever are in effect. This apportionment shall be called the Principal Apportionment.

Withholding of portion

17403. The Superintendent of Public Instruction shall withhold from the apportionment made to each district for which a computation was made under Section 17655 or 17658 as follows:

If the district had fewer teachers than prescribed by the subdivision of Section 17655 or 17658 under which the computation was made, the Superintendent of Public Instruction shall withhold an amount determined as the difference between the amount allowed under Sections 17751, 17614, 17615, and Sections 17901 to 17906, inclusive, whichever are in effect, and the amount that would have been allowed had the computation for the district under Section 17655 or 17658 been made by multiplying the total average daily attendance by two hundred twelve dollars ($212).

This section shall become effective on July 1, 1959.

Same

17403.1. The Superintendent of Public Instruction shall withhold from the apportionment made to each district for which a computation was made under Section 17655.1 or 17658.1 as follows:

If the district had fewer teachers than prescribed by the subdivision of Section 17655.1 or 17658.1 under which the computation was made, the Superintendent of Public Instruction shall withhold an amount determined as the difference between the amount allowed under Sections 17751.1, 17614 and 17615, and Sections 17901 to 17906.1, inclusive, whichever are in effect, and the amount that would have been allowed had the computation for the district under Section 17655.1 or 17658.1 been made by multiplying the total average daily attendance by two hundred eighteen dollars ($218).

This section shall remain in effect until July 1, 1959.

Additional teachers

17404. (a) If by November 10th of any current fiscal year, an additional teacher or teachers are hired for a school in a district from which a withholding was made pursuant to Section 17403 or 17403.1, whichever is in effect, and the school fully meets the requirements of the appropriate subdivision of Section 17655 or 17658, or 17655.1 or 17658.1, whichever are in effect, the Superintendent of Public Instruction shall apportion at the time the apportionment under Section 17405 or 17405.1, whichever is in effect, is made to the district the amount withheld.

(b) In the event that more money is withheld pursuant to Section 17403 or 17403.1, whichever is in effect, than is apportioned pursuant to subdivision (a) of this section, the balance shall be allowed pursuant to Section 18460 or 18460.1, whichever is in effect.

Special purpose apportionment

17405. The Superintendent of Public Instruction shall on or before December 10th of each year apportion to each elementary, high school, and junior college district, and county school service fund the total of amounts allowed to them under Sections 18051 to 18206, inclusive, whichever are in effect, and Section 18459 and subdivision (a) of Section 17404. This apportionment shall be called the special purpose apportionment.

This section shall become effective on July 1, 1959.

Same

17405.1. The Superintendent of Public Instruction shall on or before December 10th of each year apportion to each elementary, high school, and junior college district, and county school service fund the total of amounts allowed to them under Sections 18051 to 18206, inclusive, whichever are in effect, and subdivision (a) of Section 17404. This apportionment shall be called the special purpose apportionment.

This section shall remain in effect until July 1, 1959.

Same

17406. The Superintendent of Public Instruction shall on or before December 10th of each year apportion to each school district the total of amounts allowed to them under Article 14 (Sections 18251 and 18252) of Chapter 3. This apportionment shall be part of the special purpose apportionment.

First and second period growth apportionments

17407. (a) The Superintendent of Public Instruction shall on or before February 20th for the first period of each fiscal year apportion to each elementary, high school, and junior college district the amount allowed to each district under Article 9 (Sections 18001 to 18009, inclusive, whichever are in effect) of Chapter 3. This apportionment shall be called the first period growth apportionment.

(b) He shall on or before June 25th for the second period of each fiscal year apportion to each elementary, high school, and junior college district the amount allowed to each district under Article 9 (Sections 18001 to 18009, inclusive, whichever are in effect) of Chapter 3. This apportionment shall be called the second period growth apportionment.

Final apportionment

17408. The Superintendent of Public Instruction shall on or before June 25th of each year apportion to each school district or fund the total of the amounts allowed to the district or fund under Section 18460 or 18460.1, whichever is in effect. This apportionment shall be called the final apportionment.

Apportionments to county school service funds

17409. The Superintendent of Public Instruction shall apportion at such times as needed the amounts allowed pursuant to Section 18353.

Withholding portion High school districts

17410. (a) The Superintendent of Public Instruction shall withhold from the apportionment to each high school district all amounts allowed such high school district by reason of the operation of subdivision (b) of Section 17601 for the average

daily attendance of grades 11 and 12 maintained in the district by a junior college district, determined to be an amount which shall bear the same ratio to the total amount computed for the high school district on account of the average daily attendance in grades 9 to 12, inclusive, as the average daily attendance in grades 11 and 12 maintained by the junior college district bears to the whole of the average daily attendance in grades 9 to 12, inclusive, maintained in the high school district, and shall add the amounts so withheld to the apportionment required to be made to the junior college district.

(b) The Superintendent of Public Instruction shall apportion to each high school district the amount computed for the high school district as a junior college district pursuant to subdivision (d) of Section 17601.

Same
Elementary school districts

17411. The Superintendent of Public Instruction shall withhold from the apportionment to an elementary school district the amount allowed the elementary school district for the average daily attendance in grades 7 and 8 in a junior high school by reason of the operation of subdivision (a) of Section 17601. The amount withheld shall be the larger of the following amounts:

(a) One hundred twenty dollars ($120) per unit of average daily attendance in grades 7 and 8 of the junior high school.

(b) An amount determined by the following process:

(1) Divide the district aid computed under Section 17702 or the amount which would have resulted had the tax used for such computation been eighty cents ($0.80), whichever amount was used in computing equalization aid apportioned to the district, by the units of average daily attendance in kindergarten and grades 1 through 8;

(2) Subtract the quotient resulting from the computation in subparagraph (1) from the amount allowed per unit of average daily attendance as a foundation program for units of average daily attendance in grades 7 and 8 in the district;

(3) Multiply the result obtained in subparagraph (2) by the units of average daily attendance in grades 7 and 8 in a junior high school.

The Superintendent of Public Instruction shall add the amount withheld to the apportionment required to be made to the high school district maintaining the junior high school.

This section shall become effective on July 1, 1959.

Same

17411.1. The Superintendent of Public Instruction shall withhold from the apportionment to an elementary school district the amount allowed the elementary school district for the average daily attendance in grades 7 and 8 in a junior high school by reason of the operation of subdivision (a) of Section 17601. The amount withheld shall be the larger of the following amounts:

(a) One hundred twenty-five dollars ($125) per unit of average daily attendance in grades 7 and 8 of the junior high school.

(b) An amount determined by the following process:

(1) Divide the district aid computed under Section 17702.1 or the amount which would have resulted had the tax used for such computation been one dollar and thirty-five cents ($1.35), whichever amount was used in computing equalization aid apportioned to the district, by the units of average daily attendance in kindergarten and grades 1 through 8;

(2) Subtract the quotient resulting from the computation in subparagraph (1) from the amount allowed per unit of average daily attendance as a foundation program for units of average daily attendance in grades 7 and 8 in the district;

(3) Multiply the result obtained in subparagraph (2) by the units of average daily attendance in grades 7 and 8 in a junior high school.

The Superintendent of Public Instruction shall add the amount withheld to the apportionment required to be made to the high school district maintaining the junior high school.

This section shall remain in effect until July 1, 1959.

Certification of apportionments

17412. The Superintendent of Public Instruction shall certify each apportionment made by him under Sections 17402 to 17413, inclusive, whichever are in effect, to the State Controller.

Abstract of apportionments

17413. The Superintendent of Public Instruction shall furnish an abstract of each apportionment of the State School Fund to the State Controller, the Department of Finance and to the county and city and county auditors, county and city and county treasurers, and to the county superintendents of schools of the several counties of the State.

Adjusting apportionments

17414. If during any fiscal year there is apportioned to a school district or to any fund from the State School Fund at least one hundred dollars ($100) more or at least one hundred dollars ($100) less than the amount to which the district or fund was entitled, the Superintendent of Public Instruction, in accordance with regulations that he is herewith authorized to adopt not later than the third succeeding fiscal year shall withhold from, or add to, the apportionment made during such fiscal year, the amount of such excess or deficiency, as the case may be. Notwithstanding, any other provision of this code to the contrary, excesses withheld or deficiencies added by the Superintendent of Public Instruction under this section or Section 17602 shall be added to or allowed from any portion of the State School Fund except that portion reserved as allowances for Basic State Aid.

Judgments requiring apportionments

17415. When any judgment has been rendered which requires the apportionment from the State School Fund to any school district, to any other agency, or to any fund for any fiscal year of more than the amount actually apportioned thereto during such fiscal year, the difference shall be apportioned to the district, agency, or fund by the Superintendent of Public Instruction from the State School Fund during the fiscal year following that in which the judgment becomes final before any other apportionment from the State School Fund is made.

Upon the becoming final of any judgment which requires the apportionment from the State School Fund to any school district, to any other agency, or to any fund for any fiscal year of less than the amount actually apportioned thereto during any fiscal year, the difference shall be deducted from the apportionment made to such district, agency, or fund by the Superintendent of Public Instruction from the State School Fund during the fiscal year following that in which the judgment becomes final.

Effect of tax refunds

17416. Notwithstanding any provision of law to the contrary, whenever in any fiscal year, pursuant to Chapter 5, Part 9, Division 1 of the Revenue and Taxation Code, a refund is made or a judgment rendered, as the case may be, for the return of an amount collected as school district taxes levied during a previous year upon secured or unsecured personal property, because it was determined that such property was exempt from taxation, and such property so determined to be exempt equals 1 percent, or more, of the assessed valuation in the school district upon which school district taxes for such previous year were levied, the Superintendent of Public Instruction shall add to the apportionment from the State School Fund to the district during the fiscal year or years, as determined by him, next succeeding that in which such refund was made or judgment rendered, the additional amount to which the district would have been entitled in the fiscal year next succeeding that for which such taxes were levied had the assessment roll upon which such district taxes were levied not included an amount of assessed valuation equal to the amount of assessed valuation of the property so determined to be exempt.

Any such additional amount shall be apportioned from the State School Fund before any other apportionment from such fund is made and shall be allowed from any portion of such fund except that portion reserved as allowances for basic state aid.

Average daily attendance Additional apportionment

17417. Notwithstanding any provisions of law to the contrary, wherever the attendance of pupils is not included in the computation of the average daily attendance of a school district for any fiscal year because the certification document of the person employed by the district to instruct such pupils was not in force during the period of such attendance, the governing board of the district may, upon payment of the salary of such person pursuant to Section 13515, or similar provisions of law, report such attendance to the Superintendent of Public Instruction during the fiscal year in which such salary is paid. Such report shall be made in such form as shall be prescribed and furnished by the Superintendent of Public Instruction. Thereafter the Superintendent of Public Instruction shall add to the apportionment from the State School Fund to the district during the next succeeding fiscal year or years, as determined by him but not exceeding three, the additional amount to which the district would have been entitled

in the fiscal year next succeeding that in which such attendance was not included in the computation of the average daily attendance of the district if such amount is at least one hundred dollars ($100) or more.

Any such additional amount shall be apportioned from the State School Fund before any other apportionment from such fund is made and shall be allowed from any portion of such fund except that portion reserved as allowances for basic state aid.

Article 4. Requirements for Disbursement From State School Fund for Newly Formed Junior Colleges

Application

17451. Whenever any junior college district is formed which includes a high school district maintaining a separate day junior college, the governing board of the junior college district may apply to the Superintendent of Public Instruction for an apportionment pursuant to this article (commencing at Section 17451).

Same

17452. The application shall be made in the form and manner prescribed by the Superintendent of Public Instruction not later than the effective date of the formation of the junior college district for all purposes. Each application shall include an estimate of the average daily attendance of pupils in the regular day junior college of the high school district during the fiscal year immediately preceding the effective date of the inclusion of such high school district in the newly formed junior college district signed by the county superintendent of schools having jurisdiction over the junior college district. Such estimate shall be based upon enrollment in the regular day junior college of the high school district included in such junior college district during the current fiscal year and shall be subject to the approval of the Superintendent of Public Instruction.

Apportionment

17453. Not later than 30 days after such application, the Superintendent of Public Instruction shall apportion to each applicant school district from the State General Fund, as an advance against future apportionments from the State School Fund to such district, an amount equal to one-half of the basic state aid to which the district is entitled during the first fiscal year of the existence of such district, based upon the estimated average daily attendance of pupils in the regular day junior college of the high school district during the fiscal year immediately preceding the effective date of the inclusion of such high school district in the newly formed junior college district for all purposes.

Abstract certification, etc.

17454. The Superintendent of Public Instruction shall furnish an abstract of all apportionments made to junior college districts of any county under this article (commencing at Section 17451) to the State Controller, the Department of Finance and to the county auditor, county treasurer and county superintendent of schools of the county and shall cer-

tify such apportionments to the State Controller who shall thereupon draw his warrants on the State General Fund in favor of the county treasurer of each county for the amounts apportioned to the junior college districts of the county.

Crediting of moneys received

17455. All moneys received by the treasurer of a county under this article (commencing at Section 17451) shall be credited by the treasurer to the general fund of the junior college district of the county exactly as apportioned by the Superintendent of Public Instruction.

State School Fund deductions

17456. During each of the two successive fiscal years commencing with the first fiscal year of the existence of a newly formed junior college district for all purposes the State Controller shall deduct from apportionments made to each such district from the State School Fund under Sections 10951 to 11653, inclusive, Sections 17151 to 18460.1, inclusive, Sections 18654 to 20251, inclusive, Sections 20501 to 21801, inclusive, and Sections 21803 to 22152, inclusive, whichever are in effect, one-half of the amount apportioned to such district under this article (commencing at Section 17451) and shall pay the same into the State General Fund.

Article 5. General Conditions for use of Apportionments from State School Fund by School Districts

Limitation

17501. The governing board of each school district shall, except as may otherwise be specifically provided by law, use all money apportioned to the district from the State School Fund during any fiscal year exclusively for the support of the school or schools of the district for that year.

Unexpended balance

17502. If at the end of any fiscal year during which the schools of a school district have been maintained for the period required or permitted by law, there is standing to the credit of the district an unexpended balance of money received from the State School Fund, it may be expended for the payment of claims against the district outstanding, or it may be expended during the succeeding fiscal year.

Use of apportioned money

17503. During any fiscal year there shall be expended for the payment of salaries of persons employed by the district in positions requiring certification qualifications or for the payment of tuition by the district to another district the following amounts:

(a) Not less than 65 percent of the foundation program for elementary school attendance in elementary districts with an average daily attendance during the preceding year of less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, as such foundation program is actually computed for apportionments in the same fiscal year pursuant to Article 2 (Sections 17651 to 17667, inclusive) of Chapter 3, whichever are in effect, of this division, or pursuant to Section 17901, if the foundation program for such district is computed pursuant to Section 17901, whichever is the case for the particular district.

(b) Not less than 65 percent of the foundation program for elementary school attendance of an elementary district with an average daily attendance during the preceding year of 101 or more, exclusive of the average daily attendance of pupils attending the seventh and eighth grades of a junior high school, as such foundation program would be computed for apportionments in the same fiscal year pursuant to Article 2 (Sections 17651 to 17667, inclusive, whichever are in effect) of Chapter 3, or as it would be computed pursuant to Section 17901 for apportionments in the same fiscal year, whichever is the larger amount.

(c) Not less than 65 percent of the foundation program for high school attendance in high school districts with an average daily attendance during the preceding year of less than 281, as such foundation program is actually computed for apportionments in the same fiscal year pursuant to Article 2 (Sections 17651 to 17667, inclusive, whichever are in effect) of Chapter 3, or pursuant to Section 17903, if the foundation program for such district is computed pursuant to Section 17903, whichever is the case for the particular district.

(d) Not less than 65 percent of the foundation program for high school attendance in a high school district which had an average daily attendance during the preceding year of 281 or more, which would be computed for apportionments in the same fiscal year pursuant to Article 2 (Sections 17651 to 17667, inclusive, whichever are in effect) of Chapter 3, or which would be computed for apportionments in the same fiscal year pursuant to Section 17903, whichever is the larger amount.

(e) Not less than 65 percent of the foundation program computed for apportionments in the same fiscal year for junior college attendance.

(f) In addition to the above amounts, as determined for each district, not less than 65 percent of the apportionments for growth computed for the district during the preceding fiscal year.

The terms "elementary district," "high school district," "elementary school attendance," "high school attendance," and "junior college attendance," as used in this section, have the same meanings as if used in Sections 11256, 11257 and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive, whichever are in effect.

In the event it appears to the governing board of a school district that the application of the preceding paragraphs of this section during a fiscal year would result in serious hardship to the district, or in the payment of salaries to persons employed by the district in positions requiring certification qualifications substantially in excess of the salaries paid persons employed in positions requiring certification qualifications by other districts of comparable type and functioning under comparable conditions, the board may, with the written approval of the county superintendent of schools having

jurisdiction over the district, apply to the Superintendent of Public Instruction in writing not later than July 15th of the succeeding fiscal year for exemption from the requirements of the preceding paragraphs of this section for the fiscal year on account of which the application is made. Upon receipt of such application, duly approved, the Superintendent of Public Instruction may grant the district exemption, to the extent deemed necessary by him, from such requirements for the fiscal year on account of which the application is made.

If any portion of the money is not expended as required by this section and is not exempted by the Superintendent of Public Instruction, the county superintendent of schools having jurisdiction over the district shall add such portion to the amount required to be expended for salaries or tuition for the next succeeding fiscal year or he may transfer 80 percent of such amount to the county school service fund pursuant to Section 20104.

This section shall become effective on July 1, 1959.

Same

17503.1. During any fiscal year there shall be expended for the payment of salaries of persons employed by the district in positions requiring certification qualifications or for the payment of tuition by the district to another district the following amounts:

(a) Not less than 65 percent of the foundation program for elementary school attendance in elementary districts with an average daily attendance during the preceding year of less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, as such foundation program is actually computed for apportionments in the same fiscal year pursuant to Article 2 (Sections 17651 to 17667, inclusive, whichever are in effect) of Chapter 3 of this division, or pursuant to Section 17901.1, if the foundation program for such district is computed pursuant to Section 17901.1, whichever is the case for the particular district, or 65 percent of the total state basic and equalization aid plus the amount which would be raised by the levy of the maximum tax rate prescribed for the district by Section 20751 on each one hundred dollars ($100) of assessed valuation of the district during the current fiscal year, reduced by the amount chargeable to the district for tuition for interdistrict attendance, pursuant to Section 5659, if such amount is less than the amount computed on the basis of the foundation program.

(b) Not less than 65 percent of the foundation program for elementary school attendance of an elementary district with an average daily attendance during the preceding year of 101 or more, exclusive of the average daily attendance of pupils attending the seventh and eighth grades of a junior high school, as such foundation program would be computed for apportionments in the same fiscal year pursuant to Article 2 (Sections 17651 to 17667, inclusive, whichever are in effect) of Chapter 3, or as it would be computed pursuant to Section 17901.1 for apportionments in the same fiscal year, whichever

is the larger amount; but if an amount computed by determining 65 percent of the total basic and equalization aid plus the amount which would be raised by the levy of the maximum tax rate prescribed for the district by Section 20751 on each one hundred dollars ($100) of assessed valuation of the district during the current fiscal year, reduced by the amount chargeable to the district for tuition for interdistrict attendance, pursuant to Section 5659, is less than the larger of the two amounts computed on the basis of the foundation program, such amount shall be used in lieu of the amount computed on the basis of the foundation program.

(c) Not less than 65 percent of the foundation program for high school attendance in high school districts with an average daily attendance during the preceding year of less than 267, as such foundation program is actually computed for apportionments in the same fiscal year pursuant to Article 2 (Sections 17651 to 17667, inclusive, whichever are in effect) of Chapter 3 of this division, or pursuant to Section 17903.1, if the foundation program for such district is computed pursuant to Section 17903.1, whichever is the case for the particular district, or 65 percent of the total state basic and equalization aid plus the amount which would be raised by the levy of the maximum tax rate prescribed for the district by Section 20751 on each one hundred dollars ($100) of assessed valuation of the district during the current fiscal year, increased by amounts received as tuition payments for interdistrict attendance, if such amount is less than the amount computed on the basis of the foundation program.

(d) Not less than 65 percent of the foundation program for high school attendance in a high school district which had an average daily attendance during the preceding year of 267 or more, which would be computed for apportionments in the same fiscal year pursuant to Article 2 (Sections 17651 to 17667, inclusive, whichever are in effect) of Chapter 3 of this division, or which would be computed for apportionments in the same fiscal year pursuant to Section 17903 1, whichever is the larger amount; but if an amount computed by determining 65 percent of the total basic and equalization aid plus the amount which would be raised by the levy of the maximum tax rate prescribed for the district by Section 20751 on each one hundred dollars ($100) of assessed valuation of the district during the current fiscal year, increased by amounts received as tuition payments for interdistrict attendance, is less than the larger of the two amounts computed on the basis of the foundation program, such amount shall be used in lieu of the amount computed on the basis of the foundation program.

(e) Not less than 65 percent of the foundation program computed for apportionments in the same fiscal year for junior college attendance, or 65 percent of the total state basic and equalization aid plus the amount which would be raised by the levy of the maximum tax rate prescribed for the district by Section 20751 on each one hundred dollars ($100) of assessed

valuation of the district during the current fiscal year, increased by amounts received as tuition payments for interdistrict attendance and reduced by amounts of interdistrict attendance payments chargeable to it, if such amount is less than the amount computed on the basis of the foundation program.

(f) In addition to the above amounts, as determined for each district, not less than 65 percent of the apportionments for growth computed for the district during the preceding fiscal year, and not less than 65 percent of the apportionments computed pursuant to Sections 17951.1 and 17411.1 during the same fiscal year.

The terms "elementary district," "high school district" and "elementary school attendance," "high school attendance," and "junior college attendance," as used in this section, have the same meanings as if used in Sections 11256, 11257, and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460.1, inclusive, whichever are in effect.

In the event it appears to the governing board of a school district that the application of the preceding paragraphs of this section during a fiscal year would result in serious hardship to the district, or in the payment of salaries to persons employed by the district in positions requiring certification qualifications substantially in excess of the salaries paid persons employed in positions requiring certification qualifications by other districts of comparable type and functioning under comparable conditions, the board may, with the written approval of the county superintendent of schools having jurisdiction over the district apply to the Superintendent of Public Instruction in writing not later than July 15th of the succeeding fiscal year for exemption from the requirements of the preceding paragraphs of this section for the fiscal year on account of which the application is made. Upon receipt of such application, duly approved, the Superintendent of Public Instruction may grant the district exemption, to the extent deemed necessary by him, from such requirements for the fiscal year on account of which the application is made.

If any portion of the money is not expended as required by this section and is not exempted by the Superintendent of Public Instruction, the county superintendent of schools having jurisdiction over the district shall add such portion to the amount required to be expended for salaries or tuition for the next succeeding fiscal year or he may transfer 80 percent of such amount to the county school service fund pursuant to Section 20104.

This section shall remain in effect until July 1, 1959.

Article 6. General Conditions Disqualifying School Districts from an Apportionment of State School Fund

Required school term

17551. No school district, other than one newly formed, shall, except as otherwise provided in this article (commencing

with Section 17551), receive any apportionment from the State School Fund unless it has maintained the regular day schools of the district for at least 175 days during the next preceding fiscal year.

Newly formed district

17552. A school district is a newly formed district up to the close of the fiscal year in which its formation became effective for all purposes.

District unable to maintain schools for prescribed time

17553. A district which is prevented from maintaining its schools during a fiscal year for at least 175 days because of fire, flood, or epidemic, or because of any order of any military officer of the United States or of the State to meet an emergency created by war, or of any civil officer of the United States, of the State, or of any county, city and county, or city authorized to issue such order to meet an emergency created by war, or because of other extraordinary conditions, or because of inability to secure or hold a teacher, or because of the illness of the teacher, which fact shall be shown to the satisfaction of the Superintendent of Public Instruction by the affidavits of the members of the governing board of the school district and of the county superintendent of schools, shall receive the same apportionment from the State School Fund as it would have received had it not been so prevented from maintaining school for at least 175 days.

24-hour elementary school

17554. No money shall be apportioned to a district for the excess cost of educating pupils in a 24-hour elementary school of the district unless such school has met the requirements of the Superintendent of Public Instruction based upon educational standards and standards established by state agencies authorized by law to inspect or supervise child-caring institutions.

Junior colleges

17555. No junior college district or high school district shall receive any apportionment from the State School Fund on account of any junior college which has failed for three consecutive years to comply with the standards prescribed by the State Board of Education for accredited junior colleges

Chapter 3. Computations of Allowances and Apportionments from State School Fund

Article 1. General Provisions Concerning Computations of Allowances and Apportionments from State School Fund

Application and definitions

17601. For the purposes of Sections 17401 to 17413, inclusive, Sections 17614 and 17615, Sections 17651 to 17667, inclusive, Sections 17702 to 17906.1, inclusive, and Sections 18451 to 18460.1, inclusive, whichever are in effect:

(a) Each elementary school district shall be deemed to comprise the kindergartens and grades 1 to 8, inclusive, maintained by the district, and the seventh and eighth grades of the district not maintained by the district because of the attendance upon a junior high school of pupils who would otherwise

attend upon seventh and eighth grades maintaind by the district.

(b) Each high school district shall be deemed to comprise all of grades 9 to 12, inclusive, maintained within the high school district whether maintained by a high school district or by a junior college district.

(c) Each junior college district shall be deemed to comprise the 13th and 14th grades maintained by the district.

(d) Each high school district maintaining grades 13 and 14 shall be deemed to be a junior college district comprising grades 13 and 14.

(e) Each unified school district shall be deemed to be an elementary school district comprising the kindergartens and grades 1 to 8, inclusive, maintained by the district and the seventh and eighth grades of the district not maintained by the district in elementary schools because of the attendance upon a junior high school of pupils who would otherwise attend the seventh and eighth grades maintained in elementary schools by the district, and a high school district comprising all of grades 9 to 12, inclusive, and a junior college district comprising the 13th and 14th grades maintained by the district.

Substitute for assessed valuation

17602. Whenever in any section of Sections 11256, 11257 and 17251, Sections 17401 to 17417, and Sections 17601 to 18460.1, whichever are in effect, any computation is required to be made which is based in whole or in part on the assessed valuation of a school district as shown by the equalized assessment roll of the district for the preceding year or preceding fiscal year, there shall be substituted for such assessed valuation, as to such computation, a sum determined by adding to such assessed valuation an amount which would, if the current tax rate, as defined in Section 17604, of such district were levied on such added amount, produce or will produce 40 percent of the equivalent of all federal funds as federal funds are defined in Section 17605 and 75 percent of the equivalent of all miscellaneous funds as miscellaneous funds are defined in Section 17606, received or to be received by such district for the fiscal year for which such added amount was determined.

Should the amount of federal funds as defined in Section 17605 actually received by a school district for any fiscal year be more or less than that reported for such district by the United States Commissioner of Education to the Superintendent of Public Instruction, the Superintendent of Public Instruction shall during the fiscal year next succeeding that in which the district has received all of the federal funds actually paid the district for the first mentioned fiscal year withhold from or add to the apportionment made to the district from the State School Fund the amount of the excess or deficiency, as the case may be, in the apportionment of State Equalization Aid from the State School Fund for the preceding year, if the amount of the excess or deficiency in such apportionment was one hundred dollars ($100) or more.

Reduced assessed valuation: Storms and floods

17603. When the total assessed valuation in any school district for the 1956-57 Fiscal Year is at least 2 percent less than the total assessed valuation in the district for the 1955-56 Fiscal Year, as shown by the equalized assessment roll for such year, and such reduction in assessed valuation is the result of property damage caused by the storms and floods occurring in December, 1955, and January, 1956, the county assessor of the county in which such district is situated shall, on or before August 1, 1956, transmit to the Superintendent of Public Instruction the written notice prescribed by this section. The notice shall set forth the amount of assessed valuation in each such district in the county for the 1956-57 Fiscal Year, and shall include a certification that the assessed valuation in each such district for such fiscal year is at least 2 percent less than the assessed valuation in each such district as shown by the equalized assessment roll for the 1955-56 Fiscal Year and that the reduction is the result of property damage caused by storms and floods occurring in December, 1955, and January, 1956. When this section is applied to joint districts, the term "district," as used in this paragraph, means that portion of a joint district lying in the county of which the county assessor is an officer, and, as used in this paragraph, the term "total assessed valuation in the district" or "assessed valuation in the district" means the assessed valuation lying in the portion of the joint district situated in the county of which the county assessor is an officer.

Whenever during the Fiscal Year 1956-57 any computation is required by Sections 11256, 11257, 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460.1, inclusive, whichever are in effect, which is based in whole or in part on the assessed valuation of a school district as shown by the equalized assessment roll for the preceding year or preceding fiscal year, there shall be used, for such computations made for any school district included in the county assessor's notice, the amount of the assessed valuation of the district for the 1956-57 Fiscal Year as set forth in the notice plus an amount equal to 2 percent of the assessed valuation of the district as shown by the equalized assessment roll for the 1955-56 Fiscal Year. If the district included in the notice is a joint district, there shall be used for such computations made for such joint district the total of the following amounts: For any portion of the district for which the notice has not been given, the amount of the assessed valuation lying in such portion of the district as shown by the equalized assessment roll for the 1955-56 Fiscal Year of the county in which such portion is situated, and for any portion for which the notice has been given, the amount of the assessed valuation lying in such portion of the district for the 1956-57 Fiscal Year as set forth in the notice given by the county assessor of the county in which such portion is situated plus an amount equal to 2 percent of the assessed valuation of such portion of the district as shown by

the equalized assessment roll for the 1955-56 Fiscal Year for the county in which such portion is situated.

If the equalized assessment roll of the county for the 1956-57 Fiscal Year is completed by August 1, 1956, the assessed valuation of a district, or a portion of a joint district, for the 1956-57 Fiscal Year as set forth in the notice of the county assessor, shall be the assessed valuation of the district, or portion of a joint district, as shown on such equalized assessment roll. If such roll is not completed by August 1, 1956, the county assessor shall estimate the amount of assessed valuation in the district, or portion of a joint district, for the 1956-57 Fiscal Year and set forth such estimated amount in his notice, and such estimated amount shall be used as the assessed valuation for the district, or portion of a joint district. If the estimated amount of assessed valuation is more or less than that shown by the completed equalized assessment roll for the 1956-57 Fiscal Year, correction in apportionments to the district shall be made pursuant to Section 17414 of this code.

"Current tax rate"

17604. "Current tax rate" as used in Section 17602 shall mean the total of the rates of school district taxes levied for any school district and rates of municipal taxes levied for school purposes of such district in the fiscal year for which such added amount of assessed valuation is determined on each one hundred dollars ($100) of assessed valuation within the district or municipality, as the case may be, other than rates of tax levied under Sections 1615, 3356, 16633, 19443, 19619, 20801, and 22101.

"Federal funds"

17605. "Federal funds" as used in Section 17602 means: The amount the United States Commissioner of Education has determined and reported to the Superintendent of Public Instruction that the district has received or will receive for a fiscal year under Section 3, exclusive of increases in local contribution rates made because of unusual geographic factors, and under subsection (c) of Section 5, of the act of Congress entitled "An act to provide financial assistance for local educational agencies in areas affected by federal activities, and for other purposes," approved September 30, 1950 (Public Law 874—Eighty-first Congress), or under any similar provisions of any other act of Congress.

"Miscellaneous funds"

17606. "Miscellaneous funds" as used in Section 17602 means for the Fiscal Year 1952-53 and for each subsequent fiscal year the amount the county superintendent of schools has determined and reported to the Superintendent of Public Instruction in accordance with regulations the Superintendent of Public Instruction is hereby authorized to adopt that the district has received and which has been deposited to the credit of the general fund of the district for a fiscal year on account of in-lieu taxes or income from bonuses, royalties, rentals or any other income from district property or property within the district or State not being assessed for tax purposes and not being used for school purposes. Federal Forest Reserve funds

received by a district shall not be considered miscellaneous funds as defined by this section.

17607. If any computation made under, or necessitated by, Sections 11252, 11257, and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460.1, whichever are in effect, including computations of the total amounts allowed under Article 8 (Sections 17951 and 17952.1, inclusive, whichever are in effect) and Article 9 (Sections 18001 to 18009, inclusive, whichever are in effect) but excluding other computations under those articles, results in an amount which is: Computations

(a) Less than one dollar ($1), the amount shall be counted as one dollar ($1).

(b) More than one dollar ($1) and includes a fraction of one-half dollar ($0.50) or more, the fraction shall be counted as one dollar ($1).

(c) More than one dollar ($1) and includes a fraction of less than one-half dollar ($0.50), the fraction shall not be counted.

17608. The term "elementary school district" as used in Sections 11256, 11257, and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460.1, inclusive, whichever are in effect, means, unless expressly provided otherwise, each elementary school district which is composed of a single elementary school district and each union elementary school district, joint union elementary school district, or unified school district; and does not include any elementary school district included within a union elementary school district or a joint union elementary school district or a unified school district. "Elementary school district"

17609. For the purposes of Sections 10951 to 11653, inclusive, Section 17251, Sections 17401 to 17417, inclusive, and Sections 17501 to 18460.1, inclusive, whichever are in effect, each elementary school district as defined by Section 17608, high school district and junior college district merged or otherwise included within a unified school district shall be deemed a separate and independent district, but all apportionments from the State School Fund on account of any district merged or otherwise included within a unified school district shall be made to the unified school district and shall be available for expenditure by the unified school district for all schools and classes of the district. Merged districts

17610. For the purposes of Sections 10951 to 11653, inclusive, Sections 17151 to 18460.1, inclusive, Sections 18654 to 20251, inclusive, Sections 20501 to 21801, inclusive, and Sections 21803 to 22152, inclusive, whichever are in effect, whenever computations of apportionments based on average daily attendance are made for high school districts only the attendance in all classes of grades 9 to 12, inclusive, and in all types of ungraded classes, including classes for adults, which have been reported as attached to, or as a part of, a school which maintains any of grades 9 to 12, inclusive, shall be included. Average daily attendance High school districts

17611. For the purposes of Sections 10951 to 11653, inclusive, Sections 17151 to 18460.1, inclusive, Sections 18654 to Same Junior college districts

20251, inclusive, Sections 20501 to 21801, inclusive, and Sections 21803 to 22152, inclusive, whichever are in effect, whenever computations of apportionments based on average daily attendance are made for junior college districts only the attendance in all classes of grades 13 and 14 and all types of ungraded classes, including classes for adults, which have been reported as attached to, or as a part of, a junior college which maintains grades 13 and 14 shall be included.

Basic state aid and equalization aid

17612. Notwithstanding anything in Section 11256, 11257 and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460.1, inclusive, whichever are in effect to the contrary the amounts allowed as basic state aid and state equalization aid by the Superintendent of Public Instruction during the first year of existence for all purposes of a unified school district formed under Sections 3001 to 3451, inclusive, of this code on or after July 1, 1953, shall not be less than the amounts that would have been allowed to all of the districts formed into the unified district, had such unified district not been formed. The amounts allowed as basic state aid and state equalization aid to such unified district during the succeeding four years, and thereafter, of its existence for all purposes shall not be less than the amounts allowed the district under Sections 17614 and 17615, and Sections 17751 to 17906.1, inclusive, whichever are in effect plus 80 percent reduced by an additional 20 percent for each of the succeeding four years, of the difference between the amounts that would have been allowed under Sections 11256, 11257 and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460.1, inclusive, whichever are in effect to all the districts formed in the unified district had such unified district not been formed and the amounts allowed the unified district under Sections 17614 and 17615, and Sections 17751 to 17906.1, inclusive, whichever are in effect. For the purpose of this section the computation of foundation program under Sections 17651 to 17667, inclusive, whichever are in effect, for each district merged into the unified district shall be made using the average daily attendance during the preceding fiscal year credited to such district, assuming, if such district had an average daily attendance, exclusive of the average daily attendance of pupils attending the seventh and eighth grades of a junior high school, during the preceding fiscal year of less than 101, that the requirement for teacher pursuant to Section 17658 or 17658.1, whichever is in effect, had been met.

Same

17613. Notwithstanding anything in Sections 11256, 11257, and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460.1, inclusive, whichever are in effect, to the contrary the amounts allowed as basic state aid and state equalization aid by the Superintendent of Public Instruction during the first year of its existence for all purposes of a union or joint union elementary school district formed under Sections 3001 to 3451, inclusive, of this code on or after July 1, 1953, shall not be less than the amounts that would have been al-

lowed to all of the districts formed into the union or joint union district had such district not been formed. The amounts allowed as basic state aid and state equalization aid to such union or joint union district during the second, and succeeding two years, and thereafter, of its existence for all purposes shall not be less than the amounts allowed the district under Sections 17614, 17615, and 17751, 17751.1, and Sections 17901 to 17906.1, inclusive, whichever are in effect, plus 66⅔ percent, reduced by an additional 33⅓ percent for each of the succeeding two years, of the difference between the amounts that would have been allowed under Sections 11256, 11257, and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460.1, inclusive, whichever are in effect, to all the districts formed into the union or joint union district had such district not been formed and the amounts allowed the union or joint union district under Sections 17614, 17615, and 17751, 17751.1, and Sections 17901 to 17906.1, inclusive, whichever are in effect. For the purpose of this section the computation of foundation program under Sections 17651 to 17667, inclusive, whichever are in effect for each district merged into a union or joint union district shall be made using the average daily attendance during the preceding fiscal year credited to such district, assuming, if such district had an average daily attendance, exclusive of average daily attendance of pupils attending the seventh and eighth grades of a junior high school, during the preceding fiscal year of less than 101, that the requirement for teachers pursuant to Section 17658 or 17658.1, whichever is in effect, had been met.

Original or acquiring districts

17614. Notwithstanding anything in Sections 11256, 11257, and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460.1, inclusive, whichever are in effect, to the contrary, if under Section 11255 average daily attendance of an original district is credited to an acquiring district, the amounts allowed by the Superintendent of Public Instruction as basic state aid and state equalization aid to the original school district and to the acquiring school district during the first fiscal year in which an apportionment is made to the acquiring school district on account of such average daily attendance, shall be the amounts computed under this section. The Superintendent of Public Instruction shall divide the total amounts of basic state aid and state equalization aid which would have been apportioned to the original school district during said fiscal year had this section not been in effect by the average daily attendance of the original school district for the preceding fiscal year prior to the crediting of any of such average daily attendance to the acquiring school district. He shall allow to the original school district as basic state aid and state equalization aid the amount computed by multiplying the resulting quotients by the units of average daily attendance of the district for the preceding fiscal year less the units credited to the acquiring school district. He shall allow the acquiring school district as basic state aid and state equali-

zation aid the amount computed by multiplying the same quotients by the units of average daily attendance credited to the district under Section 11255.

Acquiring districts

17615. Notwithstanding anything in Sections 11256, 11257 and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460.1, inclusive, whichever are in effect, to the contrary, if under Section 11255 average daily attendance of an original district is credited to an acquiring district which was formed under Sections 3001 to 3451, inclusive, of this code and which acquiring district became effective for all purposes on or after July 1, 1953, the computation of allowances for such acquiring district under Section 17614 shall be made by the Superintendent of Public Instruction in accordance with the provisions of Section 17653 or 17654, whichever is applicable. It is the intent of the Legislature that the basic state aid and state equalization aid allowed to such acquiring district during the Fiscal Year 1953-54, and thereafter, shall be computed in the manner prescribed by this section.

High school courses

17616. The average daily attendance of pupils attending high school courses maintained by an elementary school district shall be, for the purposes of Sections 10951 to 11653, inclusive, Sections 17151 to 18460.1, inclusive, Sections 18654 to 20251, inclusive, Sections 20501 to 21801, inclusive, and Sections 21803 to 22152, inclusive, whichever are in effect, considered average daily attendance in high school classes maintained by a high school district and apportionments of one hundred twenty dollars ($120) per unit of average daily attendance, and no more, on account of such average daily attendance shall be made to the elementary school district. This section shall become effective on July 1, 1959.

Same

17616.1. The average daily attendance of pupils attending high school courses maintained by an elementary school district shall be, for the purposes of Sections 10951 to 11653, inclusive, Sections 17151 to 18460.1, inclusive, Sections 18654 to 20251, inclusive, Sections 20501 to 21801, inclusive, and Sections 21803 to 22152, inclusive, whichever are in effect, considered average daily attendance in high school classes maintained by a high school district and apportionments of one hundred twenty-five dollars ($125) per unit of average daily attendance, and no more, on account of such average daily attendance shall be made to the elementary school district. This section shall remain in effect until July 1, 1959.

Article 2. Computation of Foundation Program for School Districts

Foundation program

17651. The Superintendent of Public Instruction shall compute for each school district the amount of a foundation program of school support therefor, in the manner prescribed by this article (commencing at Section 17651).

Same: Unified district

17652. With respect to any unified school district which became effective for all purposes between July 1, 1951, and July 1, 1952, inclusive, and any unified district not formed

under Sections 3001 to 3451, inclusive, of this code and which became effective for all purposes on July 1, 1953, the foundation program for such district as computed under this article (commencing with Section 17651) shall be increased five dollars ($5) for each unit of average daily attendance in each of the first five fiscal years of its existence for all purposes.

Same

17653. With respect to any unified district formed under Sections 3001 to 3451, inclusive, of this code, which became effective for all purposes on or after July 1, 1953, and which during the year preceding the effective date for all purposes had, in all the districts which were formed into the unified district, an average daily attendance of less than ten thousand (10,000), the foundation program actually computed for such district under this article and the alternate foundation program for such district under Sections 17901 or 17903, or 17901.1 or 17903.1, whichever are in effect, as the case may be, shall be increased by 5 percent for the first fiscal year, 4 percent for the second fiscal year, 3 percent for the third fiscal year, 2 percent for the fourth fiscal year, and 1 percent for the fifth fiscal year of its existence.

Same

17654. With respect to any unified district formed under Sections 3001 to 3451, inclusive, of this code, which became effective for all purposes on or after July 1, 1953, and which during the year preceding the effective date for all purposes had, in all the districts which were formed into the unified district, an average daily attendance of more than ten thousand (10,000) and in which there was not on July 1, 1952, or thereafter a single chief administrative officer and staff that administered the program of education for all the secondary schools and those elementary schools of the district to which were credited 50 percent or more of the average daily attendance during the year preceding the effective date for all purposes in all the districts formed into the unified district, the foundation program actually computed for such district under this article (commencing at Section 17651) and the alternate foundation program for such district under Sections 17901 or 17903, or 17901.1 or 17903.1, whichever are in effect, as the case may be, shall be increased by 5 percent for the first fiscal year, 4 percent for the second fiscal year, 3 percent for the third fiscal year, 2 percent for the fourth fiscal year, and 1 percent for the fifth fiscal year of its existence.

Computation of amount Elementary schools up to 100 attendance

17655. (a) For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of less than 26, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least one teacher was hired full time, he shall compute five thousand three hundred dollars ($5,300).

(b) For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of 26 or more and less than 51, exclusive of pupils attending the seventh and

eighth grades of a junior high school, and for which school at least two teachers were hired full time for more than one-half of the days school was maintained, he shall compute ten thousand six hundred dollars ($10,600).

(c) For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of 51 or more but less than 76, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least three teachers were hired full time for more than one-half of the days school was maintained, he shall compute fifteen thousand nine hundred dollars ($15,900).

(d) For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of 76 or more but less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least four teachers were hired full time for more than one-half of the days school was maintained, he shall compute twenty-one thousand two hundred dollars ($21,200).

This section shall become effective on July 1, 1959.

Same

17655.1. (a) For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of less than 26, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least one teacher was hired full time, he shall compute five thousand four hundred fifty dollars ($5,450).

(b) For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of 26 or more and less than 51, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least two teachers were hired full time for more than one-half of the days school was maintained, he shall compute ten thousand nine hundred dollars ($10,900).

(c) For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of 51 or more but less than 76, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least three teachers were hired full time for more than one-half of the days school was maintained, he shall compute sixteen thousand three hundred fifty dollars ($16,350).

(d) For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of 76 or more but less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least four teachers were hired full time for more than one-half of the days school was maintained, he shall compute twenty-one thousand eight hundred dollars ($21,800).

This section shall remain in effect until July 1, 1959.

17656. For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of 101 or more, exclusive of pupils attending the seventh and eighth grades of a junior high school, he shall compute an amount determined by multiplying the total average daily attendance by two hundred twelve dollars ($212). Computation of amount Elementary schools over 100 attendance

This section shall become effective on July 1, 1959.

17656.1. For each elementary school district which maintained only one elementary school and which, exclusive of pupils attending the seventh and eighth grades of a junior high school, had an average daily attendance of 101 or more but less than 901 during the preceding fiscal year, he shall compute an amount determined by multiplying the total average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, by two hundred eighteen dollars ($218). Same

For each elementary school district which maintained only one elementary school and which, exclusive of pupils attending the seventh and eighth grades of a junior high school, had an average daily attendance of 901 or more during the preceding fiscal year, he shall compute an amount determined by multiplying the total average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, by two hundred twenty dollars ($220).

This section shall remain in effect until July 1, 1959.

17657. For the purposes of Section 17658, or 17658.1, whichever is in effect, a "necessary small school" is an elementary school with an average daily attendance of less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, during the preceding fiscal year maintained by an elementary school district which maintained two or more schools and to which school any of the following conditions apply: "Necessary small school"

(a) If as many as five pupils residing in the district and attending grades kindergarten to eight, inclusive, exclusive of pupils attending the seventh and eighth grades of a junior high school in the elementary school with an average daily attendance of less than 101 would be required to travel more than 10 miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school.

(b) If as many as 15 pupils residing in the district and attending grades kindergarten to eight, inclusive, exclusive of pupils attending the seventh and eighth grades of a junior high school in the elementary school with an average daily attendance of less than 101 would be required to travel more than five miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school.

(c) If the Superintendent of Public Instruction grants a request made pursuant to this subdivision. If topographical or other conditions exist in a district which would impose unusual hardships if the number of miles specified in (a) or (b) were required to be traveled or if during the fiscal year the roads which would be traveled have been impassable for more than an average of two weeks per year for the preceding five years, the governing board of the district may, on or before April 1st, request the Superintendent of Public Instruction, in writing, for an exemption from such requirements or for a reduction in the miles required. The request shall be accompanied by a statement of the conditions upon which such request is based, giving such information in such form as the Superintendent of Public Instruction may require. The Superintendent of Public Instruction shall cause an investigation to be made, and he shall either grant such request to the extent deemed necessary by him or deny the request.

Computation for necessary small schools

17658. For each district on account of each necessary small school, he shall make one of the following computations, whichever applies:

(a) For each necessary small school which had an average daily attendance during the preceding fiscal year of less than 26, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least one teacher was hired full time, he shall compute for the district five thousand three hundred dollars ($5,300).

(b) For each necessary small school which had an average daily attendance during the preceding fiscal year of 26 or more and less than 51, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least two teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district ten thousand six hundred dollars ($10,600).

(c) For each necessary small school which had an average daily attendance during the preceding fiscal year of 51 or more but less than 76, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school three teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district fifteen thousand nine hundred dollars ($15,900).

(d) For each necessary small school which had an average daily attendance during the preceding fiscal year of 76 or or more and less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school four teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district twenty-one thousand two hundred dollars ($21,200).

This section shall become effective on July 1, 1959.

Same

17658.1. For each district on account of each necessary small school, he shall make one of the following computations, whichever applies:

(a) For each necessary small school which had an average daily attendance during the preceding fiscal year of less than 26, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least one teacher was hired full time, he shall compute for the district five thousand four hundred fifty dollars ($5,450).

(b) For each necessary small school which had an average daily attendance during the preceding fiscal year of 26 or more and less than 51, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least two teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district ten thousand nine hundred dollars ($10,900).

(c) For each necessary small school which had an average daily attendance during the preceding fiscal year of 51 or more but less than 76, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school three teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district sixteen thousand three hundred fifty dollars ($16,350).

(d) For each necessary small school which had an average daily attendance during the preceding fiscal year of 76 or more and less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school four teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district twenty-one thousand eight hundred dollars ($21,800).

This section shall remain in effect until July 1, 1959.

Unnecessary small schools

17659 In the event an elementary school district maintains two or more schools none of which are necessary small schools as defined by Section 17657 and the total average daily attendance in the district for the preceding fiscal year was less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, he shall compute an amount for the district using such total average daily attendance in accordance with the provisions of Section 17655, or 17655.1, whichever is in effect.

Seventh and eighth grades

17660. For each elementary school district on account of the attendance during the preceding fiscal year of pupils in the seventh and eighth grades of a junior high school which attendance is credited to the elementary school district pursuant to Sections 11404 and 5612, he shall multiply the average daily attendance in such grades by two hundred twelve dollars ($212).

This section shall become effective on July 1, 1959.

Same

17660.1. For each elementary school district with an average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, of less than 901 during the preceding fiscal year, on account of the attendance during the preceding fiscal year of pupils in the seventh and

eighth grades of a junior high school which attendance is credited to the elementary school district pursuant to Sections 11404 and 5612, he shall multiply the average daily attendance in such grades by two hundred eighteen dollars ($218).

For each elementary school district with an average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, of 901 or more during the preceding fiscal year, on account of the attendance during the preceding fiscal year of pupils in the seventh and eighth grades of a junior high school which attendance is credited to the elementary school district pursuant to Sections 11404 and 5612, he shall multiply the average daily attendance in such grades by two hundred twenty dollars ($220).

This section shall remain in effect until July 1, 1959.

Two or more elementary schools

17661. For each elementary school district maintaining two or more schools, except those to which Section 17659 applies, he shall compute an amount determined by multiplying the total average daily attendance of the district during the preceding fiscal year, exclusive of the average daily attendance for which a computation was made pursuant to Sections 17658 or 17660, by two hundred twelve dollars ($212).

This section shall become effective on July 1, 1959.

Same

17661.1. For each elementary school district maintaining two or more schools and which, exclusive of pupils attending the seventh and eighth grades of a junior high school, had a total average daily attendance in the district of 101 or more but less than 901 during the preceding fiscal year, he shall compute an amount determined by multiplying the total average daily attendance of the district during the preceding fiscal year, exclusive of the average daily attendance for which a computation was made pursuant to Sections 17658.1 or 17660.1, by two hundred eighteen dollars ($218).

For each elementary school district maintaining two or more schools and which, exclusive of pupils attending the seventh and eighth grades of a junior high school, had a total average daily attendance in the district of 901 or more during the preceding fiscal year, he shall compute an amount determined by multiplying the total average daily attendance of the district during the preceding fiscal year, exclusive of the average daily attendance for which a computation was made pursuant to Sections 17658.1 or 17660.1, by two hundred twenty dollars ($220).

This section shall remain in effect until July 1, 1959.

Same Total amount

17662. The foundation program for each elementary school district maintaining two or more schools shall be the total of the amounts computed for the district pursuant to Sections 17658, 17659, 17660, and 17661, or 17658 1, 17659, 17660.1, and 17661.1, whichever are in effect.

High school district Attendance less than 281

17663. For each high school district which had an average daily attendance during the preceding fiscal year of less than 281, he shall compute, except as otherwise provided, thirteen thousand one hundred dollars ($13,100) and in addition five

hundred five dollars ($505) for each of the first to eightieth units, inclusive, and one hundred twenty-five dollars ($125) for each of the eighty-first to the three hundredth units, inclusive.

No computation shall be made under this section for the average daily attendance of any high school or high school district established after July 1, 1953, without the approval of the Superintendent of Public Instruction. Unless such approval is had, the foundation program for such school or district shall be computed by multiplying the average daily attendance during the preceding fiscal year by two hundred eighty dollars ($280).

This section shall become effective on July 1, 1959.

Same
Attendance less than 267

17663.1. For each high school district maintaining only one high school which had an average daily attendance during the preceding fiscal year of less than 267, he shall compute, except as otherwise provided, thirteen thousand two hundred twenty-eight dollars ($13,228) and in addition five hundred ten dollars ($510) for each of the first to eightieth units, inclusive, and one hundred fifty dollars ($150) for each of the eighty-first to the two hundred sixty-sixth units, inclusive.

No computation shall be be made under this section for the average daily attendance of any high school or high school district established after July 1, 1953, without the approval of the Superintendent of Public Instruction. Unless such approval is had, the foundation program for such school or district shall be computed by multiplying the average daily attendance during the preceding fiscal year by three hundred eight dollars ($308).

This section shall remain in effect until July 1, 1959.

Two or more high schools
Attendance less than 281

17664. For each high school district which maintained two or more high schools, he shall compute for the district an amount which shall be determined by allowing for each day high school for which the governing board of the district has provided separate facilities and a separate administrative head and having an average daily attendance during the preceding fiscal year of less than 281 the amount which would otherwise be computed for the district under Section 17663 except that with respect to any such high school maintaining less than four years the amount computed for such high school shall be an amount determined by multiplying the average daily attendance of such high school by two hundred eighty dollars ($280) or the following percentage of the amount computed under Section 17663, whichever amount is the larger:

(a) Fifty-five percent if the high school maintains but one year,

(b) Sixty-five percent if the high school maintains but two years, or

(c) Eighty percent if the high school maintains but three years.

No computation shall be made under this section for any high school established after July 1, 1952, without the approval of the Superintendent of Public Instruction.

This section shall become effective on July 1, 1959.

Same Attendance less than 267

17664.1. For each high school district which maintained two or more high schools, he shall compute for the district an amount which shall be determined by allowing for each day high school for which the governing board of the district has provided separate facilities and a separate administrative head and having an average daily attendance during the preceding fiscal year of less than 267 the amount which would otherwise be computed for the district under Section 17663.1 except that with respect to any such high school maintaining less than four years the amount computed for such high school shall be an amount determined by multiplying the average daily attendance of such high school by three hundred eight dollars ($308) if the total average daily attendance of the district for the preceding fiscal year was less than 301, or by three hundred ten dollars ($310) if such total average daily attendance was 301 or more, unless the following percentage of the amount computed under Section 17663.1 is the larger, in which case it shall be used.

(a) Fifty-five percent if the high school maintains but one year,

(b) Sixty-five percent if the high school maintains but two years, or

(c) Eighty percent if the high school maintains but three years.

No computation shall be made under this section for any high school established after July 1, 1952, without the approval of the Superintendent of Public Instruction.

This section shall remain in effect until July 1, 1959.

High school district Attendance over 300

17665. For each high school district which had an average daily attendance during the preceding fiscal year of 301 or more he shall multiply the average daily attendance, exclusive of the average daily attendance of a day high school having an average daily attendance of less than 301, by two hundred eighty dollars ($280).

This section shall become effective on July 1, 1959.

Same Attendance of 267 to 300

17665.1. For each high school district which had an average daily attendance of 267 or more and of less than 301 during the preceding fiscal year he shall multiply the average daily attendance during the preceding fiscal year, exclusive of the average daily attendance of a day high school having an average daily attendance of less than 267, by three hundred eight dollars ($308). For each high school district which had an average daily attendance of 301 or more during the preceding fiscal year, he shall multiply the average daily attendance, exclusive of the average daily attendance of a day high school having an average daily attendance of less than 267, by three hundred ten dollars ($310).

This section shall remain in effect until July 1, 1959.

17666. For each junior college district he shall multiply the number of units of average daily attendance in grades 13 and 14 computed for the district under Sections 11451 and 11501, subject to the provisions of Section 17611, by three hundred eighty dollars ($380). Junior college district

This section shall become effective on July 1, 1959.

17666.1. For each junior college district he shall multiply the number of units of average daily attendance in grades 13 and 14 computed for the district under Sections 11451 and 11501, subject to the provisions of Section 17611, by four hundred ten dollars ($410). Same

This section shall remain in effect until July 1, 1959.

17667. For the Fiscal Year 1953-1954 each computation required by this article (commencing at Section 17651) for high school and junior college districts shall be made after excluding from the average daily attendance of the district for the preceding fiscal year the average daily attendance in classes for adults and in classes for inmates of any state institution for adults or for inmates of any city, county, or city and county jail, road camp or farm for adults during the preceding fiscal year. Exclusions from computation

For the Fiscal Year 1954-1955, and thereafter each computation required by this article (commencing at Section 17651) for high school and junior college districts shall be made after excluding from the average daily attendance for the preceding fiscal year the average daily attendance of adults, as adults are defined in Section 6352, and the average daily attendance in classes for inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults during the preceding fiscal year.

Article 3. Computation of District Aid

17701. On or before November 15th of each year, the county auditor of each county shall furnish to the Superintendent of Public Instruction the assessed valuation and tax rates of each school district or portion of school district situated within his county, as shown by the equalized assessment roll of the county for the year. Duty of county auditor

17702. Except as provided in Section 17703, the Superintendent of Public Instruction shall compute for each district described herein the amount, to be known as district aid, which a tax levied on each one hundred dollars ($100) of 100 percent of the assessed valuation in such district as shown by the equalized assessment roll of the district for the preceding year would produce if levied, if such tax was: Computation of district aid

(a) Sixty cents ($0.60) in an elementary school district.

(b) Forty-five cents ($0.45) in a high school district.

(c) Thirty cents ($0.30) in a junior college district.

This section shall become effective on July 1, 1959.

17702.1. Except as provided in Section 17703, the Superintendent of Public Instruction shall compute for each district Same

described herein the amount, to be known as district aid, which a tax levied on each one hundred dollars ($100) of 100 percent of the assessed valuation in such district as shown by the equalized assessment roll of the district for the preceding year would produce if levied, if such tax was:

(a) Sixty cents ($0.60) in an elementary school district.

(b) Forty-five cents ($0.45) in a high school district with a total average daily attendance during the preceding fiscal year of less than 267.

(c) Fifty cents ($0.50) in a high school district with a total average daily attendance during the preceding fiscal year of 267 or more.

(d) Thirty-three cents ($0.33) in a junior college district.

This section shall remain in effect until July 1, 1959.

Optional method of computation

17703. (a) Upon request of the district, the Superintendent of Public Instruction shall use in computing district aid under Section 17702 or 17702.1, whichever is in effect, the difference between the total assessed valuation of property in a district as shown on the equalized assessment roll for the preceding fiscal year and the assessed valuation of property as shown on the equalized assessment roll for the preceding fiscal year, in excess of 2 percent of such total assessed valuation, with respect to which revenues of the district taxes levied in the 1954-1955 Fiscal Year, or thereafter, have been impounded by the county auditor pursuant to Section 20901.

(b) Whenever, after July 1, 1955, the county auditor notifies the Superintendent of Public Instruction and the Controller of the release of impounded tax revenues to the school district, the Superintendent of Public Instruction shall compute and certify to the Controller the amount to be deducted, and the Controller shall deduct, from the apportionment or apportionments from the State School Fund to the district, in the first fiscal year or the second fiscal year succeeding such notification of release, that amount apportioned to the district in any prior year or years by reason of the exclusion of assessed valuation with respect to tax revenues impounded and thereafter released.

(c) If a request is received from a school district and the assessed valuation of the district is reduced pursuant to subdivision (a) hereof, Section 17416 shall not apply with respect to any tax revenues to which subdivision (a) applies.

Article 4. Computation of Allowances of Basic State Aid for Elementary School Districts

Amount per unit of average daily attendance

17751. The Superintendent of Public Instruction shall allow one hundred twenty dollars ($120) to each elementary school district for each unit of average daily attendance therein during the preceding fiscal year as computed for the district under Sections 11301 and 11404, but not less than two thousand four hundred dollars ($2,400) shall be allowed to any elementary school district, to be known as basic state aid.

This section shall become effective on July 1, 1959.

17751.1. The Superintendent of Public Instruction shall allow one hundred twenty-five dollars ($125) to each elementary school district for each unit of average daily attendance therein during the preceding fiscal year as computed for the district under Sections 11301 and 11404, but not less than two thousand four hundred dollars ($2,400) shall be allowed to any elementary school district, to be known as basic state aid. Same

This section shall remain in effect until July 1, 1959.

Article 5. Computation of Allowances of Basic State Aid for High School Districts

17801. (a) The Superintendent of Public Instruction shall allow to each high school district one hundred twenty dollars ($120) for each unit of average daily attendance in the district during the preceding fiscal year as computed under Sections 11403, 11452, and 11501, subject to the provisions of Section 17610, but not less than two thousand four hundred dollars ($2,400) shall be allowed to any high school district, to be known as basic state aid. Same

(b) For the Fiscal Year 1953-1954 the Superintendent of Public Instruction shall exclude from the computation of allowances provided for in subdivision (a) of this section the average daily attendance during the preceding fiscal year in classes for adults and in classes for inmates of any state institution for adults and of any city, county, or city and county jail, road camp or farm for adults during the preceding fiscal year.

For the Fiscal Year 1954-1955, and thereafter, the Superintendent of Public Instruction shall exclude from the computation of allowances provided by subdivision (a) of this section the average daily attendance during the preceding fiscal year of adults, as adults are defined in Section 6352, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

This section shall become effective on July 1, 1959.

17801.1. The Superintendent of Public Instruction shall allow to each high school district one hundred twenty-five dollars ($125) for each unit of average daily attendance in the district during the preceding fiscal year as computed under Sections 11403, 11452, and 11501, subject to the provisions of Section 17610, but not less than two thousand four hundred dollars ($2,400) shall be allowed to any high school district, to be known as basic state aid. Same

The Superintendent of Public Instruction shall exclude from the computation of allowances provided by this section the average daily attendance during the preceding fiscal year of adults, as adults are defined in Section 6352, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

This section shall remain in effect until July 1, 1959.

Article 6. Computation of Allowances of Basic State Aid for Junior College Districts

Same

17851. (a) The Superintendent of Public Instruction shall allow to each junior college district one hundred twenty dollars ($120) for each unit of average daily attendance in grades 13 and 14, during the preceding fiscal year as computed for the district under Sections 11451 and 11501, subject to the provisions of Section 17611, but not less than two thousand four hundred dollars ($2,400) shall be allowed to any junior college district, to be known as basic state aid.

(b) For the Fiscal Year 1953-1954 the Superintendent of Public Instruction shall exclude from the computation of allowances provided for in subdivision (a) of this section the average daily attendance during the preceding fiscal year in classes for adults and in classes for inmates of any state institution for adults and of any city, county, or city and county jail, road camp or farm for adults during the preceding fiscal year.

For the Fiscal Year 1954-1955, and thereafter, the Superintendent of Public Instruction shall exclude from the computation of allowances provided by subdivision (a) of this section the average daily attendance during the preceding fiscal year of adults, as adults are defined in Section 6352, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

This section shall become effective on July 1, 1959.

Same

17851.1. The Superintendent of Public Instruction shall allow to each junior college district one hundred twenty-five dollars ($125) for each unit of average daily attendance in grades 13 and 14, during the preceding fiscal year as computed for the district under Sections 11451 and 11501, subject to the provisions of Section 17611, but not less than two thousand four hundred dollars ($2,400) shall be allowed to any junior college district, to be known as basic state aid.

The Superintendent of Public Instruction shall exclude from the computation of allowances provided by this section the average daily attendance during the preceding fiscal year of adults, as adults are defined in Section 6352, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

This section shall remain in effect until July 1, 1959.

Article 7. Computation of Allowances to School Districts for Equalization Aid

Elementary districts

17901. The Superintendent of Public Instruction shall compare the total of the amounts allowed to, and computed for, each elementary district pursuant to Sections 17702, 17703, and 17751 with the amount of the foundation program of school support computed for each such district pursuant to Sections 17651 to 17667, inclusive, whichever are in effect.

If the total amount allowed to, and computed for, any elementary school district pursuant to Sections 17702, 17703, and 17751 is less than the amount of the foundation program of school support computed for such district pursuant to Sections 17651 to 17667, inclusive, whichever are in effect, he shall add to the amount computed for such district pursuant to Sections 17702, 17703, and 17751, such additional amount, to be known as state equalization aid, as may be necessary to equal that computed for such district pursuant to Sections 17651 to 17667, inclusive, whichever are in effect.

Except for any elementary school district which was in existence on or before July 1, 1925, and in which district there was levied a tax for the preceding year of an amount not less than five cents ($0.05) less than the maximum tax rate prescribed for the district by Section 20751, the amount allowed under this article, beginning with the Fiscal Year 1955-56, to an elementary school district having an average daily attendance during the preceding fiscal year of less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, shall not be more than the amount that would have been computed under Section 17901 had the foundation program for the district been computed under Section 17656, except that to this allowance shall be added an amount for the Fiscal Year 1955-56 equal to 80 percent, reduced by an additional 20 percent in each of the subsequent fiscal years, of the difference between the allowance computed for the district under Section 17901 and the amount that would have been computed for the district under Section 17901 had the foundation program for the district been computed under Section 17656 except as to any elementary school district determined to be a necessary school district by the existence of any one or more of the following conditions:

(a) If as many as five pupils residing in the district and attending grades kindergarten to eight, inclusive, exclusive of pupils attending the seventh and eighth grades of a junior high school would be required to travel more than 10 miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school, or

(b) If as many as 15 pupils residing in the district and attending grades kindergarten to eight, inclusive, exclusive of pupils attending the seventh and eighth grades of a junior high school would be required to travel more than five miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school.

If topographical or other conditions exist in a district which would impose unusual hardships if the number of miles specified were required to be traveled or if during the fiscal year the roads which would be traveled have been impassable for more than an average of two weeks per year for the preceding five years, the governing board of the district may, on or before April 1st, request the Superintendent of Public Instruction, in writing, for an exemption from such requirements or for a

reduction in the miles required. The request shall be accompanied by a statement of the conditions upon which such request is based, giving such information in such form as the Superintendent of Public Instruction may require. The Superintendent of Public Instruction shall cause an investigation to be made, and he shall either grant such request to the extent deemed necessary by him or deny the request.

Notwithstanding anything in Sections 17614 and 17615, and Sections 17901 to 17906, inclusive, whichever are in effect, to the contrary, the amount computed for any elementary school district under Sections 17614 and 17615, and Sections 17901 to 17906, inclusive, whichever are in effect, shall be not less than it would have been had the foundation program of school support for such district under Sections 17651 to 17667, inclusive, whichever are in effect, been computed by multiplying the number of units of average daily attendance in the district during the preceding fiscal year as computed under Sections 11301 and 11404 by two hundred thirty-two dollars ($232) and had the tax used in making the computation for the district under Sections 17702 and 17703 been eighty cents ($0.80).

This section shall become effective on July 1, 1959.

Same

17901.1. The Superintendent of Public Instruction shall compare the total of the amounts allowed to, and computed for, each elementary district pursuant to Sections 17751.1, 17702.1 and 17703 with the amount of the foundation program of school support computed for each such district pursuant to Sections 17651 to 17667, inclusive, whichever are in effect.

If the total amount allowed to, and computed for, any elementary school district pursuant to Sections 17751.1, 17702.1 and 17703 is less than the amount of the foundation program of school support computed for such district pursuant to Sections 17651 to 17667, inclusive, whichever are in effect, he shall add to the amount computed for such district pursuant to Sections 17751.1, 17702.1 and 17703 such additional amount, to be known as state equalization aid, as may be necessary to equal that computed for such district pursuant to Sections 17651 to 17667, inclusive, whichever are in effect.

Except for any elementary school district which was in existence on or before July 1, 1925, and in which district there was levied a tax for the preceding year of an amount not less than five cents ($0.05) less than the maximum tax rate prescribed for the district by Section 20751, the amount allowed under this article, beginning with the Fiscal Year 1955-56, to an elementary school district having an average daily attendance during the preceding fiscal year of less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, shall not be more than the amount that would have been computed under Section 17901.1 had the foundation program for the district been computed under Section 17656.1, except that to this allowance shall be added an amount for the Fiscal Year 1955-56 equal to 80 percent, reduced by an additional 20 percent in each of the subsequent fiscal years, of the

difference between the allowance computed for the district under Section 17901.1 and the amount that would have been computed for the district under Section 17901.1 had the foundation program for the district been computed under Section 17656.1 except as to any elementary school district determined to be a necessary school district by the existence of any one or more of the following conditions:

(a) If as many as five pupils residing in the district and attending grades kindergarten to eight, inclusive, exclusive of pupils attending the seventh and eighth grades of a junior high school would be required to travel more than 10 miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school, or

(b) If as many as 15 pupils residing in the district and attending grades kindergarten to eight, inclusive, exclusive of pupils attending the seventh and eighth grades of a junior high school would be required to travel more than five miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school.

If topographical or other conditions exist in a district which would impose unusual hardships if the number of miles specified were required to be traveled or if during the fiscal year the roads which would be traveled have been impassable for more than an average of two weeks per year for the preceding five years, the governing board of the district may, on or before April 1st, request the Superintendent of Public Instruction, in writing, for an exemption from such requirements or for a reduction in the miles required. The request shall be accompanied by a statement of the conditions upon which such request is based, giving such information in such form as the Superintendent of Public Instruction may require.

The Superintendent of Public Instruction shall cause an investigation to be made, and he shall either grant such request to the extent deemed necessary by him or deny the request.

Notwithstanding anything in Sections 17614, 17615, 17901.1, 17902, 17903.1, 17904, 17905.1, and 17906.1 to the contrary, the amount computed for any elementary school district under Sections 17614, 17615, 17901.1, 17902, 17903.1, 17904, 17905.1, and 17906.1 shall be not less than it would have been had the foundation program of school support for such district under Sections 17651 to 17667, inclusive, whichever are in effect, been computed by multiplying the number of units of average daily attendance in the district during the preceding fiscal year as computed under Sections 11301 and 11404 by two hundred ninety-three dollars ($293) if the total average daily attendance of the district during the preceding fiscal year was less than 901, exclusive of the pupils attending the seventh and eighth grades of a junior high school, or by two hundred ninety-five dollars ($295) if the total average daily attendance of the district during the preceding fiscal year was 901 or more, exclusive of the pupils attending the seventh and eighth

grades of a junior high school, and had the tax used in making the computation for the district under Sections 17702.1 and 17703 been one dollar and thirty-five cents ($1.35).

This section shall remain in effect until July 1, 1959.

High school districts

17902. The Superintendent of Public Instruction shall compare the total of the amounts allowed to, and computed for, each high school district pursuant to Sections 17702, 17702.1, 17703, 17801, and 17801.1, whichever are in effect, with the amount of the foundation program of school support computed for each such district pursuant to Sections 17651 to 17667, inclusive, whichever are in effect.

If the total amount allowed to, and computed for, any high school district pursuant to Sections 17702, 17702.1, 17703, 17801, and 17801.1, whichever are in effect, is less than the amount of the foundation program of school support computed for such district pursuant to Sections 17651 to 17667, inclusive, whichever are in effect, he shall add to the amount allowed to, and computed for such district pursuant to Sections 17702, 17702.1, 17703, 17801, and 17801.1, whichever are in effect, such additional amount, to be known as state equalization aid, as may be necessary to equal that computed for such district pursuant to Sections 17651 to 17667, inclusive, whichever are in effect.

Same

17903. Notwithstanding anything in Sections 17614 and 17615, and Sections 17901 to 17906, inclusive, whichever are in effect, to the contrary, the amount computed for any high school district under Sections 17614 and 17615, and Sections 17901 to 17906, inclusive, whichever are in effect, shall be not less than it would have been had the foundation program of school support for such district under Sections 17651 to 17667, inclusive, whichever are in effect, been computed by multiplying the number of units of average daily attendance in the district during the preceding fiscal year as computed under Sections 6943, 11452, and 11501 for the Fiscal Year 1953-54 and as computed under Sections 11403 and 11452, thereafter, by three hundred fifty dollars ($350) and had the tax used in making the computation for the district under Sections 17702 and 17703 been seventy-five cents ($0.75).

This section shall become effective on July 1, 1959.

Same

17903.1. Notwithstanding anything in Sections 17614 and 17615, and Sections 17901.1, 17902, 17903.1, 17904, 17905.1, and 17906.1 to the contrary, the amount computed for any high school district under Sections 17614 and 17615, and Sections 17901.1, 17902, 17903.1, 17904, 17905.1, and 17906.1 shall be not less than it would have been had the foundation program of school support for such district under Sections 17651 to 17667, inclusive, whichever are in effect, been computed by multiplying the number of units of average daily attendance in the district during the preceding fiscal year as computed under Sections 11403 and 11452 by three hundred eighty-eight dollars ($388) if the total average daily attendance of the district during the preceding fiscal year was less than 301, or

by three hundred ninety dollars ($390) if the total average daily attendance of the district during the preceding fiscal year was 301 or more, and had the tax used in making the computation for the district under Sections 17702.1 and 17703 been eighty-five cents ($0.85).

This section shall remain in effect until July 1, 1959.

Junior college districts

17904. The Superintendent of Public Instruction shall compare the total of the amounts allowed to, and computed for, each junior college district pursuant to Sections 17702, 17703 and 17851, or Sections 17702.1, 17703, and 17851.1, whichever are in effect, with the amount of the foundation program of school support computed for each district pursuant to Sections 17651 to 17667, inclusive.

If the total amount computed for any district pursuant to Sections 17702, 17703 and 17851, or Sections 17702.1, 17703, and 17851.1, whichever are in effect, is less than the amount of the foundation program of school support computed for such district pursuant to Sections 17651 to 17667, inclusive, he shall add to the amount computed for such district pursuant to Sections 17702, 17703 and 17851, or Sections 17702.1, 17703, and 17851.1, whichever are in effect, such additional amount, to be known as state equalization aid, as may be necessary to equal that computed for such district pursuant to Sections 17651 to 17667, inclusive.

Tax levy prerequisite

17905. No state equalization aid shall be allowed to any district under Sections 17614, 17615, and Sections 17901 to 17906, inclusive, whichever are in effect, during the Fiscal Year 1953-54 unless, during the preceding fiscal year, there shall have been levied a tax for such district in an amount equal to forty-five cents ($0.45) or more for an elementary district, forty cents ($0.40) or more for a high school district, or twenty-two cents ($0.22) or more for a junior college district.

This section shall become effective on July 1, 1959.

Same

17905.1. No state equalization aid shall be allowed to any district under Sections 17614, 17615, and Sections 17901.1, 17902, 17903.1, 17904, 17905.1, and 17906.1 during the Fiscal Year 1957-58 unless, during the preceding fiscal year, there shall have been levied a tax for such district, exclusive of a tax levied under Sections 3356, 14214, 14657, 14758, 16633, 19443, 19619, 20801, and 22101, in an amount equal to sixty cents ($0.60) or more for an elementary district, forty-five cents ($0.45) or more for a high school district, or thirty cents ($0.30) or more for a junior college district.

This section shall remain in effect until July 1, 1959.

Same

17906. No state equalization aid shall be allowed under Sections 17614, 17615, and Sections 17901 to 17906, inclusive, whichever are in effect, during the Fiscal Year 1954-55, or during any other subsequent fiscal year unless there shall have been levied pursuant to this code, for such district during the preceding fiscal year, exclusive of tax levied under Sections 3356, 14657, 14758, 16633, 19443, 19619, 20801, and 22101, a

tax not less than sixty cents ($0.60) if an elementary district, forty-five cents ($0.45) if a high school district, and thirty cents ($0.30) if a junior college district.

This section shall become effective on July 1, 1959.

Same

17906.1. No state equalization aid shall be allowed under Sections 17614, 17615, and Sections 17901 1, 17902, 17903.1, 17904, 17905.1, and 17906.1, during the Fiscal Year 1958-59, or during any other subsequent fiscal year unless there shall have been levied pursuant to this code, for such district during the preceding fiscal year, exclusive of tax levied under Sections 3356, 14214, 14657, 14758, 16633, 19443, 19619, 20801, and 22101, a tax not less than sixty cents ($0.60) if an elementary district, forty-five cents ($0.45) if a high school district with a total average daily attendance during the preceding fiscal year of less than 267, fifty cents ($0.50) if a high school district with a total average daily attendance during the preceding fiscal year of 267 or more, and thirty cents ($0.30) if a junior college district.

This section shall remain in effect until July 1, 1959.

Merged districts: Requirement of tax levy

17907. No state equalization aid shall be allowed under Sections 17614, 17615, and Sections 17901 to 17906.1, inclusive, whichever are in effect, to any district included within a unified school district unless there shall have been levied, pursuant to this code, for such unified school district during the preceding fiscal year, exclusive of tax levied under Sections 3356, 14657, 14758, 16633, 19443, 19619, 20801, and 22101, a tax in not less than the amount determined by adding the rates of tax required to be levied under Section 17905 or 17906, or 17905.1 or 17906.1, whichever are in effect, as may be applicable for each type of district included within the unified school district.

Same

17908. No state equalization aid shall be allowed under Sections 17614, 17615, and Sections 17901 to 17906.1, inclusive, whichever are in effect, to any high school district which maintained a junior college unless there shall have been levied, pursuant to this code, during the preceding fiscal year, exclusive of tax levied under Sections 3356, 14657, 14758, 16633, 19443, 19619, 20801, and 22101, a tax in not less than the amount determined by adding the rates of tax required to be levied under Section 17905 or 17906, Section 17905.1 or 17906.1, whichever are in effect, as may be applicable for a high school district and for a junior college district.

Same

17909. No state equalization aid shall be allowed under Sections 17614, 17615, and Sections 17901 to 17906.1, inclusive, whichever are in effect, to any high school district, the boundaries of which are coterminous with and which is governed by the same governing board as a junior college district, or to any junior college district the boundaries of which are coterminous with and which is governed by the same governing board as the high school district, for which a tax is levied under subsection (e) of Section 20751, unless there shall have been levied, pursuant to this code, during the preceding fiscal year, exclusive of tax levied under Sections 3356, 14657, 14758,

16633, 19443, 19619, 20801, and 22101, a tax in not less than the amount determined by adding the rates of tax required to be levied under Section 17906 or 17906.1, whichever is in effect, as may be applicable for a high school district and for a junior college district.

Article 8. Computation of Allowances to School Districts for Education of Adults and Inmates

17951. (a) For the 1953-1954 Fiscal Year, the Superintendent of Public Instruction shall allow each district for each unit of average daily attendance during the preceding fiscal year in classes for adults computed under Section 11501, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults, one hundred twenty dollars ($120) as basic state aid and the same amount as state equalization aid as is computed by dividing the allowance computed for the district under Sections 17614, 17615, and Sections 17901 to 17906, inclusive, whichever are in effect, by the average daily attendance of the district during the preceding fiscal year, exclusive of average daily attendance during the preceding fiscal year in classes for adults and for inmates of state institutions for adults and of city, county, or city and county jails, road camps, or farms for adults. The total of basic and equalization aid allowed shall not exceed two hundred dollars ($200) for each unit of average daily attendance during the preceding fiscal year in classes for adults, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults. Adults

(b) For the 1954-1955 Fiscal Year, and thereafter, the Superintendent of Public Instruction shall allow each district for each unit of average daily attendance during the preceding fiscal year for adults, as adults are defined in Section 6352, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults, one hundred twenty dollars ($120) as basic state aid and the same amount as state equalization aid as is computed by dividing the allowance computed for the district under Sections 17614, 17615, and Sections 17901 to 17906, inclusive, whichever are in effect, by the average daily attendance of the district during the preceding fiscal year, exclusive of average daily attendance during the preceding fiscal year for adults, as adults are defined in Section 6352, and for inmates of state institutions for adults and of city, county, or city and county jails, road camps or farms for adults The total of basic and equalization aid allowed shall not exceed two hundred dollars ($200) for each unit of average daily attendance during the preceding fiscal year for such adults, exclusive of average daily attendance in classes for inmates of any state institution for

adults and for inmates of any city, county, or city and county jail, road camp or farm for adults.

This section shall become effective on July 1, 1959.

Same

17951.1. The Superintendent of Public Instruction shall allow each district for each unit of average daily attendance during the preceding fiscal year for adults, as adults are defined in Section 6352, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults, one hundred twenty-five dollars ($125) as basic state aid and the same amount as state equalization aid as is computed by dividing the allowance computed for the district under Sections 17614, 17615, and Sections 17901.1, 17902, 17903.1, 17904, 17905.1, and 17906.1 by the average daily attendance of the district during the preceding fiscal year, exclusive of average daily attendance during the preceding fiscal year for adults, as adults are defined in Section 6352, and for inmates of state institutions for adults and of city, county, or city and county jails, road camps or farms for adults. The total of basic and equalization aid allowed shall not exceed two hundred twenty dollars ($220) for each unit of average daily attendance during the preceding fiscal year for such adults, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults.

This section shall remain in effect until July 1, 1959.

Inmates in state institutions

17952. For the 1955-56 Fiscal Year, the Superintendent of Public Instruction shall allow each district maintaining classes for adults in any state institution for adults or in any city, county, or city and county jail, road camp or farm for adults during the 1954-1955 Fiscal Year, the total expenses for such classes, as such total expense is reported to him in accordance with regulations that he is herewith authorized to adopt, not to exceed the amount expended for salaries of teachers in such classes increased by one-tenth. Salaries of such teachers for purposes of this section shall not exceed the salaries as set by the governing board for teachers in other classes for adults maintained by the district. The total amount allowed shall not be less than one hundred twenty dollars ($120), nor more than one hundred forty-eight dollars ($148), for each unit of average daily attendance during the preceding fiscal year in such classes for adults.

This section shall become effective on July 1, 1959.

Article 9. Computation of Allowances to School Districts for Growth

Maximum allowance

18001. (a) The Superintendent of Public Instruction shall not allow under this article (commencing at Section 18001) during any fiscal year a total amount in excess of the amount provided by law.

(b) The total amount allowed to all districts for the first period shall not exceed 40 percent of the amount computed under subdivision (a) of this section.

(c) The total amount allowed to all districts for the second period shall not exceed the difference between the amount computed under subdivision (a) of this section and the total amount allowed for the first period under this article (commencing at Section 18001).

District report

18002. The governing board of each school district shall report to the Superintendent of Public Instruction during each fiscal year, as herein provided, the average daily attendance in the regular day schools of the district for all full school months in the fiscal year during (1) the period between July 1st and December 31st, inclusive, hereinafter referred to as the "first period," (2) the period between the end of the last full school month of the first period and May 1st, inclusive, hereinafter referred to as the "second period," and (3) each of the same periods that were reported during the preceding fiscal year. Such report with respect to the first period shall be filed with the Superintendent of Public Instruction on or before the next succeeding January 20th and with respect to the second period shall be filed with the Superintendent of Public Instruction not later than the next succeeding May 10th. Each report shall be made in such form as shall be prescribed and furnished by the Superintendent of Public Instruction.

Computation of allowance Existing district

18003. The Superintendent of Public Instruction shall allow, for each period referred to in Section 18002, to each school district which was in existence for all purposes during the preceding fiscal year an amount which shall be computed as follows:

The average daily attendance in the regular day schools of the district during the period in the then current fiscal year and for the same period in the preceding fiscal year shall be computed in the manner prescribed in Sections 11251 to 11255, inclusive, and Sections 11301 to 11652, inclusive, except that the computation of a day of attendance shall be determined according to the law in effect during said preceding fiscal year.

The Superintendent of Public Instruction shall allow to each school district for each unit by which the average daily attendance for the first period of the then current fiscal year exceeds that of the average daily attendance for the same period during the preceding fiscal year, an amount determined by dividing the total of the amounts allowed the district during the current fiscal year as basic state aid and state equalization aid by the total average daily attendance of the district during the preceding fiscal year multiplied by the ratio of days the regular day schools of the district were maintained during said period of the then current fiscal year to 175.

The Superintendent of Public Instruction shall allow to each school district for each unit by which the average daily attendance for the second period of the then current fiscal year exceeds that of the average daily attendance for the same period

during the preceding fiscal year, an amount determined by dividing the total of the amounts allowed the district during the current fiscal year as basic state aid and state equalization aid, by the total average daily attendance of the district during the preceding fiscal year multiplied by the ratio of the difference between 175 and the days the regular day schools of the district were maintained during the first period of the then current fiscal year to 175.

Same New districts

18004. The Superintendent of Public Instruction shall allow, for each period referred to above, to each school district which was not in existence for all purposes during the preceding fiscal year an amount which shall be computed as follows:

The average daily attendance in the regular day schools of the district during the period in the then current fiscal year shall be computed in the manner prescribed in Sections 11251 to 11255, inclusive, and Sections 11301 to 11652, inclusive, except that the computation of a day of attendance shall be determined according to the law in effect during the preceding fiscal year.

The Superintendent of Public Instruction shall allow to each such district for each unit of average daily attendance so computed for the first period of the then current fiscal year an amount determined by dividing the total of the amounts of basic state aid and state equalization aid which would have been apportioned to such district during the current fiscal year on account of such average daily attendance had the district been in existence for all purposes during the preceding fiscal year and had the tax required to be levied for such district under Section 17905 or 17906, or 17905.1 or 17906.1, whichever are in effect, been levied, by such average daily attendance multiplied by the ratio of days the regular day schools of the district were maintained during said period of the then current fiscal year to 175.

The Superintendent of Public Instruction shall allow to each such district for each unit of average daily attendance so computed for the second period of the then current fiscal year an amount determined by dividing the amounts of basic state aid and state equalization aid which would have been apportioned to such district during the current fiscal year on account of such average daily attendance had the district been in existence for all purposes during the preceding fiscal year and had the tax required to be levied for such district under Section 17905 or 17906, or 17905.1 or 17906.1, whichever are in effect, been levied, by such average daily attendance multiplied by the ratio of the difference between 175 and the days the regular day schools of the district were maintained during the first period of the then current fiscal year to 175.

In making any computation under Section 17702 or 17702.1, whichever is in effect, for the purposes of this section, the assessed valuation of the district for the current year shall be used.

Same
One-school elementary school district

18005. Notwithstanding any provisions of this article (commencing at Section 18001) to the contrary, allowances for growth for elementary school districts maintaining only one elementary school with a total average daily attendance during the preceding fiscal year of less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, shall be computed pursuant to this section.

The provisions of subdivisions (a), (b), (c), and (d) of Section 17655 for average daily attendance and number of teachers hired shall apply to such districts.

No allowance for growth shall be made for such a district unless the excess units of average daily attendance for the period of the current fiscal year over units of average daily attendance of the corresponding period of the preceding fiscal year is sufficient to place the district within the requirements of a different subdivision of Section 17655, or is sufficient to place the district outside of the requirements of any of the subdivisions of Section 17655.

If the excess is sufficient to place the district within the requirements of a different subdivision of Section 17655 an apportionment for growth shall be made only if there has been employed for the school during the period of the current fiscal year the number of teachers required by the subdivision of Section 17655 which is applicable to the district according to its average daily attendance during the period of the current fiscal year, exclusive of pupils attending the seventh and eighth grades of a junior high school.

The Superintendent of Public Instruction shall allow, for each period for each district which was in existence for all purposes during the preceding fiscal year an amount equal to the difference between the amount of basic state aid and state equalization aid which was apportioned on account of average daily attendance in such district during the preceding fiscal year and the amount of basic state aid and state equalization aid which would have been apportioned had the total average daily attendance in such district during such year been equal to the total average daily attendance during the period of the current year, multiplied for the first period by the ratio of days the regular day schools of the district were maintained during said period of the then current fiscal year to 175, and for the second period by the ratio of the difference between 175 and the days the regular day schools of the district were maintained during the first period of the then current fiscal year to 175.

If the excess is sufficient to place the district outside of the requirements of any of the subdivisions of Section 17655, the Superintendent of Public Instruction shall deem the average daily attendance of the district during the preceding fiscal year to have been 100 and he shall compute an allowance pursuant to Section 18003 with respect to the units of average daily attendance during the period of the then current fiscal year which are more than 100.

The Superintendent of Public Instruction shall allow to each school district for each unit by which the average daily attendance for each period of the then current fiscal year in the seventh and eighth grades of a junior high school exceeds such average daily attendance for the same period during the preceding fiscal year the following: for the first period, the sum of two hundred twelve dollars ($212) multiplied by the ratio of days the regular day schools of the district were maintained during the first period of the then current fiscal year to 175 and, for the second period, the sum of two hundred twelve dollars ($212) multiplied by the ratio of the difference between 175 and the days the regular day schools of the district were maintained during the first period of the then current fiscal year to 175.

This section shall become effective on July 1, 1959.

Same

18005.1. Notwithstanding any provisions of this article (commencing at Section 18001) to the contrary, allowances for growth for elementary school districts maintaining only one elementary school with a total average daily attendance during the preceding fiscal year of less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, shall be computed pursuant to this section.

The provisions of subdivisions (a), (b), (c), and (d) of Section 17655.1 for average daily attendance and number of teachers hired shall apply to such districts.

No allowance for growth shall be made for such a district unless the excess units of average daily attendance for the period of the current fiscal year over units of average daily attendance of the corresponding period of the preceding fiscal year is sufficient to place the district within the requirements of a different subdivision of Section 17655.1, or is sufficient to place the district outside of the requirements of any of the subdivisions of Section 17655.1.

If the excess is sufficient to place the district within the requirements of a different subdivision of Section 17655.1 an apportionment for growth shall be made only if there has been employed for the school during the period of the current fiscal year the number of teachers required by the subdivision of Section 17655.1 which is applicable to the district according to its average daily attendance during the period of the current fiscal year, exclusive of pupils attending the seventh and eighth grades of a junior high school.

The Superintendent of Public Instruction shall allow, for each period for each district which was in existence for all purposes during the preceding fiscal year an amount equal to the difference between the amount of basic state aid and state equalization aid which was apportioned on account of average daily attendance in such district during the preceding fiscal year and the amount of basic state aid and state equalization aid which would have been apportioned had the total average daily attendance in such district during such year been equal to the total average daily attendance during the period

of the current year, multiplied for the first period by the ratio of days the regular day schools of the district were maintained during said period of the then current fiscal year to 175, and for the second period by the ratio of the difference between 175 and the days the regular day schools of the district were maintained during the first period of the then current fiscal year to 175.

If the excess is sufficient to place the district outside of the requirements of any of the subdivisions of Section 17655.1, the Superintendent of Public Instruction shall deem the average daily attendance of the district during the preceding fiscal year to have been 100 and he shall compute an allowance pursuant to Section 18003 with respect to the units of average daily attendance during the period of the then current fiscal year which are more than 100.

The Superintendent of Public Instruction shall allow to each school district for each unit by which the average daily attendance for each period of the then current fiscal year in the seventh and eighth grades of a junior high school exceeds such average daily attendance for the same period during the preceding fiscal year the following: for the first period, the sum of two hundred eighteen dollars ($218) if the total average daily attendance of the district during the preceding fiscal year was less than 901, exclusive of pupils attending the seventh or eighth grades of a junior high school, or two hundred twenty dollars ($220) if the total average daily attendance of the district during the preceding fiscal year was 901 or more, exclusive of pupils attending the seventh or eighth grades of a junior high school, multiplied by the ratio of days the regular day schools of the district were maintained during the first period of the then current fiscal year to 175 and, for the second period, the sum of two hundred eighteen dollars ($218) if the total average daily attendance of the district during the preceding fiscal year was less than 901, exclusive of pupils attending the seventh and eighth grades of a junior high school, or two hundred twenty dollars ($220) if the total average daily attendance of the district during the preceding fiscal year was 901 or more exclusive of pupils attending the seventh and eighth grades of a junior high school, multiplied by the ratio of the difference between 175 and the days the regular day schools of the district were maintained during the first period of the then current fiscal year to 175.

This section shall remain in effect until July 1, 1959.

Same: One-school high school district

18006. Notwithstanding any provision of this article (commencing at Section 18001) to the contrary, allowances for growth for high school districts maintaining only one high school with a total average daily attendance during the preceding fiscal year of less than 281 shall be computed pursuant to this section:

The Superintendent of Public Instruction shall allow, for each period for each district which was in existence for all purposes during the preceding fiscal year an amount equal

to the difference between the amount of basic state aid and state equalization aid which would have been apportioned on account of average daily attendance in the regular day classes in such district during the preceding fiscal year and the amount of basic state aid and state equalization aid which would have been apportioned had the total average daily attendance in the regular day classes in such district during such year been equal to the total average daily attendance during the period of the current year, multiplied for the first period by the ratio of days the regular day schools of the district were maintained during said period of the then current fiscal year to 175, and for the second period by the ratio of the difference between 175 and the days the regular day schools of the district were maintained during the first period of the then current fiscal year to 175.

The Superintendent of Public Instruction shall add the average daily attendance for other than adults as defined in Section 6352 of classes for adults and summer school during the preceding year to, and deduct the average daily attendance for adults as defined in Section 6352 of regular day school and summer school during the preceding year from, the average daily attendance in the regular day school during the period of the current year in determining the total average daily attendance during the period of the current year required in this section.

Reduction

18007. If the total amount which may be allowed to all districts under subdivision (b) of Section 18001 for the first period during any fiscal year is less than the total amount allowed to all districts for the first period under this article (commencing at Section 18001), the amounts allowed shall be reduced proportionately.

Same

18008. If the total amount which may be allowed to all districts under subdivision (c) of Section 18001 for the second period during any fiscal year is less than the total amount allowed to all districts for the second period under this article (commencing at Section 18001), the amounts allowed shall be reduced proportionately.

Proration

18009. If the total amount which may be allowed to all districts under subdivision (c) of Section 18001 is more than the total amount allowed to all districts for the second period under this article (commencing at Section 18001), the balance shall be prorated to any allowance made during the first period to which Section 18007 applied in an amount not to exceed the allowances computed for the first period under this article (commencing at Section 18001). Any portion of the balance remaining after this computation shall be allowed pursuant to Section 18460 or 18460.1, whichever is in effect.

Article 10. Computation of Allowances to School Districts and County School Service Funds for Transportation

Maximum allowance

18051. The Superintendent of Public Instruction shall not allow under this article (commencing at Section 18051), except under Section 18060 or 18060.1, whichever is in effect, during any fiscal year a total amount in excess of the amount provided by law.

Mandatory allowance

18052. The Superintendent of Public Instruction shall allow to each school district and county school service fund such amount as is required by this article (commencing at Section 18051).

Definitions

18053. (a) "Transportation" as used in this article (commencing at Section 18051) means, unless the context otherwise requires:

(1) The transportation of pupils between their homes and the regular full-time day schools attended by them as provided by a school district.

(2) The payment of moneys by a school district to parents or guardians of pupils in lieu of providing for the transportation of such pupils between their homes and the regular full-time day schools attended by them.

(3) The providing of board and lodging to pupils by a school district in lieu of providing for the transportation of such pupils between their homes and the regular full-time day schools attended by them.

(b) "Pupils" as used in this article (commencing at Section 18051) does not include pupils for whom the Superintendent of Public Instruction determines excess costs under Section 6816.

(c) "Total current expenses of transportation" as used in Sections 18055, 18056, and 18057 does not include:

(1) Current expenses for the transportation of pupils for whose transportation the Superintendent of Public Instruction makes an allowance to the district under Section 18060 or 18060.1, whichever is in effect; or,

(2) Any amount of rental of school busses which is in excess of the amount allowable to school districts for replacement of district-owned busses in accordance with regulations of the Superintendent of Public Instruction relating to allowances for pupil transportation. Renting or leasing a school bus does not include a lease-with-option-to-purchase.

Regulations re allowances

18054. The Superintendent of Public Instruction shall make all allowances under this article (commencing at Section 18051) during a fiscal year in accordance with regulations, not in conflict with this article (commencing at Section 18051), adopted by him, and he is hereby authorized and directed to adopt such regulations. None of such regulations shall be binding upon any school district, but no allowance shall be made under this article (commencing at Section 18051) to a school district for any item of current expense or capital outlay with respect to which the school district has failed to comply with

the regulations of the Superintendent of Public Instruction applicable to such item.

The regulations adopted by the Superintendent of Public Instruction hereunder shall, among other matters:

(a) Prescribe the records to be kept by, and reports to be made by, school districts.

(b) Fix the minimum distances for the sole purpose of determining the total current expenses of a district for transportation.

(c) Determine what expenditures constitute "current expenses."

(d) Establish and prescribe formulae for the sole purpose of computing financial allowances under which school busses may be acquired in accordance with the provisions of Section 18058.

(e) Provide for the review and approval of all expenditures upon which allowances are computed.

(f) Establish and prescribe formulae for the sole purpose of computing financial allowances for reimbursement of replacement expenses incurred by a school district replacing school busses.

Computation of allowances

18055. (a) He shall allow to each elementary school district, high school district, and junior college district, except as to any to which subsections (b), (c) and (d) of this section or Section 18057 is applicable, which during the preceding fiscal year provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the district for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than two cents ($0.02) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than eight cents ($0.08) of the computed tax rate less two cents ($0.02) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of eight cents ($0.08).

(b) He shall allow to each high school district maintaining a junior college, except as to any to which Section 18057 is applicable, which during the preceding fiscal year provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the districts for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce

such amount. If the computed rate of tax is more than three cents ($0.03) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than twelve cents ($0.12) of the computed tax rate less three cents ($0.03) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of twelve cents ($0 12).

(c) He shall allow to each elementary school district which is not a part of a high school district and which during the preceding fiscal year provided for the transportation of pupils to the elementary schools of the district and to one or more high schools in other districts an amount which shall be computed as follows:

He shall determine the total current expenses of the districts for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment role of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than four cents ($0.04) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than sixteen cents ($0.16) of the computed tax rate less four cents ($0.04) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of sixteen cents ($0.16).

If an elementary district which is not a part of a high school district provides only for the transportation of pupils to a high school, an amount shall be computed as provided in subdivision (a) of this section.

(d) He shall allow to each high school district not a part of any junior college district which during the preceding fiscal year provided for the transportation of pupils to the high schools of the district and pupils attending junior colleges maintained by other districts an amount which shall be computed as follows:

He shall determine the total current expenses of the districts for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than four cents ($0.04) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than sixteen cents ($0.16) of the computed tax rate less four cents ($0.04) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of sixteen cents ($0.16).

If a high school district which is not a part of a junior college district provides only for the transportation of pupils to a junior college, an amount shall be computed as provided in subdivision (a) of this section.

Same Unified districts

18056. (a) He shall allow to each unified school district formed under the provisions of Sections 3001 to 3451, inclusive, of this code, the formation of which became effective on July 1, 1948, or thereafter, an amount equal to the total current expenses of the district during the preceding fiscal year for the transportation of pupils, determined by the Superintendent of Public Instruction to have been required because of a change of the location of schoolhouses or the reorganization of attendance centers within the district during such preceding fiscal year. No allowance shall be made under this paragraph subsequent to the close of the fifth fiscal year following that in which the district was formed and thereafter the provisions of subsection (b) or (c) of this section shall control as to such district.

(b) He shall allow to each unified school district not maintaining a junior college which during the preceding fiscal year provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the district for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than three cents ($0.03) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than twelve cents ($0.12) of the computed tax rate less three cents ($0.03) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of twelve cents ($0.12).

(c) He shall allow to each unified school district maintaining a junior college which during the preceding fiscal year provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the district for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than four cents ($0.04) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than sixteen cents ($0.16) of the computed tax rate less four cents ($0.04) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of sixteen cents ($0.16).

Same Joint transportation systems

18057. He shall compute for each group of two or more school districts which have been continuously from a time prior of July 1, 1949, governed by boards of identical personnel during the preceding fiscal year and have maintained a single

transportation system for all of such districts which provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the districts for such transportation during the preceding fiscal year.

(a) He shall, if such group comprises an elementary school district and a high school district not maintaining a junior college and each district provided for the transportation of pupils, or comprises an elementary school district, a high school district, and a junior college district and each district except the junior college district provided for the transportation of pupils, or comprises a high school district and a junior college district and each district provided for the transportation of pupils, then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of that one of such districts providing for the transportation of pupils which has the largest assessed valuation as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than three cents ($0.03) he shall allow the district (1) 50 percent of the amount which would be produced by not more than twelve cents ($0.12) of the computed tax rate less three cents ($0 03) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of twelve cents ($0.12).

(b) He shall, if such group comprises an elementary school district, and a high school district maintaining a junior college, each of which provided for the transportation of pupils, including those attending the junior college, or comprises an elementary school district, a high school district, and a junior college district, each of which provided for the transportation of pupils, then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of that one of such districts providing for the transportation of pupils which had the largest assessed valuation as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than four cents ($0 04) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than sixteen cents ($0.16) of the computed tax rate less four cents ($0.04) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of sixteen cents ($0.16).

He shall then allow to each district in the group the same ratio of the total amount computed for the group as the governing boards of the districts in the groups certify to him is the ratio the amount expended for such transportation in such district during the preceding fiscal year was of the total expenditures of all districts in the group for such transportation during the preceding fiscal year.

Unified school district Cost of buses

18058. In the case of a unified school district formed under Sections 3001 to 3451, inclusive, of this code, the formation of which became effective for all purposes on July 1, 1948, or thereafter, there shall be included in addition to the current expenses of transportation of the district the cost of such school busses for the first five fiscal years in which it purchases school busses as are determined by the Superintendent of Public Instruction to have been required because of changes in the location of schools or the reorganization of attendance centers within the district. This paragraph shall not be effective as to any unified school district after the end of the fifth fiscal year succeeding the formation of the district.

Standards of approval

18059. The Superintendent of Public Instruction in approving, under this article (commencing at Section 18051), current expenses of school districts for the transportation of pupils shall apply the same standards and basis for such approval to expenditures for such transportation provided by a school district in school busses owned and operated by the school district and expenditures for such transportation provided by a contract with a private party.

Allowance for special students

18060. (a) The Superintendent of Public Instruction shall not allow under this section during any fiscal year a total amount in excess of the amount provided by law.

(b) In addition to all other amounts allowed to a school district under this article (commencing at Section 18051), the Superintendent of Public Instruction shall allow to each school district an amount equal to the current expense of the district during the preceding fiscal year of transporting blind, deaf, cerebral palsied, and orthopedically handicapped minor pupils and mentally retarded minors who come within the provisions of Section 6903, to and from special day classes but not in excess of three hundred fifty dollars ($350) for each unit of average daily attendance of such pupils during the next preceding fiscal year resulting from the attendance of such pupils on the special day classes to and from which they were transported by the district.

(c) The Superintendent of Public Instruction shall allow to the county school service fund of each county an amount equal to the current expense of the county superintendent of schools during the preceding fiscal year of transporting blind, deaf, cerebral palsied, and orthopedically handicapped minor pupils and mentally retarded minors who come within the provisions of Section 6903, to and from special day classes but not in excess of three hundred fifty dollars ($350) for each unit of average daily attendance during the next preceding year resulting from the attendance of such pupils on the special day classes to and from which they were transported by the county superintendent of schools.

(d) If the total amount which may be allowed under subdivision (a) during any fiscal year is less than the total allowances computed under subdivisions (b) and (c), the amounts allowed shall be reduced proportionately.

(e) If the total amount which may be allowed under subdivision (a) during any fiscal year is more than the total allowances computed under subdivisions (b) and (c), the balance shall be apportioned pursuant to Section 18459.

This section shall become effective on July 1, 1959.

18060.1. (a) In addition to all other amounts allowed to a school district under this article (commencing at Section 18051), the Superintendent of Public Instruction shall allow to each school district an amount equal to the current expense of the district during the preceding fiscal year of transporting blind, deaf, cerebral palsied, and orthopedically handicapped minor pupils and mentally retarded minors who come within the provisions of Section 6903, to and from special day classes but not in excess of three hundred and fifty dollars ($350) for each unit of average daily attendance of such pupils during the next preceding fiscal year resulting from the attendance of such pupils on the special day classes to and from which they were transported by the district. Same

(b) The Superintendent of Public Instruction shall allow to the county school service fund of each county an amount equal to the current expense of the county superintendent of schools during the preceding fiscal year of transporting blind, deaf, cerebral palsied, and orthopedically handicapped minor pupils and mentally retarded minors who come within the provisions of Section 6903, to and from special day classes but not in excess of three hundred fifty dollars ($350) for each unit of average daily attendance during the next preceding year resulting from the attendance of such pupils on the special day classes to and from which they were transported by the county superintendent of schools.

This section shall remain in effect until July 1, 1959.

18061. (a) In the event that the total amount which may be allowed under Section 18051 during any fiscal year is less than the total allowances computed under Sections 18055, 18056, 18057, and 18058, the amount allowed shall be successively recomputed by adding one-tenth of one cent ($0.001) to the lower tax rates provided for in Sections 18055, 18056, and 18057, respectively, until there is no deficit. Any balance remaining shall be allowed pursuant to Section 18460 or 18460.1, whichever is in effect. Recomputation

(b) In the event the total amount which may be allowed under Section 18051 during any fiscal year is more than the total allowances computed under Sections 18055, 18056, 18057, and 18058, the balance shall be allowed pursuant to Section 18460 or 18460.1, whichever is in effect.

Article 11. Computation of Allowances to School Districts for Excess Expenses for Physically Handicapped Minors

18101. The Superintendent of Public Instruction shall not allow under this article (commencing at Section 18101) dur- Limitation

ing any fiscal year a total amount in excess of the amount provided by law.

This section shall become effective on July 1, 1959.

School districts

18102. The Superintendent of Public Instruction shall allow to each school district an amount equal to the excess current expense of education to such district of educating physically handicapped minor pupils but not in excess of six hundred dollars ($600) for each unit of average daily attendance of physically handicapped minor pupils in the district during the next preceding fiscal year, and an additional amount not in excess of six hundred dollars ($600), or the cost to the district, whichever is the lesser, for each unit of average daily attendance of blind pupils, when a reader has actually been provided to assist him with his studies, or for the purchase of Braille books, the cost of transcribing ink print materials into Braille, the purchase or making of sound recordings and the purchase of special supplies and equipment for blind pupils.

County school service funds

18103. County School Service Fund. The Superintendent of Public Instruction shall allow to the county school service fund of each county an amount equal to the excess current expense of education to the county superintendent of schools of educating physically handicapped minor pupils but not in excess of six hundred dollars ($600) for each unit of average daily attendance of physically handicapped minor pupils educated by the county superintendent of schools during the preceding fiscal year, and an additional amount not in excess of six hundred dollars ($600), or the cost to the county superintendent, whichever is the lesser, for each unit of average daily attendance of blind pupils, when a reader has actually been provided to assist him with his studies, or for the purchase of Braille books, the cost of transcribing ink print materials into Braille, the purchase or making of sound recordings and the purchase of special supplies and equipment for blind pupils.

Reduction

18104. If the total amount which may be allowed under Section 18101 during any fiscal year is less than the total allowances computed under Sections 18102 and 18103, the amounts allowed shall be reduced proportionately.

This section shall become effective on July 1, 1959.

Recomputation

18105. If the total amount which may be allowed under Section 18101 during any fiscal year is more than the total allowances computed under Sections 18102 and 18103, the balance shall be allowed pursuant to Section 18459.

This section shall become effective on July 1, 1959.

Aid for blind pupils Total amount

18106. The total amount which may be allowed to school districts and county superintendents of schools under Sections 18102 and 18103 for readers provided blind pupils to assist them with their studies, or for the purchase of Braille books, the cost of transcribing ink print materials into Braille, the purchase or making of sound recordings and the purchase of special supplies and equipment for blind pupils shall not ex-

ceed forty thousand dollars ($40,000) in any fiscal year. If the total amount which may be allowed under this section during any fiscal year is less than the total allowances computed under Sections 18102 and 18103 for that purpose, the amounts allowed shall be reduced proportionately.

Article 12. Computation of Allowances for Excess Expense for Mentally Retarded Minors

18151. The Superintendent of Public Instruction shall not allow under this article (commencing at Section 18151) during any fiscal year a total amount in excess of the amount provided by law. Limitation

This section shall become effective on July 1, 1959.

18152. The Superintendent of Public Instruction shall allow to each school district an amount equal to the excess current expense of education, including transportation, to the school district, of educating mentally retarded minors who come within the provisions of Section 6902 during the preceding fiscal year in special schools or classes but not in excess of two hundred dollars ($200) per unit of average daily attendance of such minors. School districts

18153. The Superintendent of Public Instruction shall allow to the county school service fund of each county an amount equal to the excess current expense of education, including transportation, to the county superintendent of schools of educating mentally retarded minors coming within the provisions of Section 6902, during the preceding fiscal year in special schools or classes but not in excess of two hundred dollars ($200) per unit of average daily attendance of such minors. County school service funds

18154. If the total amount which may be allowed under Section 18151 during any fiscal year is less than the total allowances computed under Sections 18152 and 18153 the amounts allowed shall be reduced proportionately. Reduction

This section shall become effective on July 1, 1959.

18155. If the total amount which may be allowed under Section 18151 during any fiscal year is more than the total allowances computed under Sections 18152 and 18153 the balance shall be allowed pursuant to Section 18459. Recomputation

This section shall become effective on July 1, 1959.

18156. No allowance shall be made under this article (commencing at Section 18151) for the education of mentally retarded minors in special schools or classes which do not comply with the standards established by the Department of Education. Limitation

Article 13. Computation of Allowances for Excess Expense for Severely Mentally Retarded Minors

18201. The Superintendent of Public Instruction shall not allow under this article (commencing at Section 18201) during Limitation

any fiscal year a total amount in excess of the amount provided by law.

This section shall become effective on July 1, 1959.

School districts

18202. The Superintendent of Public Instruction shall allow to each school district an amount equal to the excess current expense of education to the district, excluding transportation, of educating mentally retarded minors who come within the provisions of Section 6903 during the preceding fiscal year but not in excess of four hundred fifty dollars ($450) per unit of average daily attendance of such minors.

County school service funds

18203. The Superintendent of Public Instruction shall allow to each county school service fund an amount equal to the excess current expense of education to the county superintendent of schools, excluding transportation, of educating mentally retarded minors who come within the provisions of Section 6903 during the preceding fiscal year but not in excess of four hundred fifty dollars ($450) per unit of average daily attendance of such minors.

Reduction

18204. If the total amount which may be allowed under Section 18201 during any fiscal year is less than the total allowances computed under Sections 18202 and 18203 the amounts allowed shall be reduced proportionately.

This section shall become effective on July 1, 1959.

Recomputation

18205 If the total amount which may be allowed under Section 18201 during any fiscal year is more than the total allowances computed under Sections 18202 and 18203 the balance shall be allowed pursuant to Section 18459.

This section shall become effective on July 1, 1959.

Limitation

18206. No allowance shall be made under this article (commencing at Section 18201) for the education of mentally retarded minors in special schools or classes which do not comply with the standards established by the Department of Education.

Article 14. Computation of Allowances for Excess Cost of Driver Training

Amount

18251. The Superintendent of Public Instruction shall allow to each school district an amount equal to the actual cost, but not in excess of thirty-five dollars ($35) per pupil instructed in automobile driver training, during the preceding fiscal year in accordance with regulations set forth by the State Board of Education to districts for instructing pupils in automobile driver training.

Limitation

18252. No allowance shall be made under this article (commencing at Section 18251) for the instruction of pupils in automobile driver training unless the school district has complied with the rules and regulations of the State Board of Education governing the establishment, conduct, and scope of automobile driver education and driver training.

Article 15. Special Allowances for Project-connected Pupils

"Project"

18301. As used in this article (commencing at Section 18301) the term "project" means any major, localized, undertaking by or under the jurisdiction of the State Department of Water Resources which has a duration, estimated by the Director of the Department of Water Resources, of more than three years.

Definition

18302. A project-connected pupil, as used in this article (commencing at Section 18301), means a child of a parent, guardian, or other person standing in loco parentis who has enrolled in the regular full-time day schools of the district subsequent to the commencement of a project, and: (a) whose parent or guardian is employed by a contractor or subcontractor in connection with the project, or by the State of California whose work is in connection with the project; or (b) whose parent or guardian is employed in the school district or in a contiguous school district and such child is in addition to the number of children who would otherwise normally be expected to be in the district, as approved by the Superintendent of Public Instruction in accordance with regulations that he is herewith authorized to adopt. The records identifying, and accounting for the attendance of project-connected children shall be prescribed by the Superintendent of Public Instruction.

Computation of allowances

18303. The Superintendent of Public Instruction shall allow to each eligible district for each unit of average daily attendance in the regular full-time day schools of the district during the preceding fiscal year of project-connected pupils, as project-connected pupils are defined in this article (commencing at Section 18301), an amount equal to the product of the assessed valuation multiplied by the general fund tax rate of the district during the preceding fiscal year, exclusive of taxes levied pursuant to Sections 1615, 19443, and 19619, divided by the average daily attendance of the district, exclusive of the average daily attendance of project-connected pupils, reduced by the difference between the amount of basic state aid and equalization aid per unit of average daily attendance apportioned to the district pursuant to Section 17402 during the current fiscal year and the amount per unit of average daily attendance that would have been apportioned had the computations been made after the exclusion of average daily attendance of project-connected pupils from the average daily attendance of the district.

Computation of average daily attendance

18304. The units of average daily attendance of project-connected pupils, as defined in subdivision (a) of Section 18302, for a fiscal year shall be computed by dividing the total number of days of attendance of such pupils by the number of days school was actually taught in the regular day schools of the district during the fiscal year. The units of average daily attendance of project-connected pupils, as de-

fined in subdivision (b) of Section 18302, for a fiscal year shall be computed by dividing the total number of days of attendance of such pupils by the number of days school was actually taught in the regular day schools of the district during the fiscal year and by multiplying the quotient by 55 percent. Section 11254 shall apply only to the total number of units of average daily attendance computed pursuant to this section.

Eligible districts

18305. A district shall be eligible for an allowance under Section 18303 if the average daily attendance of project-connected pupils is at least 10 and is at least 3 percent of the total average daily attendance in the district during the preceding fiscal year.

Attendance

18306. For the purposes of this article (commencing at Section 18301), pupils in grades 7 and 8 attending a junior high school maintained by a high school district shall be deemed to be in attendance in the schools of the elementary district of residence.

Apportionments

18307. Amounts allowed pursuant to this article (commencing at Section 18301) shall be apportioned by the Superintendent of Public Instruction at the same time and as a part of the special purpose apportionment made under the provisions of Section 17405 or 17405.1, whichever is in effect.

Article 16. Computation of Allowances to County School Service Funds and Budgetary Requirements of County School Service Funds

Budget

18351. The county superintendent of schools shall on or before April 1st of each year submit to the Superintendent of Public Instruction a budget for the succeeding fiscal year, in such form as the Superintendent of Public Instruction shall prescribe, setting forth all known and estimated revenues of the county school service fund for such fiscal year from all sources, and the proposed expenditures from the county school service fund for such fiscal year. The budget shall be approved by the Superintendent of Public Instruction. No allowance shall be made under Sections 18351 to 18354, inclusive, whichever are in effect, to a county superintendent of schools for any item of current expenses or capital outlay with respect to which the county superintendent has failed to comply with the regulations of the Superintendent of Public Instruction which he is herewith authorized to adopt applicable to such item. The regulations adopted by the Superintendent of Public Instruction hereunder shall not be limited to, but shall, among other matters:

Regulations

(a) Prescribe procedures relating to budgeting, purchasing and replacing capital outlay items.

(b) Prescribe procedures relating to the purchase, replacement, operation and maintenance of automotive equipment.

(c) Prescribe the conditions under which the county superintendent of schools may provide services to districts by contract.

(d) Prescribe the conditions under which allowances may be made to the county superintendent of schools to contract for the services of special consultants.

(e) Prescribe the conditions under which allowances may be made to the county superintendent of schools to assume functions authorized by law to be performed either by the county superintendent of schools or another public agency.

(f) Prescribe conditions under which allowances will be made to meet conditions of an emergency nature requiring the establishment and maintenance of emergency schools, the providing of emergency teachers for regular elementary schools, the providing of emergency transportation to regular elementary schools, or emergency apportionments to school districts.

(g) Define county school service fund publications and prescribe the procedures to be followed relating to budgeting, printing and distributing such publications.

(h) Establish, solely for budget approval purposes, a classification of county school service fund personnel and a salary schedule for each classification.

(i) Establish and prescribe formulae for the sole purpose of guidance in determining the amount that may be allowed each county superintendent of schools.

Upon the approval of the budget by the Superintendent of Public Instruction, he shall note his approval thereon and transmit one copy thereof to the county superintendent of schools and one copy to the county auditor of the county.

Total amount allowed

18352. The Superintendent of Public Instruction shall during each fiscal year allow to the county school service fund of each county from the State School Fund such amounts as the budget submitted by the county superintendent of schools and approved by the Superintendent of Public Instruction, under Section 18351, shows is necessary, but:

(a) The total amount allowed by the Superintendent of Public Instruction under this section to all county school service funds for supervision of instruction in all grades and classes of elementary school districts which during the next preceding fiscal year had less than 901 units of average daily attendance and in the elementary schools of unified school districts which during the next preceding fiscal year had less than 1,501 units of average daily attendance shall not exceed the sum provided by law for such purpose or the amounts shown necessary by such budgets, for such purpose, whichever is the lesser.

(b) The total amount allowed by the Superintendent of Public Instruction under this section to all county school service funds for all other purposes shall not exceed the sum provided by law for such purposes or the amounts shown necessary by such budgets, whichever is the lesser.

(c) The Superintendent of Public Instruction is herewith authorized to withhold from the allowances made pursuant to subdivision (b) of this section such amount as he determines is needed, but not in excess of five hundred thousand dollars ($500,000), to reimburse county superintendents of schools for expenses incurred in providing emergency education to pupils and making emergency financial grants to school districts pursuant to the provisions of Section 20105.

(d) The Superintendent of Public Instruction is herewith authorized to withhold from the allowances made pursuant to subdivision (b) of this section such amount as he determines is needed to reimburse county superintendents of schools for the actual and necessary travel expenses incurred in connection with co-operative county publication projects by the county superintendent of schools or members of his staff.

Same

18352.1. The Superintendent of Public Instruction shall during each fiscal year allow to the county school service fund of each county from the State School Fund such amounts as the budget submitted by the county superintendent of schools and approved by the Superintendent of Public Instruction, under Section 18351, shows is necessary, but:

(a) The total amount allowed by the Superintendent of Public Instruction under this section to all county school service funds for supervision of instruction in all grades and classes of elementary school districts which during the next preceding fiscal year had less than 901 units of average daily attendance and in the elementary schools of unified school districts which during the next preceding fiscal year had less than 1,501 units of average daily attendance shall not exceed the sum provided by law for such purpose or the amounts shown necessary by such budgets, for such purpose, whichever is the lesser.

(b) The total amount allowed by the Superintendent of Public Instruction under this section to all county school service funds for all other purposes shall not exceed the sum provided by law for such purposes or the amounts shown necessary by such budgets, whichever is the lesser.

(c) The Superintendent of Public Instruction is herewith authorized to withhold from the allowances made pursuant to subdivision (b) of this section such amount as he determines is needed, but not in excess of five hundred thousand dollars ($500,000), to reimburse county superintendents of schools for expenses incurred in providing emergency education to pupils and making financial grants to school districts pursuant to the provisions of Sections 20105 and 20106.

(d) The Superintendent of Public Instruction is herewith authorized to withhold from the allowances made pursuant to subdivision (b) of this section such amount as he determines is needed to reimburse county superintendents of schools for the actual and necessary travel expenses incurred in connection with co-operative county publication projects by the county superintendent of schools or members of his staff.

18353. The Superintendent of Public Instruction shall allow at such times as needed to the county school service fund of each county eligible to receive reimbursement from the amounts withheld pursuant to subdivisions (c) and (d) of Section 18352 or 18352.1, whichever is in effect, the amounts claimed by the county superintendent of schools as expenditures from the county school service fund eligible for reimbursement. Reimbursement amounts

18354. The budget submitted pursuant to Section 18351 shall include an amount equal to that specified by law as the State's contribution toward payment of the annual salary of the county superintendent of schools to be used exclusively for the partial payment of the annual salary of the county superintendent of schools. Such amount shall be paid for such purpose from the allowance made to the county school service fund pursuant to Section 18352 or 18352.1, whichever is in effect. Salary State's contribution

18355. The Superintendent of Public Instruction shall allow, in addition to all other allowances, to the county school service fund: County school service fund allowances

(a) For all emergency schools maintained in each elementary school district of the county by the county superintendent of schools during the preceding fiscal year, the same amount as he would compute as the foundation program of an elementary school district under Sections 17651 to 17667, inclusive, whichever are in effect, except that the provisions of Section 17657 shall not apply. No allowance shall be made under this subdivision which is in excess of the actual expense of maintaining the emergency schools during the preceding fiscal year.

(b) Two hundred eighty dollars ($280) for each unit of average daily attendance of physically handicapped pupils of secondary grade educated by the county superintendent of schools during the preceding fiscal year.

This section shall become effective on July 1, 1959.

18355.1. The Superintendent of Public Instruction shall allow, in addition to all other allowances, to the county school service fund: Same

(a) For all emergency schools maintained in each elementary school district of the county by the county superintendent of schools during the preceding fiscal year, the same amount as he would compute as the foundation program of an elementary school district under Sections 17651 to 17667, inclusive, whichever are in effect, except that the provisions of Section 17657 shall not apply and whenever Section 17656.1, 17660.1, or 17661.1 require him to multiply average daily attendance by two hundred eighteen dollars ($218) he shall, for the purposes of this section multiply by two hundred twenty dollars ($220). No allowance shall be made under this subdivision which is in excess of the actual expense of maintaining the emergency schools during the preceding fiscal year.

(b) Three hundred ten dolars ($310) for each unit of average daily attendance of physically handicapped pupils of secondary grade educated by the county superintendent of schools during the preceding fiscal year.

This section shall remain in effect until July 1, 1959.

Special schools or classes

18356. The Superintendent of Public Instruction shall allow to the county school service fund for all special schools or classes for mentally retarded minors maintained in each elementary school district of the county by the county superintendent of schools, the same amount as he would compute as the foundation program of an elementary school district under Sections 17651 to 17667, inclusive, whichever are in effect, except that the provisions of Section 17657 shall not apply.

This section shall become effective on July 1, 1959.

Same

18356.1. The Superintendent of Public Instruction shall allow to the county school service fund for all special schools or classes for mentally retarded minors maintained in each elementary school district of the county by the county superintendent of schools, the same amount as he would compute as the foundation program of an elementary school district under Sections 17651 to 17667, inclusive, whichever are in effect, except that the provisions of Section 17657 shall not apply and whenever Section 17656.1, 17660.1, or 17661.1 require him to multiply average daily attendance by two hundred eighteen dollars ($218) he shall, for the purposes of this section multiply by two hundred twenty dollars ($220).

This section shall remain in effect until July 1, 1959.

Elementary schools in juvenile halls, etc

18357. The Superintendent of Public Instruction shall allow to the county school service fund for all elementary schools maintained in juvenile halls, juvenile homes, and juvenile camps by the county superintendent of schools, the same amount as he would compute as the foundation program of an elementary school district under Sections 17651 to 17667, inclusive, whichever are in effect, except that the provisions of Section 17657 shall not apply.

This section shall become effective on July 1, 1959.

Same

18357.1. The Superintendent of Public Instruction shall allow to the county school service fund for all elementary schools maintained in juvenile halls, juvenile homes, and juvenile camps by the county superintendent of schools, the same amount as he would compute as the foundation program of an elementary school district under Sections 17651 to 17667, inclusive, whichever are in effect, except that the provisions of Section 17657 shall not apply and whenever Sections 17656.1, 17660.1, or 17661.1 require him to multiply average daily attendance by two hundred eighteen dollars ($218) he shall, for the purposes of this section, multiply by two hundred twenty dollars ($220).

This section shall remain in effect until July 1, 1959.

Secondary schools in juvenile halls, etc.

18358. The Superintendent of Public Instruction shall allow to the county school service fund for all secondary

schools maintained in juvenile halls, juvenile homes and juvenile camps by the county superintendent of schools, an amount computed by multiplying the average daily attendance in such secondary schools during the preceding fiscal year by two hundred eighty dollars ($280).

This section shall become effective on July 1, 1959.

Same

18358.1. The Superintendent of Public Instruction shall allow to the county school service fund for all secondary schools maintained in juvenile halls, juvenile homes and juvenile camps by the county superintendent of schools, an amount computed by multiplying the average daily attendance in such secondary schools during the preceding fiscal year by three hundred ten dollars ($310).

This section shall remain in effect until July 1, 1959.

Article 17. Computations of Allowances to County School Tuition Funds

Attendance in schools in adjoining state

18401. The Superintendent of Public Instruction shall allow to each county school tuition fund one hundred twenty dollars ($120) for each unit of average daily attendance of pupils residing in the county and attending school in an adjoining state during the preceding fiscal year.

This section shall become effective on July 1, 1959.

Same

18401.1. The Superintendent of Public Instruction shall allow to each county school tuition fund one hundred twenty-five dollars ($125) for each unit of average daily attendance of pupils residing in the county and attending school in an adjoining state during the preceding fiscal year.

This section shall remain in effect until July 1, 1959.

Article 18. Recomputation of Allowances

Maximum allowances

18451. (b) The total amount allowed from the State School Fund as basic and equalization aid to be apportioned on account of average daily attendance during the preceding fiscal year credited to all kindergarten and elementary schools in the state and county school tuition funds on account of elementary school pupils shall not exceed the amount provided by law.

(c) The total amount allowed from the State School Fund as basic and equalization aid to be apportioned on account of average daily attendance during the preceding fiscal year credited to all high schools in the state and county school tuition funds on account of high school pupils shall not exceed the amount provided by law.

(d) The total amount allowed from the State School Fund as basic and equalization aid to be apportioned on account of average daily attendance during the preceding fiscal year credited to all junior college schools in the State shall not exceed the amount provided by law.

This section shall become effective on July 1, 1959.

Same

18451.1. (a) The total amount allowed from the State School Fund as basic and equalization aid, and allowances in lieu of basic and equalization aid allowed pursuant to Sections 18355.1, 18356.1, 18357.1, 18358.1 and 18401.1, to be apportioned on account of average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, and junior college schools in the state and county school tuition funds on account of elementary, high school, and junior college school pupils shall not exceed the amount provided by law therefor.

(b) The total amount allowed from the State School Fund pursuant to Section 18060.1 and Sections 18101 to 18206, inclusive, shall not exceed the amount provided by law therefor.

This section shall remain in effect until July 1, 1959.

Increased allowances

18452. If the total amount allowed from the State School Fund to all elementary school districts, county school service funds, and county school tuition funds under Sections 17614, 17615, 17751, Sections 17901 to 17906, inclusive, and Sections 18355 to 18401, inclusive, whichever are in effect, on account of average daily attendance during the preceding fiscal year credited to all kindergarten and elementary schools in the state and county school tuition funds on account of elementary school pupils is less than the total amount provided in subdivision (b) of Section 18451, the balance shall be used to increase proportionately the allowances made to which Sections 18456 and 18457 applied. The increased allowances shall not exceed the amounts computed under Sections 17614 and 17615, Sections 17801 to 17906, inclusive, Sections 17951 and 17952, and Sections 18355 to 18401, inclusive, whichever are in effect. The total increase for all high school or all junior college districts shall not exceed an amount that bears the same ratio to the total balance as the amount of the reduction for such districts under Section 18456 or 18457 bears to the total amount of the reduction. Any portion of the balance remaining after the computations required by this section shall be allowed pursuant to Section 18460.

This section shall become effective on July 1, 1959.

Same

18452.1. If the total amount allowed from the State School Fund to all school districts, county school service funds, and county school tuition funds under Sections 17614, 17615, 17751.1, 17801.1, 17851.1, 17901.1, 17902, 17903.1, 17904, 17905.1, 17906.1, 17951.1, 17952, 18355.1, 18356.1, 18357.1, 18358.1, and 18401.1 on account of average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, and junior college schools in the state and county school tuition funds is less than the amount provided by law for such purposes, the balance shall be allowed pursuant to Section 18460.1.

This section shall remain in effect until July 1, 1959.

Same

18453. If the total amount allowed from the State School Fund to all high school districts, county school service funds, and county school tuition funds under Sections 17614, 17615,

17801, Sections 17901 to 17906, inclusive, Sections 17951, 17952, and Sections 18355 to 18401, inclusive, whichever are in effect, on account of average daily attendance during the preceding fiscal year credited to all high schools in the state and county school tuition funds on account of high school pupils is less than the total amount provided in subdivision (c) of Section 18451, the balance shall be used to increase proportionately the allowances made to which Sections 18455 and 18457 applied. The increased allowances shall not exceed the amounts computed under Sections 17614, 17615, 17751, 17851, 17901 to 17906, inclusive, 17951, 17952, and Sections 18355 to 18401, inclusive, whichever are in effect. The total increase for all elementary or all junior college districts shall not exceed an amount that bears the same ratio to the total balance as the amount of the reduction for such districts under Section 18455 or 18457 bears to the total amount of the reduction. Any portion of the balance remaining after the computations required by this section shall be allowed pursuant to Section 18460.

This section shall become effective on July 1, 1959.

Same

18453.1. If the total amount allowed from the State School Fund to all school districts and county school service funds under Section 18060.1, and Sections 18101 to 18206, inclusive, whichever are in effect, on account of average daily attendance during the preceding fiscal year is less than the total amount provided by law for such purposes, the balance shall be allowed pursuant to Section 18460.1.

This section shall remain in effect until July 1, 1959.

Same Junior colleges

18454. If the total amount allowed from the State School Fund to all junior college districts and county school service funds under Sections 17614 and 17615, Sections 17851 to 17906, inclusive, Sections 17951 and 17952, and Sections 18355 to 18358, inclusive, whichever are in effect, on account of average daily attendance during the preceding fiscal year credited to all junior college schools in the State is less than the total amount provided in subdivision (d) of Section 18451, the balance shall be used to increase proportionately the allowances made to which Sections 18455 and 18456 applied. The increased allowances shall not exceed the amounts computed under Sections 17614, 17615, 17751 and 17801, Sections 17901 to 17906, inclusive, Sections 17951 and 17952, and Sections 18355 to 18401, inclusive, whichever are in effect. The total increase for all elementary or all high school districts shall not exceed an amount that bears the same ratio to the total balance as the amount of the reduction for such districts under Section 18455 or 18456 bears to the total amount of the reduction. Any portion of the balance remaining after the computations required by this section shall be allowed pursuant to Section 18460.

This section shall become effective on July 1, 1959

Reduction in apportionment

18455. If the total amount allowed from the State School Fund to all elementary school districts, county school service

funds, and county tuition funds under Sections 17614, 17615, 17751, Sections 17901 to 17906, inclusive, and Sections 18355 to 18401, inclusive, whichever are in effect, on account of average daily attendance during the preceding fiscal year credited to all kindergarten and elementary schools in the state and county school tuition funds on account of elementary schools pupils is more than the total amount provided in subdivision (b) of Section 18451, the amount allowed each such district as equalization aid from the State School Fund shall be reduced proportionately.

This section shall become effective on July 1, 1959.

Same

18455.1. If the total amount allowed from the State School Fund to all school districts, county school service funds, and county tuition funds under Sections 17614, 17615, 17751.1, 17801.1, 17851.1, 17951.1, 17952, 17901.1, 17902, 17903.1, 17904, 17905.1, 17906.1, 18355.1, 18356.1, 18357.1, 18358.1, and 18401.1, on account of average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, and junior college schools in the state and county school tuition funds is more than the total amount provided by law for such purposes, the amount allowed each such district as equalization aid from the State School Fund shall be reduced proportionately.

This section shall remain in effect until July 1, 1959.

Same

18456. If the total amount allowed from the State School Fund to all high school districts, county school service funds, and county tuition funds under Sections 17614, 17615, 17801, Sections 17901 to 17906, inclusive, Sections 17951 and 17952, and Sections 18355 to 18401, inclusive, whichever are in effect, on account of average daily attendance during the preceding fiscal year credited to all high schools in the state and county school tuition funds on account of high school pupils is more than the total amount provided in subdivision (c) of Section 18451, the amount allowed each such district as equalization aid from the State School Fund shall be reduced proportionately.

This section shall become effective on July 1, 1959.

Same

18456.1. If the total amount allowed from the State School Fund to all districts and county school service funds under Section 18060.1 and Sections 18101 to 18206, inclusive, whichever are in effect, on account of average daily attendance during the preceding fiscal year is more than the total amount provided by law for such purposes, the total amount allowed each such district and each such county school service fund from the State School Fund pursuant to said sections shall be reduced proportionately.

This section shall remain in effect until July 1, 1959.

Same

18457. If the total amount allowed from the State School Fund to all junior college districts and county school service funds under Sections 17614 and 17615, Sections 17851 to 17906, inclusive, Sections 17951 and 17952, and Sections 18355 to 18358, inclusive, whichever are in effect, on account of aver-

age daily attendance during the preceding fiscal year credited to all junior college schools in the State is more than the total amount provided in subdivision (d) of Section 18451, the amount allowed each such district as equalization aid from the State School Fund shall be reduced proportionately.

This section shall become effective on July 1, 1959.

Additional adjustment

18458. If the federal funds as defined in Section 17605 are in a school year reduced by more than 20 percent below those of the previous year upon which the current year's equalization aid has been computed, the Superintendent of Public Instruction shall then allow the district in the next fiscal year such additional amount as will make the total amount allowed the district equal to that which would have been allowed under Sections 17614, 17615, 17901, 17901.1, 17902, 17903. 17903.1, 17904, 17905, 17905.1, 17906, and 17906.1, whichever are in effect, to the district had the reduction occurred in the preceding fiscal year.

Same

18459. The total balance resulting from the provisions of subdivision (e) of Section 18060 and Sections 18105, 18155 and 18205 shall be added proportionately to such of the allowances made under subdivisions (b) and (c) of Section 18060 and Sections 18102, 18103, 18152, 18153, 18202 and 18203 to which subdivision (d) of Section 18060 and Sections 18104, 18154, or 18204, respectively, applied, but not to exceed the amounts computed under subdivisions (b) and (c) of Section 18060 and Sections 18102, 18103, 18152, 18153, 18202 and 18203 without respect to subdivision (d) of Section 18302 and Sections 18104, 18154, or 18204. Any portion of the total balance remaining after such computation shall be allowed pursuant to Section 18460.

This section shall become effective on July 1, 1959.

Allowance of balance

18460. If the total amount allowed county school service funds under Sections 18351 to 18354, inclusive, whichever are in effect, is less than the amounts provided by Section 18352 the balance shall be added to the balances resulting from the application of Sections 18009, 18061, 18452, 18453, 18454, 18459, and subdivision (b) of Section 17404, and the total of such balances shall be used as follows:

(a) First, to increase proportionately the allowances made to which Sections 18455, 18456, and 18457 applied. The increased allowances shall not exceed the amounts computed under Sections 17614 and 17615, Sections 17751 to 17906, inclusive, Sections 17951 and 17952, and Sections 18355 to 18401, inclusive, whichever are in effect. The total increase for all elementary, or all high school, or all junior college districts shall not exceed an amount that bears the same ratio to the total balance as the amount of the reduction for such districts under Section 18455, 18456, or 18457 bears to the total amount of the reduction.

(b) Second, to restore, in the order herein listed, the amounts reduced under Sections 18007, 18008, subdivision (a)

of Section 18061, subdivision (d) of Sections 18060, 18104, 18154, and 18204.

(c) Thereafter, to allow any remaining balance as additional state equalization aid to the districts that were allowed state equalization aid pursuant to Sections 17614 and 17615, and Sections 17901 to 17906, inclusive, whichever are in effect, during the then current fiscal year. The amount of additional state equalization aid allowed each such district for each unit of average daily attendance shall be determined by dividing such remaining balance by the average daily attendance of all districts receiving equalization aid.

This section shall become effective on July 1, 1959.

Same

18460.1. If the total amount allowed county school service funds under Sections 18351 to 18354, inclusive, whichever are in effect, is less than the amounts provided by Section 18352.1 the balance shall be added to the balances resulting from the application of Sections 18009, 18061, 18452.1, 18453.1, and subdivision (b) of Section 17404. The total of such balances shall be used as follows:

(a) First, to increase proportionately the allowances made to which Section 18455.1 applied. The increased allowances shall not exceed the amounts computed under Sections 17614, 17615, 17751.1, 17801.1, 17851.1, 17951.1, 17952, 17901.1, 17902, 17903.1, 17904, 17905.1, 17906.1, 18355.1, 18356.1, 18357.1, 18358.1, 18401.1. The increase for each elementary, high school, or junior college district shall be an amount that bears the same ratio to the total balance as the amount of equalization aid allowed such district bears to the total amount of equalization aid allowed to all districts.

(b) Second, to restore, in the order herein listed, the amounts reduced under Sections 18007, 18008, 18456.1, and subdivision (a) of Section 18061.

(c) Thereafter, to allow any remaining balance as additional state equalization aid to the districts that were allowed state equalization aid pursuant to Sections 17614, 17615, 17901.1, 17902, 17903.1, 17904, 17905.1, and 17906.1, during the then current fiscal year. The amount of additional state equalization aid allowed each such district for each unit of average daily attendance shall be determined by dividing such remaining balance by the average daily attendance of all districts receiving equalization aid.

This section shall remain in effect until July 1, 1959.

CHAPTER 4. FEDERAL FUNDS FOR EDUCATION

Article 1. General Provisions

Administration of Federal programs

18601. Whenever by the provisions of any act of Congress the act is to be administered in the State by the Superintendent of Public Instruction, Director of Education, Department of Education, State Board of Education, State Board for Vocational Education, State Board for Vocational Rehabilitation, or

any one or more of such officers, or agencies, the officers and agencies designated in the act of the Congress are authorized to administer the act in the State. Such officers and agencies are vested with all necessary power and authority to co-operate with the Government of the United States, or any agency or agencies thereof in the administration of the act of Congress and rules and regulations lawfully adopted thereunder.

Federal funds

18602. Notwithstanding any provisions of Sections 18601 to 18653, inclusive, whenever by any act of Congress funds are provided as federal aid to education to the several states and the disposition of said funds is not otherwise provided for by or under said act of Congress or by or under any law of this State, said funds received by the State shall be paid into the Auxiliary State School Fund in the State Treasury, which fund is hereby created. The Superintendent of Public Instruction shall apportion seventy-five percent (75%) of said funds pro rata on the average daily attendance in each school district during the preceding school year. The Superintendent of Public Instruction shall compute the proportion that twenty-five percent (25%) of said funds bears to the average daily attendance during the preceding year of all elementary districts, all districts maintaining high school grades, and all districts maintaining junior colleges, and shall apportion these amounts as state equalization aid to those districts receiving state equalization aid under Sections 11256, 11257 and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460.1, inclusive, whichever are in effect, of this code. The Superintendent of Public Instruction shall certify the apportionment made by him under this section to the Department of Finance, to the county and city and county auditors, county and city and county treasurers, to the county superintendents of the several counties, and to the State Controller, who shall draw his warrants during the school year on the Auxiliary State School Fund in favor of the treasurer of each county for the amount apportioned to all the school districts of the county. All moneys received by the treasurer of any county from the apportionments made under this section shall be immediately credited by the treasurer to the general funds of the several school districts of the county exactly as apportioned by the Superintendent of Public Instruction.

Auxiliary State School Fund

This section shall not apply to funds appropriated by Congress for (a) the purchase and improvement of school sites; or (b) the purchase of furniture and equipment; or (c) the planning and construction, reconstruction, repair, alteration of, and addition to, school buildings and incidental facilities.

This section shall be effective to the extent to which it does not conflict with the act of Congress under which such federal aid to education is provided. The Governor is authorized to take such action as may be required to qualify the State for receiving funds under such act of Congress.

Article 2. Potash Mining Act and Potassium Mining Act

Federal funds By State Allocation Board

18651. Notwithstanding any provisions of Sections 18601 to 18653, inclusive, whenever by any act of Congress funds are provided as federal aid to education to the several states for apportionment or allocation to school districts for the purposes set forth in this section, and such act of Congress does not require that it be administered in this State by a state officer or agency other than the State Allocation Board, such act, with respect to the funds herein mentioned, shall be administered and such funds shall be apportioned by the State Allocation Board under the Local Agency Allocation Act.

The funds to which this section shall apply are funds appropriated by Congress for (a) the purchase and improvement of school sites; or (b) the purchase of furniture and equipment; or (c) the planning and construction, reconstruction, repair, alteration of, and addition to, school buildings and incidental facilities.

The State Allocation Board shall by rule provide for securing the recommendations or approval of the Department of Education as to the facilities to be provided.

Funds apportioned under this section shall be paid in accordance with the provisions of Section 18653 of this code on claims submitted by the Director of Finance.

The State Allocation Board is hereby authorized to accept any such funds on behalf of the State, and to co-operate with the Government of the United States or any agency or agencies thereof in the administration of the act of Congress and rules and regulations lawfully adopted thereunder.

Custodian

18652. The State Treasurer is designated as the custodian of all funds received by the State from the Government of the United States or of any agency or agencies thereof and he is authorized to receive, and provide for the proper custody of, all moneys so received.

Expenditure

18653. The funds received by the State under the provisions of Sections 18601 to 18653, inclusive, shall be expended by the officers or agency administering the program to carry out the provisions of the act of the Congress and rules and regulations lawfully adopted thereunder. Such funds are exempt from the provisions of Section 16003 of the Government Code and shall be paid out by the Treasurer on warrants drawn by the State Controller on claims submitted by the Director of Education.

Acceptance of grant

18654. The assent of the State is given to the provisions in the act of Congress entitled "An act to promote the mining of potash on the public domain," and approved by the President February 7, 1927, and to the provisions of the act of Congress entitled "An act to authorize exploration for and disposition of potassium," approved by the President October 2, 1917.

Payment to districts

18655. All money derived from bonuses, royalties, and rentals under the provisions of the acts of Congress referred to in Section 18654, or either of said acts, and apportioned

under the acts, or either of said acts, to the State shall be received by the State Treasurer and by him paid to the school districts of the State as provided in Sections 18654 to 18658, inclusive.

Apportionment

18656. The money shall be apportioned among the school districts in which potash leases or deposits are situated in the proportion which the total amount of rents, royalties, and other payments made to the United States from potash leases or deposits in each district bears to the total amount paid to the United States from leases or deposits in all districts.

Same

18657. If any potash deposit or lease or any part thereof is wholly located within the boundaries of two or more school districts, the districts shall share equally in the apportionments made under Section 18656 which are attributable to the lease or deposit or part thereof situated within their boundaries.

Deposit

18658. The payments shall be deposited in the general fund of the districts and shall be in addition to any other moneys paid or credited to the districts.

Article 3. Vocational Education Federal Fund

Vocational Education Federal Fund

18701. The Vocational Education Federal Fund in the State Treasury is hereby created. All grants of money received by this State from the United States, the expenditure of which is administered under the provisions of Sections 6251 to 6255, inclusive, and Sections 18601 to 18653, inclusive, on order of the State Controller, shall be deposited in the Vocational Education Federal Fund.

Custody of federal funds

18702. The State Treasurer, as required by the federal acts relating to vocational education referred to in Sections 6251 to 6255, inclusive, and Sections 18601 and 18653, inclusive, shall receive and provide for the proper custody of all funds apportioned to the State under these acts. The amount received shall be deposited to the credit of the Vocational Education Federal Fund.

Custody of state funds

18703. The State Treasurer shall also receive and provide for the proper custody of all money appropriated by this article (commencing with Section 18701), of all money that may be hereafter appropriated for the purpose of carrying out the provisions of this article (commencing with Section 18701) and of all money that may be received by the State Board of Education under the provisions of this article (commencing with Section 18701).

Expenditures

18704. All funds appropriated by the State for vocational education shall be expended pursuant to the provisions of this article (commencing with Section 18701).

Appropriation

18705. All money in the Vocational Education Federal Fund is hereby appropriated to the State Department of Education, without regard to fiscal years, for expenditure for the purposes for which the money deposited therein is made available by the United States for expenditure by the State.

Expenditure

18706. The Director of Finance and the State Controller may approve any general plan whereby:

(a) Any expenditures which are a proper charge against money made available by the United States and deposited in the Vocational Education Federal Fund may be paid in the first instance from any appropriation from the General Fund, expenditures from which are administered under the provisions of Sections 6251 to 6255, inclusive, and Sections 18601 and 18653; and

(b) The General Fund shall be reimbursed for expenditures made therefrom that are a proper charge against the Vocational Education Federal Fund. Such a general plan may provide for advance transfers from the Vocational Education Federal Fund to the General Fund, based on estimates of such expenditures that will be subject to reimbursement from the Vocational Education Federal Fund pursuant to such plan, and may provide for reimbursement to the Vocational Education Federal Fund when necessary.

Requests for reimbursement or transfer pursuant to such a plan shall be furnished to the State Controller in writing by the Department of Education, accompanied by such financial statements as the plan may provide; and on order of the State Controller, the required amount shall be transferred in accordance therewith.

Article 4. Vocational Rehabilitation Federal Fund

Vocational Rehabilitation Federal Fund

18751. The Vocational Rehabilitation Federal Fund in the State Treasury is hereby created. All grants of money received by this State from the United States, the expenditure of which is administered under the provisions of Sections 7001 to 7027, inclusive, shall, on order of the State Controller, be deposited in the Vocational Rehabilitation Federal Fund.

Custody of federal funds

18752. The State Treasurer, as required by the federal act relating to vocational rehabilitation referred to in Sections 7001 to 7027, inclusive, shall receive and provide for the proper custody of all funds apportioned to the State under that act.

Custody of state funds

18753. The State Treasurer shall also receive and provide for the proper custody of all money appropriated by this article (commencing at Section 18751), of all money that may be hereafter appropriated for the purpose of carrying out the provisions of this article (commencing at Section 18751), and of all money that may be received by the State Board of Education under the provisions of this article (commencing at Section 18751).

Expenditure

18754 Money in the Vocational Rehabilitation Federal Fund shall be expended as provided by this article (commencing at Section 18751), as requisitioned by the Department of Education in carrying out the provisions of this code relating to vocational rehabilitation, the federal act, the rules and regulations of the State Board of Education.

18755. All money in the Vocational Rehabilitation Federal Fund is hereby appropriated to the State Department of Education, without regard to fiscal years, for expenditure for the purposes for which the money deposited therein is made available by the United States for expenditure by the State. Appropriation

18756. The Director of Finance and the State Controller may approve any general plan whereby: Expenditure

(a) Any expenditures which are a proper charge against money made available by the United States and deposited in the Vocational Rehabilitation Federal Fund may be paid in the first instance from any appropriation from the General Fund, expenditures from which are administered under the provisions of Sections 7001 to 7027, inclusive; and

(b) The General Fund shall be reimbursed for expenditures made therefrom that are a proper charge against the Vocational Rehabilitation Federal Fund.

Such a general plan may provide for advance transfers from the Vocational Rehabilitation Federal Fund to the General Fund, based on estimates of such expenditures that will be subject to reimbursement from the Vocational Rehabilitation Federal Fund pursuant to such plan, and may provide for reimbursements to the Vocational Rehabilitation Federal Fund, when necessary.

Requests for reimbursement or transfer pursuant to such a plan shall be furnished to the State Controller in writing by the Department of Education, accompanied by such financial statements as the plan may provide; and on order of the State Controller, the required amount shall be transferred in accordance therewith.

CHAPTER 5. STATE PROJECT AREA SCHOOL CONSTRUCTION LAW OF 1957

Article 1. General Provisions

18901. This chapter (Sections 18901 to 19153, inclusive) may be cited as the "State Project Area School Construction Law." Short title

18902. In recognition of the impact which certain major state construction projects have on local school district building needs in the areas in which such projects are constructed, the Legislature declares that it is the policy of the State to bear a proportionate share of the construction costs of school buildings in the area affected in the manner and to the extent provided by this chapter (Sections 18901 to 19153, inclusive). State policy

18903. As used in this chapter (Sections 18901 to 19153, inclusive): Definitions

(a) "State project" means any construction project undertaken by the State which will cause a sudden influx of people into the area affected and where sufficient housing, schools, and other community facilities are not available. For the purposes of this subdivision the Governor is hereby empowered to pro-

claim any major construction project undertaken by the State as a "state project" and define the area affected or likely to be affected thereby when:

1. He finds that the construction project will cause a sudden influx of people into the area; and

2. He is requested to do so by the county board of supervisors.

Such proclamation shall be in writing and shall take effect immediately. As soon thereafter as possible it shall be filed in the office of the Secretary of State.

(b) "Board" means the State Allocation Board, created by Section 7 of the Construction and Employment Act as amended.

(c) "Director" means the Director of Education.

(d) "Project" means the purposes for which a school district has applied for an apportionment.

(e) "Construction project" means the purposes for which a school district has applied for an apportionment at a given location.

(f) "Grade level maintained by a district" means (1) the kindergarten, if any, and grades 1 to 6, or grades 1 to 8, inclusive, maintained by an elementary school district or a unified school district; or (2) grades 7 to 12, grades 9 to 12, inclusive, or grades 7 to 10, inclusive, maintained by a high school district or unified school district; and (3) grades 13 and 14 maintained by a high school district, unified school district, or junior college district, but not more than one grade level shall be claimed by any district under any one of the subdivisions of this paragraph.

(g) "Apportionment" means an apportionment made under this chapter (Sections 18901 to 19153, inclusive) unless the context otherwise requires.

(h) "Project children" means children of parents who have come to the district subsequent to the start of the state project and who are employed by the State of California in connection with a state project and children of parents employed by any contractor or subcontractor of a state project.

(i) "Indirect project children" means children of parents who have come to the district subsequent to the start of the state project and who are not employed by a contractor or subcontractor of a state project but who are children in the area in addition to those which would be expected as a result of normal development and growth of the area as determined pursuant to regulations of the director which he is hereby authorized to adopt.

(j) "Parent" includes a legal guardian or other person standing in loco parentis.

(k) "Department" means the Department of Education.

Administration by Director of Finance

18904. The Director of Finance shall administer this chapter (Sections 18901 to 19153, inclusive) and shall provide such assistance to the board as it may require.

18905. A fund in the State Treasury is hereby created, to be known as the State School Construction Fund. All money in the State School Construction Fund, including any money deposited in said fund from any source whatsoever after September 11, 1957, is hereby continuously appropriated without regard to fiscal years for expenditure pursuant to apportionments made under the provisions of this chapter (Sections 18901 to 19153, inclusive). State School Construction Fund

Article 2. Apportionments

18951. Apportionment from the State School Construction Fund to school districts shall be made in the manner and subject to the conditions herein provided and in accordance with policies adopted by the board, for the following purposes: (a) the purchase and improvement of school sites which have been approved by the department; (b) the purchase of desks, tables, chairs, and equipment, as approved by the department; and (c) the planning and construction, reconstruction, alteration of, and addition to, school buildings for such facilities as are approved by the department as essential, all of which purposes are hereby declared to be, and are, public works. Apportionments Purposes

Where a district is required by a contract entered into between itself and a contractor, to obtain at its own expense insurance covering risks incurred during any construction, reconstruction or alteration for which an apportionment has been made, the cost thereof may be paid either directly, or by way of reimbursement, to said district out of said apportionment, or out of any apportionment made specifically covering such insurance; provided, that in other respects said apportionments are eligible for payment under provisions of this chapter (Sections 18901 to 19153, inclusive).

18952. In addition to the purposes for which apportionments may be made to school districts under Section 18951, apportionments may also be made to school districts for the construction, repair, attachment or development of off-site facilities, utilities or improvements which the board determines are necessary to the proper operation or functioning of the school facilities for which apportionments are made, all of which purposes are hereby declared to be, and are, public works. Additional purposes

18953. In making applications for, and in expending, apportionments of funds under this chapter (Sections 18901 to 19153, inclusive), a school district acts as an agent of the State and all sites purchased and improved, all equipment purchased, and all buildings constructed, reconstructed, altered, or added to through the expenditure of funds apportioned under this chapter (Sections 18901 to 19153, inclusive), are declared to be, and are, the property of the State. Upon the payment by the district of the amounts required to be paid by it to the State under this chapter (Sections 18901 to 19153, District as agent of State

inclusive) the board shall, in the name of the State, convey such property to the district.

Insurance

18954. The board may require school districts to insure for the benefit of the State all sites, equipment and buildings which are the property of the State, against such risks and in such amounts as the board may deem necessary to protect the interests of the State. No state funds apportioned under this chapter (Sections 18901 to 19153, inclusive) shall be used to pay the premiums on said insurance.

Eligibility

18955. A district shall be eligible to an apportionment under this chapter (Sections 18901 to 19153, inclusive) if the estimated number of project children and indirect project children who will be in average daily attendance in the schools of the district during the period of the state project is at least 25 and is at least 5 percent of the estimated number of all children who will be in average daily attendance in the schools of the district during the current fiscal year.

Application

18956. Any eligible school district may make application for an apportionment for a grade level which it maintains by submitting through the governing board an application therefor in such form and number as the board shall prescribe. Such application shall be addressed to the board and shall set forth a project for the construction of school facilities for the district in accordance with the provisions of this section.

(a) Each application and copy thereof shall contain and be supported by:

(1) A description of the project and the site therefor, preliminary drawings of the school facilities to be constructed thereon, and such other information relating to the project as the board may require.

(2) A statement of the estimated cost of the project certified by an architect or structural engineer.

(3) Evidence that the district has or will have title to the site upon which the facilities as specified in the application will be constructed.

(4) Assurance that the district will cause the work on the project to be commenced within a reasonable time and prosecuted to completion with reasonable diligence.

(b) The board shall require such changes in the plans which an applicant school district submits with its application as the board determines is necessary or desirable to assure completion of the project with available funds of the district and the amount of the apportionment to which the district is entitled under this chapter (Sections 18901 to 19153, inclusive). For that purpose the board may delegate to the director or the Director of Finance, according to whether the subject matter of the revision of the plans is subject to the jurisdiction and approval of the director or the Director of Finance, the authority to require such revision in the plans as the board deems necessary or desirable to accomplish the purposes of this subdivision.

(c) Upon submission of an application for an apportionment under this chapter:

(1) The Director of Finance shall transmit a copy thereof to the director who shall as promptly as possible prepare a report and recommendation with respect thereto. Thereupon the director shall transmit his report and recommendation to the Director of Finance who shall refer them to the board if he finds them in proper form and otherwise sufficient. If the Director of Finance finds such documents to be lacking in any respect as to any matter subject to the jurisdiction of the director or the department, he shall refer them to the director who shall take such action as may be necessary.

(2) The Director of Finance shall determine the applicant district's financial ability with funds apportioned under this chapter (Sections 18901 to 19153, inclusive) and funds devoted by the district to the project to meet the cost of the project and submit his report thereon as promptly as possible to the board

Board action

18957. At the next regular meeting of the board following the submission of the reports and recommendations required by Section 18956, the board shall, subject to the provisions of this chapter (Sections 18901 to 19153, inclusive), approve or reject the application. If the board approves the application, it shall by resolution adopted by it, apportion to the district from the State School Construction Fund the amount applied for, or such portion thereof as the board determines proper. This shall be known as a conditional apportionment and shall become final only if the vote provided for in Section 18958 is favorable. The conditional apportionment shall remain in effect for a period of nine months from the date of the resolution of the board. If the apportionment does not become final within the time prescribed, it shall become void and the money so apportioned shall again become available for apportionment pursuant to this chapter (Sections 18901 to 19153, inclusive).

Authorization re requirement

18958. No apportionment to a school district under this chapter (Sections 18901 to 19153, inclusive) shall become final unless, at an election called by the governing board of the district, two-thirds of the qualified electors of the district voting thereat have authorized the governing board of the district to accept, expend, and repay, as provided in this chapter (Sections 18901 to 19153, inclusive), an apportionment under the provisions of this chapter (Sections 18901 to 19153, inclusive). Such election shall be called, held, and conducted in the same manner as are elections to authorize the issuance of school district bonds, except that the ballot shall contain substantially the following words:

Election, etc

"Shall the governing board of the _____ school district be authorized to accept and expend an apportionment from the State of California under and subject to the provisions of the State Project Area School Construction Law, a portion of which amount is subject to repayment as provided by said law? Yes _____ No _____."

Article 3. Computation of Apportionments

Computation

19001 The board shall compute for each applicant school district the amount to which the district is entitled under the provisions of this chapter (Sections 18901 to 19153, inclusive) in the manner prescribed by this article (commencing at Section 19001).

Same

19002. In the computation of the apportionments to applicant school districts, the board may utilize the facilities and services of any department or agency of the State and may delegate the performance of any duties or functions, except those specifically delegated by this chapter (Sections 18901 to 19153, inclusive) to the director or department, to any officer or employee thereof as the board deems necessary and proper.

Amount

19003. The board shall multiply:

(a) The estimated number of project children in the district by the current construction cost per pupil in the area of the state project.

(b) The estimated number of indirect project children in the district by the current construction cost per pupil in such area, multiplied by 55 percent.

"Current construction cost per pupil" as used in this section means the average per pupil cost of constructing complete school facilities for the grade level maintained by the district for which application for an apportionment is made under this chapter (Sections 18901 to 19153, inclusive).

The total of the amounts computed pursuant to subdivisions (a) and (b) shall be apportioned to the district.

Average per pupil cost

19004 (a) The average per pupil cost of constructing complete school facilities in the area of the state project for the purposes of this article (commencing at Section 19001) shall be determined by the board, after consultation with the department and the Division of Architecture, on the basis of information obtained thereby and such other information as may be available to the department.

Number of project children

(b) Estimates of the number of project children and indirect project children for the purpose of this article (commencing at Section 19001) shall be made by the applicant school district in accordance with rules prescribed by the director and shall be made as of the time the greatest number of such children will attend the schools of the district as a result of the state project. Such estimates shall be made on the basis of the best information available to the district at the time of the application. Approval of such estimates by the director, in whole or in part, shall be on the basis of the best information available to the director at the time of such approval. In the approval of estimates of the number of project children and indirect project children for the purposes of this article (commencing at Section 19001) the director may utilize the facilities and services of any department or agency of the State as he deems necessary and proper. No estimate shall

be used as a basis of an apportionment that has not been approved by the director.

Article 4. Payment of Apportionments

19051. Immediately after the result of the election required by Section 18958 has been determined, the county superintendent of schools shall make a certificate in duplicate stating whether the school district has authorized the acceptance and expenditure of the apportionment. One copy of the certificate shall be sent to the board and one copy to the State Controller. Upon the receipt by the board of the certificate, the apportionment shall become final. Certificate

19052. The election by a school district upon the acceptance, expenditure, and repayment of an apportionment prescribed by Section 18958 may be called and held either before or after the making of an apportionment. Election

19053. Payment shall be made in accordance with the terms of a final apportionment, to a school district for expenditures, or commitments therefor, which have been made by the district subsequent to the date of the proclamation of the Governor proclaiming a state project in the area including the district, for any items approved by the board in such apportionment; provided, however, that where expenditures were made for, or work was commenced with respect to, any item so approved, prior to the time the application of such district containing such item was received by the board, payment or reimbursement for such item shall be made only upon authorization of the board by special resolution citing this section. Payment

19054. The board shall prescribe in such detail as it deems necessary, the purposes for which moneys apportioned by it to a school district under this chapter (Sections 18901 to 19153, inclusive) may be expended and such prescription shall be binding upon the governing board of such district except as it may be, for good cause, modified by the board. Purposes

19055. Each apportionment made by the board under this chapter (Sections 18901 to 19153, inclusive) shall be certified by it to the State Controller who shall thereupon draw his warrant on the State Treasury in favor of the county treasurer of the county having jurisdiction over the district. The warrant shall be paid by the State Treasurer from the State School Construction Fund and is not subject to the provisions of Section 16003 of the Government Code. Certification to Controller

19056. The county treasurer of each county shall pay all moneys received by him under this chapter (Sections 18901 to 19153, inclusive) into the county treasury to the credit of the state school construction fund of such district, which fund is hereby created, exactly as apportioned by the board. Payment to district fund

19057. The governing board of each school district to which an apportionment has been made under this chapter (Sections 18901 to 19153, inclusive) shall expend the moneys in the state school construction fund of the district only for the pur- Expenditure

poses for which said moneys were apportioned to the district and for no other purpose and shall make such reports relating to the expenditure of such moneys as the board and the State Controller shall require.

Audit

19058. It shall be the duty of the State Controller to make such audit or audits of the books and records of counties and school districts receiving apportionments under this chapter (Sections 18901 to 19153, inclusive), as he may deem necessary from time to time, for the purpose of determining that the money received by school districts as apportionments hereunder has been expended for the purposes authorized by this chapter (Sections 18901 to 19153, inclusive).

Article 5. Repayment of Apportionment

Repayment

19101. Each school district to which an apportionment is made under this chapter (Sections 18901 to 19153, inclusive) shall repay the principal amount of such apportionment in the manner prescribed by this article (commencing at Section 19101).

Completion of project

19102. For purposes of computing such repayment, the state project shall be deemed completed on June 30th of the fiscal year in which the state project is completed and accepted by the State.

Computation and manner of repayment

19104. The principal amount of the apportionment shall be computed and repaid in the manner prescribed in this article (commencing with Section 19101).

(a) On or before the first day of January succeeding the completion of the state project, the State Controller shall compute the annual repayment of each apportionment for each grade level maintained by the district, as follows:

(1) He shall determine from the certification of the director the total amount of average daily attendance of project children, and the total amount of average daily attendance of indirect project children, in attendance in the grade level maintained by the district for the period commencing with the date of the Proclamation of the Governor proclaiming the existence of a state project in the area including the district and ending on June 30th of the fiscal year in which the state project is completed.

(2) He shall divide the average daily attendance of such project children by 30 and multiply the quotient by the amount determined by the board pursuant to Section 19004 as the average per pupil cost of construction in the area of the state project.

(3) He shall multiply the average daily attendance of such indirect project children by 55 percent. The product shall be divided by 30 and the quotient multiplied by the amount determined by the board pursuant to Section 19004 as the average per pupil cost of construction in the area of the state project.

(4) The total of the amounts computed pursuant to subdivisions (2) and (3) shall be subtracted from the amount of

the apportionment to the district. The remainder shall be divided by 30 and the quotient shall constitute the amount of the annual repayment of such apportionment.

(5) Upon application of the district and approval by the board, the total amount of the repayment may be paid in a lump sum or in fewer than 30 years.

Reduction

19105. If on June 30th of the fiscal year in which the state project is completed there is classroom space constructed with funds apportioned under this chapter (Sections 18901 to 19153, inclusive), that is not being used by the district, the board shall, upon application of the district, reduce the total amount to be repaid by the district on a proportionate basis until such time as the classroom space is used by the district. No payment shall be required by the district for the period during which such classroom space is not used by the district.

Deductions from State School Fund apportionments

19106. The State Controller shall, during the fiscal year in which he determines the annual repayment as provided in Section 19104, and for each subsequent fiscal year not exceeding 30, deduct the total amount of the annual repayment of each district in equal amounts from each of the February, March, April, and May installments of the apportionments made to such district from the State School Fund under Sections 11256, 11257, and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460.1, inclusive, whichever are in effect, and, on order of the State Controller, the amount so deducted shall be transferred to the General Fund of the State.

Notification of deductions

19107. Upon computing in any fiscal year the amount to be deducted from the apportionments to the district from the State School Fund during such fiscal year, the State Controller shall notify the governing board of the district and the county auditor of the county, the county superintendent of which has jurisdiction over the district, of the amount to be deducted.

Levy of tax

19108. The board of supervisors of the county, the county superintendent of which has jurisdiction over any district which under this chapter (Sections 18901 to 19153, inclusive) will have moneys withheld by the State Controller from the apportionments to be made to it from the State School Fund during any fiscal year, shall annually at the time the board of supervisors makes the next levy of taxes for county purposes, levy a tax upon the property in the district sufficient to raise for the district the amount of money withheld by the State Controller during the fiscal year preceding that in which the tax is levied. Such tax, when collected, shall be paid into the county treasury of the county, the county superintendent of schools of which has jurisdiction over the district for which the tax was levied, to the credit of the general fund of the district.

Final apportionments

19109. Notwithstanding the provisions of Section 19104 to the contrary, if on or before June 30th of the fiscal year in which the state project is completed the district has received a final apportionment under Sections 19551 to 19689, inclusive,

or if at any time thereafter the district receives a final apportionment under Sections 19551 to 19689, inclusive, the amount of the apportionment to the district under this chapter (Sections 18901 to 19153, inclusive) then remaining unpaid shall, upon request of the district, be added to the principal amount of the apportionment made to the district under Sections 19551 to 19689, inclusive. Thereupon the apportionment made to the district under this chapter (Sections 18901 to 19153, inclusive) shall be deemed to be an apportionment made to the district under Sections 19551 to 19689, inclusive, and subject to repayment in the manner therein prescribed, except that no interest shall be charged or collected upon the amount which is added to the principal amount of the apportionment made to the district under Sections 19551 to 19689, inclusive. For the purposes of Section 19614, any amount added to the principal amount of an apportionment pursuant to this section shall be deemed to have become final and disbursed to the district on the date the state project is deemed completed pursuant to Section 19102.

Article 6. Miscellaneous Provisions

Additional powers and duties of board

19151. In addition to such other powers and duties as are granted the board by this chapter (Sections 18901 to 19153, inclusive), the board shall:

(a) Establish such procedures and policies in connection with the administration of, and the expenditure of funds made available for the purpose of, this chapter (Sections 18901 to 19153, inclusive) as it deems necessary and which are not in conflict with the powers and duties of the Department of Education or of the director granted or imposed by this chapter (Sections 18901 to 19153, inclusive).

(b) Adopt such rules and regulations for the administration of this chapter (Sections 18901 to 19153, inclusive), requiring such procedure, forms, and information, as it may deem necessary.

State Allocation Board

19152. The State Allocation Board is continued in existence for the purposes of this chapter (Sections 18901 to 19153, inclusive). The members of the board and the Members of the Legislature meeting with the board shall receive no compensation for their services under this chapter but shall be reimbursed for their actual and necessary expenses incurred in connection with the performance of their duties hereunder, to be paid out of the State School Construction Fund.

Unauthorized expenditures

19153. Whenever the State Controller determines that any money apportioned to a school district under this chapter (Sections 18901 to 19153, inclusive) has been expended by such district for purposes not authorized by this chapter (Sections 18901 to 19153, inclusive), or exceeds the final cost of the project which is authorized by this chapter (Sections 18901 to 19153, inclusive) to be paid therefrom, the State Controller shall furnish written notice to the board, the governing board

of the school district, the county superintendent of schools, the county auditor, and the county treasurer of the county whose county superintendent of schools has jurisdiction over the school district, directing the school district and the county treasurer to pay into the State Treasury, at the time of the next county settlement following receipt of such notice, the amount of such unauthorized expenditures, or the amount of such excess apportionment, as the case may be. Upon receipt of such notice, such governing board shall, at the time specified herein, order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the State School Construction Fund, to be reapportioned by the board.

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State.

CHAPTER 6. STATE SCHOOL BUILDING AID LAW OF 1947

Declaration

19301. The Legislature hereby declares that it is in the interest of the State and of the people thereof for the State to aid school districts of the State in providing necessary and adequate school buildings for the pupils of the Public School System, such system being a matter of general concern inasmuch as the education of the children of the State is an obligation and function of the State.

Appropriation for apportionment to school districts and for administration

19302. The sum of thirty million dollars ($30,000,000), or so much thereof as may be necessary, was appropriated, by Chapter 1575 of the Statutes of 1947, out of any money in the State Treasury not otherwise appropriated, for apportionments to school districts of this State in accordance with the provisions of this chapter (Sections 19301 to 19322, inclusive) and for the administration of this chapter (Sections 19301 to 19322, inclusive). There shall first be allocated from said appropriation such amount as the Director of Finance shall determine, but in no event in excess of one-half of 1 percent of the total appropriation herein made, for support of the Director of Finance and the Department of Finance in administering this chapter (Sections 19301 to 19322, inclusive) and for the support of the Department of Education in the performance of duties required or authorized by the board under this chapter (Sections 19301 to 19322, inclusive). Of the money appropriated by such act, one hundred fifty thousand dollars ($150,000) or so much thereof as may be necessary, was allocated and made available for support of the State Controller in carrying out his duties under this chapter (Sections 19301 to 19322, inclusive). Apportionments from said appropriation to such school districts shall be made by the State Allocation

Board in the manner, and subject to the conditions herein provided, for the following purposes: (1) The purchase and improvement of school building sites; (2) the construction, reconstruction, repair, alteration of and additions to, school buildings; and (3) the furnishing and equipment of school buildings and all of which are hereby declared to be and are defined as such public works.

Administration

19303. The Director of Finance shall administer this chapter (Sections 19301 to 19322, inclusive) and shall provide such assistance to the board as it may require. Applications for apportionments under this chapter (Sections 19301 to 19322, inclusive) shall be filed with the Director of Finance and shall be authorized and accompanied by a resolution of the governing board of the school district. After determining that all the proper information has been submitted, the Director of Finance shall refer the application to the State Allocation Board, herein called the "board."

Expenses of board and legislators

19304. The members of the board and the Members of the Legislature meeting with the board in an advisory capacity shall receive no compensation for their services under this chapter (Sections 19301 to 19322, inclusive) but shall be reimbursed for their actual and necessary expenses incurred in connection with the performance of their duties hereunder, to be paid out of the money made available to the Department of Finance by this chapter (Sections 19301 to 19322, inclusive).

Powers and duties of board

19305. In addition to such other powers and duties as are granted the State Allocation Board by this chapter (Sections 19301 to 19322, inclusive), the board shall (1) establish such qualifications not in conflict with other provisions of this chapter (Sections 19301 to 19322, inclusive) as it deems will best serve the purposes of this chapter (Sections 19301 to 19322, inclusive) for determining the eligibility of school districts to apportionments of funds under this chapter (Sections 19301 to 19322, inclusive); (2) establish such procedures in connection with the administration of and the expenditure of funds made available under this chapter (Sections 19301 to 19322, inclusive) as it deems necessary; and (3) adopt such rules and regulations for the administration of this chapter (Sections 19301 to 19322, inclusive), requiring such procedure, forms and information, as it may deem necessary.

Bonds of school district

19306 For the purposes of this chapter (Sections 19301 to 19322, inclusive), bonds of a school district shall be deemed to have been issued when sold to a purchaser other than the school district or when made available for a public works project in an application for apportionment.

Apportionments to impoverished school districts

19307. The State Allocation Board shall apportion the money appropriated for the purposes of this chapter (Sections 19301 to 19322, inclusive) to school districts which in the judgment of the board are so impoverished and lacking in essential physical properties as to necessitate apportionments of funds to such school districts under this chapter (Sections

19301 to 19322, inclusive) without such districts being required to expend, or make available for expenditure, funds for the purposes of this chapter (Sections 19301 to 19322, inclusive) and no such requirement shall be imposed upon any such district other than expenditure of the district's available funds. No apportionment shall be made to any school district under this section unless (1) the district makes application for an apportionment under this section; (2) the rate of district tax levied for the district is within one-half cent ($0.005) of the maximum tax rate fixed in Section 6357 of the Education Code unless, in the event a lesser rate of district tax was levied, the board finds that the levy of the lesser rate was the result of an error not made by an officer or employee of the district; (3) the total amount of bonds of the district exceeds 95 percent of the total amount of bonds of the district permitted by the Education Code, or any law, to be issued, unless, in the event the total amount of bonds of the district issued is a lesser amount, (a) the board finds that the cost to the district of authorizing the issuance of bonds in such amount as would be necessary to make the district eligible for an apportionment under this chapter (Sections 19301 to 19322, inclusive) would be disproportionate to the par value of such bonds or (b) the board finds that the amount of bonds issued plus the amount in the special accumulative building fund, or funds of the district from the proceeds of taxes levied for the district in excess of the maximum rate of district tax fixed by Section 20751, plus the amount expended for new school buildings since January 1, 1946 from the special accumulative building fund or funds of the district from the proceeds of taxes levied for the district in excess of the maximum rate of district tax fixed for the district by Section 20751, plus such amounts as may be due the Board of Public Building Reconstruction equals 95 percent of the total amount of bonds of the district permitted by law to be issued, or the amount the total bonds of the district issued is below such percentage, in the opinion of the board, is of such limited amount as to make the additional issuance of bonds impracticable or (c) the board finds that the district at any time subsequent to January 1, 1946, had met the requirements of this provision (3); (4) the advice of the State Commission on School Districts with respect to the making of such apportionment has been secured; and (5) the district has met such other qualifications as the board has established.

The board may, in its discretion, make an apportionment to a school district not meeting the requirements of (2) of this section if the governing board of the school district shows to the satisfaction of the board that its budget for the then current school year would have required the levy of a rate of district tax for the district within one-half cent ($0.005) of the maximum tax rate fixed in Section 20751 of the Education Code based upon the assessed valuation of the district for the preceding year and that the county assessor or assessors

concerned had failed to make known to the governing board of the district the assessed valuation of the district for the then current school year prior to the date upon which the governing board of the district finally adopted the budget of the district for the then current school year, or, the result of including on the assessment roll property upon which taxes have been paid under protest.

Eligibility of school district

19308. No district shall become ineligible for an apportionment under this chapter (Sections 19301 to 19322, inclusive) by reason of any lessening in the percentage the total amount of the bonds of the district issued is of the total amount of bonds of the district authorized by law to be issued caused by any increase in the assessed valuation of the district, or by any change in the tax rate of the district, occurring after an application by the district has been approved by the board or an apportionment has been made to the district by the board.

Tentative apportionment

19309. Prior to the actual apportionment of any funds to a district by the board under this chapter (Sections 19301 to 19322, inclusive), the board may tentatively apportion funds to the district, with the actual apportionment of funds remaining subject to the district complying with all lawful requirements established by or under this chapter (Sections 19301 to 19322, inclusive). In no case, however, shall the board make any apportionment to a school district for the purchase or improvement of sites or for the construction, reconstruction, repair, alteration of, and additions to, school buildings which are not approved by the Department of Education.

Payment to school district

19310. Payment shall be made in accordance with the terms of an apportionment, either directly or by way of reimbursement, to a school district for expenditures, or commitments therefor, made by such district subsequent to July 19, 1947, for any items approved by the board in such apportionment; provided, however, that where expenditures were made for, or work was commenced with respect to, any item so approved, prior to the time the application of such district containing such item was received by the Director of Finance, payment for such item, either with state funds or with district funds which the district is required to contribute by said apportionment, shall be made only upon authorization of the board by special resolution citing this section.

Use of funds

19311. The State Allocation Board shall prescribe in such detail as it deems necessary, the purposes for which moneys apportioned by it to a school district under this chapter (Sections 19301 to 19322, inclusive) may be expended and such prescription shall be binding upon the governing board of such district except as it may be, for good cause, modified by the State Allocation Board.

Payments

19312. Each apportionment made by the State Allocation Board under this act shall be certified by it to the State Controller who shall thereupon draw his warrant on the State Treasurer in favor of the county treasurer of the county having jurisdiction over the district. The warrant shall be exempt

from the provisions of Division 4 of the Government Code and shall be paid by the State Treasurer from the appropriation made by this chapter (Sections 19301 to 19322, inclusive) and available for apportionment to school districts.

Emergency school building fund

19313. The county treasurer of each county shall pay all moneys received by him under this chapter (Sections 19301 to 19322, inclusive) into the county treasury to the credit of the emergency school building fund of each such district, which funds are hereby created, exactly as apportioned by the State Allocation Board.

Expenditure of moneys

19314. The governing board of each school district to which an apportionment has been made under this chapter (Sections 19301 to 19322, inclusive) shall expend the moneys in the emergency school building fund of the district only for the purposes for which said moneys were apportioned to the district and for no other purpose and shall make such reports relating to the expenditure of such moneys as the State Allocation Board and the State Controller shall require.

Audit by Controller

19315. It shall be the duty of the State Controller to make such audit or audits of the books and records of counties and school districts receiving apportionments under this chapter (Sections 19301 to 19322, inclusive), as he may deem necessary from time to time, for the purpose of determining that the money received by school districts as apportionments hereunder has been expended for the purposes and within the period authorized by this chapter (Sections 19301 to 19322, inclusive).

Unauthorized expenditures, etc.

19316. Whenever the Controller determines that any money apportioned to a school district has been expended by a school district for purposes not authorized by this chapter (Sections 19301 to 19322, inclusive), or exceeds the final cost of the project which is authorized by this chapter (Sections 19301 to 19322, inclusive) to be paid therefrom, the Controller shall furnish written notice to the governing board of the school district, the county superintendent of schools, the county auditor, and the county treasurer of the county whose county superintendent of schools has jurisdiction over the school district, directing the school district and the county treasurer to pay into the State Treasury, at the time of the next county settlement following receipt of such notice, the amount of such unauthorized expenditures, or the amount of such excess apportionment, as the case may be. Upon receipt of such notice, such governing board shall, at the time specified herein, order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the General Fund, and shall be credited to the unapportioned balance of the appropriation from which originally paid.

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as pro-

vided in this chapter (Sections 19301 to 19322, inclusive), and it shall be the duty of the State Controller to enforce such collection on behalf of the State.

If, upon petition of the district, the State Controller determines that the amount to be included in the county settlement is in excess of the amount that may be paid out of taxes levied at the maximum rate authorized by Section 20751 increased by any increase in such rate authorized by the electors of the district pursuant to Section 20803, without impairing essential district services, he may provide for the payment of the entire amount or any unpaid balance thereof in not exceeding three consecutive annual payments, commencing with the next school year. Each payment shall be an equal portion of the principal amount, plus accrued interest, and shall be paid not later than January 31st of each school year in which a payment is due. If the district fails to make the payment as specified, the State Controller shall deduct the amount thereof from the February payment made to the district under the provisions of Section 17352.

Deferred payments under this section shall bear interest at the same annual rate of interest as the apportionment from which the unauthorized expenditures or the amounts of excess apportionment were made.

Availability of appropriation

19317. The appropriation made by Chapter 1575 of the Statutes of 1947 is exempt from the provisions of Section 16304 of the Government Code. Any money appropriated by Chapter 1575 of the Statutes of 1947 for apportionment to school districts for which application is not made on or before December 31, 1953, shall revert to the General Fund in the State Treasury. In regard to applications filed on or before the latter date, apportionments may be made at any time until December 31, 1954. Any unexpended funds from apportionments made pursuant to this chapter (Sections 19301 to 19322, inclusive) where the award of a contract is less than the estimated cost of construction, shall revert to the State Treasury and be credited to the appropriation heretofore made, and shall be available for reapportionment by the State Allocation Board. Any money appropriated by Chapter 1575 of the Statutes of 1947 for support of the Department of Finance or the Director of Finance shall be available for expenditures until December 31, 1959.

Appropriation

19318. The sum of one hundred thousand dollars ($100,000) was appropriated by Chapter 7 of the Statutes of 1958 (First Extraordinary Session) from any money in the State Treasury not otherwise appropriated for apportionments to school districts pursuant to this chapter (Sections 19301 to 19322, inclusive) which the board deems necessary or advisable in order to complete, or to reimburse a district for expenditures made in connection with, a project at a given site for which an apportionment has previously been made under this chapter (Sections 19301 to 19322, inclusive). Funds appropriated by Chapter 7 of the Statutes of 1958 (First Extraordi-

nary Session) for which application is not made on or before December 31, 1956, shall revert to the General Fund of the State Treasury. In regard to such applications filed on or before the latter date, apportionments may be made at any time until December 31, 1959.

Same

19319. The sum of three thousand three hundred dollars ($3,300) appropriated by Chapter 2391 of the Statutes of 1957 from any money in the State Treasury not otherwise appropriated for apportionments to school districts pursuant to this chapter (Sections 19301 to 19322, inclusive) which the board deems necessary or advisable in order to complete, or to reimburse a district for expenditures made in connection with, a project at a given site for which an apportionment has previously been made under this chapter (Sections 19301 to 19322, inclusive). Funds appropriated by Chapter 2391 of the Statutes of 1957 for which application is not made on or before December 31, 1957, shall revert to the General Fund of the State Treasury. In regard to such applications filed on or before the latter date, apportionments may be made at any time until December 31, 1958.

Expenditure of apportionment

19320. An apportionment paid to a school district under this chapter (Sections 19301 to 19322, inclusive) shall be available for expenditure by its governing board for three years after the date on which the warrant covering the apportionment was drawn on the State Treasurer For the purposes of this chapter (Sections 19301 to 19322, inclusive), an apportionment shall be deemed to be expended at the time and to the extent that the amount thereof on deposit in the county treasury has been encumbered by the creation of a valid obligation on the part of the school district. Upon the expiration of its period of availability, the unencumbered balance in any apportionment made under this chapter shall become due and payable to the State of California; and the governing board of the school district and the county treasurer shall, at the time of the next county settlement following the expiration of such period of availability, pay the amount of such unencumbered balance to the State Treasurer, out of the funds and in the manner specified in Section 19316 of this code. Such payment shall be deposited in the State Treasury and credited to the fund and appropriation as specified in Section 19316.

Failure to use site, etc

19321. If, without the approval of the State Allocation Board, the governing board of a school district which has purchased or improved a school building site from funds apportioned to it under this chapter (Sections 19301 to 19322, inclusive) therefor, fails to use such site as a school building site, or sells or otherwise disposes of such site or improvements or any portion thereof, within three years after the payment of such funds into the county treasury to the credit of the emergency school building fund of the district, the board shall demand the return by the school district of the amount of such funds expended for the purchase of such site or for such improvements, or portion thereof, as the case may be.

If, with the approval of the State Allocation Board, the governing board of a school district which has purchased or improved a school building site from funds apportioned to it under this chapter (Sections 19301 to 19322, inclusive) therefor, sells or otherwise disposes of such site or improvements or any portion thereof within three years after the payment of such funds into the county treasury to the credit of the emergency school building fund of the district, the board shall demand the return by the school district of such amount, not in excess of the amount of such funds expended for the purchase of such site or for such improvements, or portion thereof, as the case may be, sold or otherwise disposed of, as the board and the governing board of the district agreed upon at the time the approval of the board was given.

Written notice of such demand, setting forth the amount due the State pursuant thereto, shall be furnished by the Director of Finance to the governing board of the school district, the county superintendent of schools, the county auditor, the county treasurer of the county whose county has jurisdiction over the school district, and the State Controller. Upon receipt of such notice and demand, the governing board of the school district shall, at the time of the next county settlement following receipt of such notice, order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury in augmentation of the unallocated balance of the fund and appropriation from which such money was apportioned. It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State.

Validation of increased apportionments

19322. If, after the effective date of the inclusion of an elementary school district in a unified district and prior to July 2, 1952, the board increases an apportionment originally made to the elementary school district, to meet the increased cost of construction of the project for which such original apportionment was made, and such unified school district thereupon enters into construction contracts for the project, such apportionment as increased is hereby confirmed, validated, and ratified. Such unified school district succeeds to and is vested with all of the duties, powers, purposes, jurisdiction, and responsibilities of the elementary school district with respect to the original and increased apportionment and the property acquired or to be acquired with the funds provided thereby. All amounts which would, after the effective date of the inclusion of the elementary district in the unified district, have been otherwise paid to the elementary school district under the terms of the apportionments, shall be paid to the unified district.

CHAPTER 7. STATE SCHOOL BOND RETIREMENT FUND

19351. There is hereby created in the State Treasury the School Bond Retirement Fund. The money in such fund is appropriated for the payment and retirement of state school building aid bonds issued pursuant to Sections 15 and 16.5 of Article XVI of the California Constitution. School Bond Retirement Fund

19352. Each fiscal year, the Controller shall compute, and as soon thereafter as practicable shall transfer to the General Fund, a percentage of the total amount deposited in the School Bond Retirement Fund pursuant to law which is equal to the percentage which the total amount of bonds issued which are redeemed or to be redeemed in such fiscal year is of the total amount of bonds issued. Transfers to General Fund

CHAPTER 8. STATE SCHOOL BUILDING AID LAW OF 1949

Article 1. General Provisions

19401. The Legislature hereby declares that it is in the interest of the State and of the people thereof for the State to aid school districts of the State in providing necessary and adequate school sites and buildings for the pupils of the Public School System, such system being a matter of general concern inasmuch as the education of the children of the State is an obligation and function of the State. Declaration of need

In adopting this act, the Legislature considers that the great need in school construction is for adequate classrooms for the education of the pupils of the Public School System. It is the intent of the Legislature to first satisfy this primary need to the greatest extent possible before providing additional educational facilities, regardless of how desirable such additional facilities may be. To the end that school classrooms may be made available at once and to all school districts in need of such classrooms, provisions for other needed school facilities is necessarily subordinated.

19402. As used in this chapter (Sections 19401 to 19486, inclusive): Definitions

(a) "Board" means the State Allocation Board, created by Section 7 of the Construction and Employment Act as amended,

(b) "Director" means the Director of Education,

(c) "Project" means the purposes for which a school district has applied for an apportionment under this chapter (Sections 19401 to 19486, inclusive),

(d) "Grade level maintained by a district" means (1) the kindergarten, if any, and grades 1 to 6, or grades 1 to 8, inclusive, maintained by an elementary school district or a unified school district; or (2) grades 7 to 12, grades 9 to 12, inclusive, or grades 7 to 10, inclusive, maintained by a high school district or unified school district; and (3) grades 13 and 14 maintained by a high school district, unified school district, or junior college

district, but not more than one grade level shall be claimed by any district under any one of the subdivisions of this paragraph,

(e) "Apportionment" means an apportionment made under this chapter (Sections 19401 to 19486, inclusive) unless the context otherwise requires.

Administration

19403. The Director of Finance shall administer this chapter (Sections 19401 to 19486, inclusive) and shall provide such assistance to the board as it may require.

State Allocation Board

19404. The State Allocation Board is continued in existence for the purposes of this chapter (Sections 19401 to 19486, inclusive). The members of the board and the Members of the Legislature meeting with the board in an advisory capacity shall receive no compensation for their services under this chapter (Sections 19401 to 19486, inclusive) but shall be reimbursed for their actual and necessary expenses incurred in connection with the performance of their duties hereunder, to be paid out of the Public School Building Loan Fund.

Priority in allocating funds

19405. The board by the adoption of rules shall give priority in allocating funds to districts to those districts where the children will benefit most from additional schoolhouse facilities. This priority shall be based on acuteness of overcrowding, on sudden growth in attendance, on amount of local tax funds expended for housing of a character within the purposes of this chapter (Sections 19401 to 19486, inclusive), and on the time the district's application has been ready for allotment. The board may make exceptions when it determines that it will be for the benefit of the children affected.

In adopting rules the board may provide for the granting of priority points to govern the allocation according to the following schedule:

(a) Two priority points may be granted for each percent of the latest computed average daily attendance of the district that is inadequately housed. The number of inadequately housed students is the latest computed average daily attendance of the district less the sum of (1) any classrooms up to a total of two, multiplied by 25, and (2) any classrooms in excess of two, multiplied by 33. The term "classrooms" (for the purposes of this computation) shall mean any school classrooms, temporary and permanent, determined by the Department of Education to be safely usable.

(b) One priority point may be granted for each 5 percent of the latest computed average daily attendance of the district that represents an increase over the average daily attendance for the fifth preceding school year.

(c) One point of priority may be granted for each one-twentieth of 1 percent of the assessed valuation of the district, collected in taxes and expended for school housing within the scope of this chapter (Sections 19401 to 19486, inclusive) since July 1, 1944. Expenditure of the proceeds of the sale of bonds shall not be counted but expenditure for interest and retirement of bonds shall be counted.

(d) Not more than one point of priority shall be allowed for each calendar month that the completed application of the district has awaited funds.

If any computation of priority points made under this section results in a fraction of a point, such fraction shall be disregarded and the number of priority points shall be taken as the next lowest whole number.

These priorities shall be recomputed at least semiannually when funds are available for allocation, on the respective periods of time next preceding the date of computation. The State Department of Education shall assist and co-operate with the board in determining priority ratings.

Powers and duties of board

19406. In addition to such other powers and duties as are granted the board by this chapter (Sections 19401 to 19486, inclusive), the board shall (1) establish such qualifications not in conflict with other provisions of this chapter (Sections 19401 to 19486, inclusive) as it deems will best serve the purposes of this chapter (Sections 19401 to 19486, inclusive) for determining the eligibility of school districts to apportionments of funds under this chapter (Sections 19401 to 19486, inclusive); (2) establish such procedures and policies in connection with the administration of, and the expenditure of funds made available for the purpose of, this chapter (Sections 19401 to 19486, inclusive) as it deems necessary and which are not in conflict with the powers and duties of the Department of Education or of the director granted or imposed by this chapter (Sections 19401 to 19486, inclusive); and (3) adopt such rules and regulations for the administration of this chapter (Sections 19401 to 19486, inclusive), requiring such procedure, forms, and information, as it may deem necessary.

Public School Building Loan Fund apportionments

19407. Apportionment from the Public School Building Loan Fund to school districts shall be made in the manner and subject to the conditions herein provided and in accordance with policies adopted by the board, for the following purposes: (a) the purchase and improvement of school sites which have been approved by the State Department of Education; (b) the purchase of desks, tables, chairs, and built-in or fixed equipment, as listed in Part III of the California School Accounting Manual contained in the Bulletin of the California State Department of Education, Volume XIII, No. 2, June, 1944, or as amended or revised; and (c) the planning and construction, reconstruction, alteration of, and addition to, school buildings for such facilities as are approved by the Department of Education as essential, all of which purposes are hereby declared to be, and are, public works.

Where a district is required by a contract entered into between itself and a contractor, to obtain at its own expense insurance covering risks incurred during any construction, reconstruction or alteration for which an apportionment has been made, the costs thereof may be paid either directly, or by way of reimbursement, to said district out of said apportion-

ment, or out of any apportionment made specifically covering such insurance; provided, that in other respects said apportionments are eligible for payment under provisions of this chapter (Sections 19401 to 19486, inclusive).

Development of off-site facilities

19408. In addition to the purposes for which apportionments may be made to school districts under Section 19407, apportionments may also be made to school districts for the construction, repair, attachment or development of off-site facilities, utilities or improvements which the board determines are necessary to the proper operation or functioning of the school facilities for which apportionments are made, all of which purposes are hereby declared to be, and are, public works.

Title to property

19409. In making application for, and in expending, apportionments of funds under this chapter (Sections 19401 to 19486, inclusive), a school district acts as an agent of the State and all sites purchased and improved, all equipment purchased, and all buildings constructed, reconstructed, altered, or added to through the expenditure of funds apportioned under this chapter (Sections 19401 to 19486, inclusive), are declared to be, and are, the property of the State. Upon the payment by the district of the amounts required to be paid by it to the State under this chapter (Sections 19401 to 19486, inclusive) the board shall, in the name of the State, convey such property to the district.

Insurance

19410. The board may require school districts to insure for the benefit of the State all sites, equipment and buildings which are under Section 19409 the property of the State, against such risks and in such amounts as the board may deem necessary to protect the interests of the State. No state funds apportioned under this chapter (Sections 19401 to 19486, inclusive) shall be used to pay the premiums on said insurance.

Builders' risk insurance

19411. Where a district is required by a contract entered into between itself and a general construction contractor to obtain, at its own expense, insurance covering risks incurred during any construction for which an apportionment has been made, the cost thereof may be paid directly to said district out of the Public School Building Loan Fund.

It is the intent and purpose of this section to provide for reimbursement to such school districts for all such builders' risk insurance as may have been furnished and paid for by such districts in connection with approved apportionments from the Public School Building Loan Fund from the time of the effective date of Chapter 1389 of the Statutes of 1949.

The Legislature in adopting this section expressly recognizes that eligible school districts in making provision for builders' risk insurance during the period of construction of new buildings has provided a saving for the taxpayers of such district, and also has reduced the amount which otherwise would have been paid out of the Public School Building Loan Fund to such district if the cost of such builders' risk insurance had been borne by the contractor with the district; for

this reason the Legislature hereby finds, determines and declares that the adoption of this section having an effect retroactive to the effective date of said Chapter 1389 of the Statutes of 1949 is therefore lawful, proper and represents the saving of public funds for a lawful and public purpose.

The Controller of the State of California is hereby authorized and directed to cancel and annul any claims or demands against such school districts arising out of, or in any way connected with, claims for reimbursement from such school districts to the Public School Building Loan Fund arising out of the direct purchase of builders' risk insurance on any construction by any such school district under an approved application by the Local Allocation Board of the Department of Finance of the State of California.

Bids

19412. A school district shall not expend money apportioned under this chapter (Sections 19401 to 19486, inclusive) unless the contracts under which the funds are expended have been let after competitive bids thereafter pursuant to this code.

Unencumbered or unexpended funds

19413. Funds apportioned to a school district under this chapter (Sections 19401 to 19486, inclusive) for a project, remaining unencumbered or unexpended one year from the date the application of the district for such apportionment was approved, shall not be encumbered or expended except as provided in this section.

The governing board of the district shall notify the board of its desire to encumber or expend such funds. The board shall immediately request the Department of Education to, and that department shall, review the project for which apportionment was made. If the Department of Education finds that the conditions existing at the time it approved the project for which the apportionment was made have so changed that the needs of the district are less than originally determined, it shall notify the board of its findings and of the respects in which the project should accordingly be modified. The board shall review the project and revise the project in such manner as it deems necessary, subject to the provisions of Section 19428, and make such changes in the purposes for which the apportionment may be expended as it deems necessary. The cost of the project as revised by the board shall be computed in the manner prescribed by Section 19414 and the excess, if any, of the amount theretofore apportioned to the district over the computed cost of the revised project shall be deducted by the board from the apportionment made to the district. The board shall give notice of its action, in writing, to the State Controller, the governing board of the district, and the county auditor and the county treasurer having jurisdiction over the public school building fund of the district. If the amount of such excess, or any portion thereof, has not been paid to the district, such excess, or portion thereof, shall be made available for apportionment to other districts. If such excess, or portion thereof, has been paid to the district, it shall not be encumbered or expended by the district and shall become due and payable to the State of Cali-

fornia. The governing board of the district and the county treasurer shall, at the time of the next county settlement following receipt of such notice from the board, pay such amount to the State Treasurer, out of the funds, and in the manner specified in Section 19453 of this code. Such payment shall, on order of the State Controller, be deposited in the Public School Building Loan Fund in the State Treasury.

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State.

This section does not authorize the board to increase any apportionment made to a school district.

Grade level apportionment

19414. Each school district which desires an apportionment for a grade level maintained by it, shall submit through its governing board to the board an application therefor in such form and number of copies as the board shall prescribe. Each copy of the application shall be accompanied by a statement of the estimated cost of the project certified by an architect or structural engineer, and by layout plans showing the entire project for which the district desires an apportionment. Estimates of cost for new construction appearing in an application shall not exceed typical current costs of comparable new construction by school districts in the same area not receiving or not eligible for apportionment under this chapter (Sections 19401 to 19486, inclusive), as determined by the Director of Finance, or if there has been no new construction by school districts in the area, the estimates of cost shall not exceed the reasonable current cost of similar construction in the area as determined by the Director of Finance. Immediately upon receipt of an application in the prescribed form accompanied by the required estimate of cost, a copy thereof shall be transmitted by the board to the director and to the Director of Finance.

A school district may at any time amend or supplement its application.

The Director of Finance shall determine the school district's financial ability to meet all or a portion of the cost of the project and the amount which the school district can contribute toward the cost of the project out of its available funds, and shall submit his report thereon to the board.

The directors shall as promptly as possible prepare a report and recommendation with respect to the application and refer the application, report, and recommendation to the Director of Finance, who shall, if he finds said documents to be in proper form and otherwise sufficient, refer them to the board. If the Director of Finance finds said documents to be lacking in any respect as to any matter which is subject to the jurisdiction or approval of the director or Department of Education, he shall refer them to the director who shall take such action as may be necessary. The board shall, subject to the provisions of this chapter (Sections 19401 to 19486, inclusive)

approve or reject each application referred to it by the Director of Finance. If the board approves of the application, either in whole or in part, it shall, by a resolution adopted by it, apportion to the district from the Public School Building Loan Fund the amount applied for, or such portion thereof as the board may deem appropriate; provided, that it may order that the apportionment or any part thereof shall be paid in progressive installments at such times and under such conditions as it may then prescribe. This shall be known as a conditional apportionment and shall become final only if the vote provided for in Section 19422 is favorable and if bonds are authorized and sold in the amounts prescribed by the board, and the proceeds of the bonds sold earmarked for the project as approved. The conditional apportionment shall remain effective for a period of nine months from the date of said resolution of the board, and if it does not become a final apportionment by the date, it shall become void and the money so apportioned shall become again available for apportionment pursuant to this chapter (Sections 19401 to 19486, inclusive).

The board may for such good cause as it shall determine, reduce the amount of, or modify any provisions relating to, any contribution required of a school district under the terms of an apportionment, other than any contribution required of such district under Section 19422 from the sale of bonds; provided, that the board may not, without the consent of the district, increase the amount of any district contribution under the terms of an apportionment, in the absence of mistake arising from any source, or misrepresentation, concealment, or omission, on the part of the district, intentional or otherwise. The provisions of this paragraph shall be applicable to apportionments heretofore or hereafter made.

Additional apportionments, etc

19415. When an apportionment has been made by the board to a school district the board may, upon application of the governing board of such district, authorize the governing board to transfer funds from other authorized purposes if more than one purpose has been authorized in the district by the board, or to make additional apportionments to the district, or both, if the board determines that such additional apportionments or transfers are necessary to meet the actual cost of the specific school plant facilities or sites for which the original apportionment was made. An apportionment made under this section shall be final if the original apportionment has become final; otherwise it shall become final if and when the original apportionment becomes final.

All provisions of this chapter (Sections 19401 to 19486, inclusive) shall apply to apportionments made under this section, except Sections 19414, 19422, 19423 and 19426, exclusive of the second paragraph of said Section 19426, and such other provisions as may relate to applications and eligibility for apportionments.

Application for apportionment

19416 The board may approve, in whole or in part, an application submitted by a school district under Section 19414

and in such amount, not exceeding the amount applied for, as the board may deem appropriate.

The board may, upon approval of the application, in whole or in part, and subsequently from time to time, make a conditional apportionment or conditional apportionments not exceeding in the aggregate the total amount determined by the board as aforesaid, to the applicant school district from the Public School Building Loan Fund for such portion or portions of the project as the board determines the district is ready to proceed with. If the board has approved an application and made an apportionment as to a portion or portions of a project, the board may approve the remaining portion or portions of the project and make an additional apportionment or apportionments within two years after the original approval without requiring a district to issue additional bonds.

The total of the amounts of applications as approved by the board under this section shall not, when added to all amounts apportioned to school districts by the board under Section 19414, exceed 90 percent of the total amount of state school building bonds authorized to be issued and sold by Section 15 of Article XVI of the Constitution of the State.

Except as otherwise provided in this section, all provisions of this chapter (Sections 19401 to 19486, inclusive) relating to apportionments shall apply to apportionments made under this section.

Approval of an application under this section shall not be construed as creating or implying any obligation, commitment or promise on the part of the board or the State to make apportionments under this chapter (Sections 19401 to 19486, inclusive).

Effective period of conditional apportionment

19417. If, after a conditional apportionment has been made to a school district, legal proceedings initiated prior or subsequent to the making of such conditional apportionment prevent the taking, within the period during which the conditional apportionment remains effective under Section 19414, of the actions necessary to permit the conditional apportionment to become final, the conditional apportionment shall nevertheless remain effective for a period of nine months from the date upon which such legal proceedings are finally determined.

Additional apportionments

19418. With respect to any apportionment made to a school district prior to the effective date of the amendment of Section 5046 made by Chapter 16 of the Statutes of 1950 (Third Extraordinary Session), the board may, on the application of the governing board of said district make additional apportionments to the school district for the purchase of such furniture as is authorized by Section 19407. An apportionment made under this section shall be final if the original apportionment has become final; otherwise it shall become final if and when the original apportionment becomes final.

All provisions of this chapter (Sections 19104 to 19186, inclusive) shall apply to apportionments made under this section, except Sections 19414, 19422, 19423, and 19426, exclusive

of the second paragraph of said Section 19426, and such other provisions as may relate to applications and eligibility for apportionments.

State School Building Fund

19419. The sum of two million dollars ($2,000,000) was by Chapter 13 of the Statutes of 1952 (First Extraordinary Session) made available from the Public School Building Loan Fund for apportionment by the board pursuant to this chapter (Sections 19401 to 19486, inclusive), except as otherwise provided by this section and to be transferred by the Controller as needed into a separate account in the State School Building Fund which was created in the State Treasury.

Apportionments made under this section shall be available as grants to those school districts to which apportionments have been made under this chapter (Sections 19401 to 19486, inclusive) prior to April 1, 1952, and only for such amounts thereof as are in excess of the apportionments the voters of such districts voted to accept and repay under Sections 19422, 19423, and 19424.

If and when the electors of districts receiving apportionments under this section, vote to accept and repay additional amounts under Sections 19422, 19423, and 19424, the board may make apportionments under other sections of this chapter in substitution in whole or in part of the grants made under this section.

In the event the electors of the district fail to vote to accept and repay such additional amounts or if apportionments covering such amounts are not made under other sections of this chapter (Sections 19401 to 19486, inclusive), beginning in September, 1953, and annually for nine years thereafter, apportionments made to such districts from the State School Fund under Sections 11256, 11257 and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460.1, inclusive, whichever are in effect, or any successor thereof, shall be reduced by an amount equivalent to one-tenth of the amount apportioned under this section. This section shall not be applied so as to reduce any average daily attendance apportionment below the constitutional minimum. During the year beginning September, 1953, and each year thereafter in which the Controller determines that the apportionment of any district is to be reduced as herein provided, he shall deduct the total amount of the annual repayment of each district in equal amounts from each installment of the apportionments made to such district; and the amount so deducted shall, on order of the Controller, be transferred from the State School Building Fund to the General Fund at the time and for the purpose provided in Section 19504.

Notwithstanding any other provision of law, taxes in such districts shall be increased sufficiently to offset the amounts by which such average daily attendance apportionments are reduced under this section. Such tax increases shall be made in the manner prescribed under Section 19443 of this chapter.

Any amounts made available by this section which are not apportioned by June 30, 1953, and any recovery by substitution of apportionments made in accordance with this section shall be transferred to the Public School Building Loan Fund.

Limitation on apportionment

19420. No apportionment shall be made for new construction which when added to the area of adequate school construction existing in the applicant school district at the time of application, will provide a total area of school building construction per pupil of the estimated enrollment in excess of that computed under the following schedule:

Type of school	Enrollment	Sq. ft. per pupil
Elementary school comprising kindergarten and grades 1 to 6, inclusive	300 or more	55
Elementary school comprising grades 7 and 8	750 or more	75
Junior high school comprising grades 7 to 9, inclusive	750 or more	75
Junior high school comprising grades 7 to 10, inclusive	750 or more	75
High school comprising grades 7 to 12, inclusive	750 or more	80
High school comprising grades 9 to 12, inclusive	750 or more	80
High school comprising grades 10 to 12, inclusive	750 or more	80
Junior college comprising grades 13 and 14	750 or more	80
Junior college comprising grades 11 to 14, inclusive	750 or more	80

The maximum total building areas per pupil allowed to applicants having schools with smaller estimated enrollments than shown in the above schedule shall be determined by the Department of Education, and shall be building areas to provide comparable facilities to those enumerated above, and shall be the least building area required to house adequately the estimated enrollment and the normal instructional and other services.

No estimate of enrollment made by an applicant for the purpose of justifying an apportionment shall be made for a longer time than the second fiscal year beyond the fiscal year in which an application is made, and in no case shall be given effect unless approved by the Department of Education.

Payment to school district

19421. Payment shall be made in accordance with the terms of a final apportionment, either directly or by way of reimbursement, to a school district for expenditures, or commitments therefor, which have been made by the district subsequent to December 5, 1949, for any items approved by the board in such apportionment; provided, however, that where expenditures were made for, or work was commenced with respect to, any item so approved, prior to the time the application of such district containing such item was received by the

board, payment or reimbursement for such item, either with state funds or with district funds which the district is required to contribute by said apportionment, shall be made only upon authorization of the board by special resolution citing this section.

Final apportionment Conditions

19422. No apportionment to a school district shall become final unless: (a) the total amount of outstanding bonds of the district exceeds ninety-five percent (95%) of the maximum amount of bonds which the district could have had outstanding under any law on the date the conditional apportionment is made, or (b) if the total amount of the bonds of the district outstanding and unpaid is less than ninety-five percent (95%) of the amount of the bonds permitted to be issued by the district, the amount of district bonds outstanding is within twenty-five thousand dollars ($25,000) of the total bond limit permitted, as of the date on which the conditional apportionment is made. At the time the board makes a conditional apportionment pursuant to Section 19414, it shall determine what portion of the total amount of bonds which a district is permitted to issue and sell by law shall be issued and sold by such district, the proceeds of which shall be applied toward the cost of the project for which the apportionment is sought. The portion so determined by the board shall be not less than the minimum amount required for such apportionment to become final under this section. Any apportionment made by the board pursuant to Section 19414 shall be conditioned upon the approval and sale of such bonds by the district.

No apportionment to a school district shall become final unless, at an election called by the governing board of the district, two-thirds of the qualified electors of the district voting thereat have authorized the governing board of the district to accept, expend, and repay, as provided in this chapter (Sections 19401 to 19486, inclusive), an apportionment under the provisions of this chapter (Sections 19401 to 19486, inclusive). Such election shall be combined with and held at the same time as the bond election to authorize the amount of bonds required by the board, if any, and shall be called, held, and conducted in the same manner as are elections to authorize the issuance of school district bonds, except that the ballot, in addition to the bond proposition, shall contain substantially the following words:

"Shall the governing board of the _____ school district be authorized to accept and expend an apportionment in an amount not to exceed _____ dollars ($_____) from the State of California under and subject to the provisions of Chapter 8 (Sections 19401 to 19486, inclusive) of Division 14 of the Education Code which amount is subject to repayment as provided by said chapter? Yes _____ No _____."

Certification, etc., of bonds authorized

19423. Immediately after the result of the election has been determined, the county superintendent of schools shall make a certificate in duplicate stating whether the bonds have been authorized in the amount prescribed by the board and whether the school district has authorized the acceptance and expendi-

ture of the apportionment. One copy of the certificate shall be sent to the board and one copy to the State Controller. When the bonds authorized have been issued and sold and the proceeds thereof made available for the purposes of the application, the county superintendent of schools shall also certify this fact to the board and the State Controller. Upon the receipt by the board of the certificate stating that the bonds have been issued and sold and the proceeds thereof made available for the purposes of the application, the apportionment shall become final.

Election

19424. The election by a school district upon the acceptance, expenditure, and repayment of an apportionment prescribed by Section 19422 may be called and held either before or after the making of an apportionment.

All such elections held prior to October 13, 1950, whether before or after the making of an apportionment, are hereby validated and confirmed if otherwise called and held pursuant to law.

Validation of certain final apportionments

19425. Whenever a conditional apportionment has been made, and the county auditor has inadvertently and erroneously included in his certification of the outstanding bonded indebtedness of the school district the bonded indebtedness of another school district having the same, or substantially the same, boundaries, which bonded indebtedness is less than two percent (2%) of the total amount of the total bonded indebtedness certified, and thereafter an election upon the issuance of new bonds in the amount required by the board has been had and the vote thereon has been in favor of the issuance of the bonds, and the board has certified to the State Controller that the apportionment to the school district has become final, such final apportionment is hereby confirmed, ratified, and validated, and any expenditure of money from the Public School Building Loan Fund according to the terms of such final apportionment is hereby confirmed, ratified, and validated.

Any bonds erroneously certified, however, shall not be taken into consideration in making the computation required by Section 19422.

Cost of project

19426. No apportionment shall be made to a school district for any grade level if the estimated cost of the project, as approved by the Director of Finance, is (1) an amount which would result in an apportionment to the district exceeding the amount authorized at the district election held under Section 19422, or (2) is an amount which if raised by the issuance and sale of bonds of the district running for 25 years bearing the current going rate of interest as determined by the board and the principal of which is payable in 25 equal annual payments, would require the levy of a tax under Section 22101 upon property in the district which would, when added to the tax actually being levied upon property in the district for the grade level as determined by the Director of Finance under said section, amount to less than thirty cents ($0.30) on each

one hundred dollars ($100) of assessed valuation of property in the district during the next fiscal year.

At the time the board makes an apportionment, it shall, with the approval of the Director of Finance fix the interest to be paid by the district on the sum apportioned to it at a rate equal to the effective rate paid by the State upon the bonds sold from the proceeds of which the apportionment is made, giving effect to the price at which the bonds are sold and the premium, if any, paid thereon, adjusted to the next highest one-eighth of 1 percent, to cover the cost of sale and issuance of the bonds and costs of administration, to be compounded annually on the first day of January of each year.

Construction of terms

19427. As used in Section 19426 of the Education Code, the phrase "adjusted to the next highest one-eighth of 1 percent" means "increased by a full one-eighth of 1 percent." It is hereby declared that this construction is not intended as a change in the present law, but as a declaration of the existing law, and shall apply to any interest rate heretofore or hereafter fixed by the board under said section.

Compliance with building standards

19428. No apportionment shall be made to a district for the construction, reconstruction, or alteration of, or addition to, school buildings if the requirements prescribed by this code for the construction of school buildings are not met by the plans for the entire building program of the district in connection with which the district applied for an apportionment or for any project or part thereof which has not been approved by the Department of Education.

Repayment

19429. Each district to which an apportionment has been made under this chapter (Sections 19401 to 19486, inclusive) shall repay the principal amount of such apportionment and the accrued interest thereon in the amount and in the manner hereinafter provided in this chapter (Sections 19401 to 19486, inclusive).

"First computation"

19430. On or before the first day of January of each fiscal year, the State Controller shall compute for each grade level of a district for which an apportionment has been made during any preceding fiscal year the amount that would be produced by a tax of thirty cents ($0.30) on each one hundred dollars ($100) of assessed valuation for the current fiscal year within the district. Such amount is designated as the "first computation."

"Second computation"

19431. On or before the first day of December preceding the first day of January of each fiscal year, the Director of Finance shall determine and certify to the State Controller the amount raised and to be raised by the district during the current fiscal year for the repayment of principal and interest on that portion of the bonded indebtedness of the district that was incurred for each such grade level prior to the making of the first apportionment to said district under the provisions of this chapter (Sections 19401 to 19486, inclusive), which amount is designated as the "second computation." The Director of Finance shall determine the amount of the bonded

indebtedness that was incurred by the district for each grade level, when bonds were issued and sold for purposes of more than one grade level. When one or more additional apportionments have been made to a grade level of a school district, conditioned upon the issuance and sale of additional bonds of the district, the Director of Finance shall determine and include in his certificate the amount raised and to be raised by the district during the current fiscal year for the payment of principal and interest on that portion of the additional bonded indebtedness of the district that was incurred for each such grade level as a condition to receiving such additional apportionment; and such amount so certified shall be included in the "second computation," as herein defined.

Same Correction

19432. If the Director of Finance determines in any fiscal year that the amount certified to the State Controller as the "second computation" during the next preceding fiscal year is more or less than the amount actually raised by the district for the repayment of principal and interest of the bonded indebtedness referred to in Section 19431, then the Director of Finance shall add to, or subtract from, the amount computed as the "second computation" for the current fiscal year, as the case may require, an amount equal to the difference between the amount actually raised by the district for the repayment of such bonded indebtedness and the amount so certified by the Director of Finance.

"Third computation"

19433. With respect to each grade level of a district referred to in Sections 19430 and 19431, the amount of the "second computation" which is not in excess of one-third of the "first computation" is hereby designated as the "third computation."

Annual repayment Computation, etc.

19434. On or before the first day of January of each fiscal year, the State Controller shall compute the "annual" repayment, if any, due from each district during the next succeeding fiscal year as herein provided. If, for any grade level of a district, the amount, if any, by which the second computation exceeds the third computation is greater than the first computation, the amount of such excess, herein called a "negative difference," shall be disregarded, and no reimbursement shall be due the State from such district with respect to such grade level during the next succeeding fiscal year. If, for any grade level of a district, the amount of the first computation is greater than the amount, if any, by which the second computation exceeds the third computation, the amount of such excess, herein called a "positive difference," shall constitute the amount of reimbursement due the State from such district with respect to such grade level during the next succeeding fiscal year. The sum of the "positive differences" so computed for all grade levels having a "positive difference" within each district is herein designated as the "annual repayment" of such district

Same Limitation

19435. Notwithstanding any other provision of this chapter (Sections 19401 to 19486, inclusive), and regardless of how

many apportionments are made to a grade level of a school district under the provisions of this chapter (Sections 19401 to 19486, inclusive), the total annual repayment for such grade level during any fiscal year, covering all such apportionments, shall not exceed the amount that would be computed under Sections 19430 to 19436, inclusive, for any one of such apportionments.

Deduction from State School Fund apportionments

19436. The State Controller shall, during the next fiscal year following that in which he determines the annual repayment as herein provided, deduct the total amount of the annual repayment of each district in equal amounts from each of the February, March, April, and May installments of the apportionments made to such district from the State School Fund under Sections 11256, 11257, and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460.1, inclusive, whichever are in effect; and, on order of the State Controller, the amount so deducted shall be transferred to the Public School Building Loan Fund. All money transferred to the Public School Building Loan Fund under the provisions of this section shall be available only for transfer to the General Fund under the provisions of Section 19504.

District tax refund Effect

19437. Notwithstanding any provision of law to the contrary, whenever in any fiscal year, pursuant to Chapter 5, Part 9, Division 1 of the Revenue and Taxation Code, a refund is made or a judgment rendered, as the case may be, for the return of an amount collected as school district taxes levied during a previous year upon secured or unsecured personal property, because it was determined that such property was exempt from taxation, and such property so determined to be exempt equals 1 percent, or more, of the assessed valuation in the school district upon which school district taxes for such previous year were levied, the Controller shall reduce the annual repayment of the district and the amount deducted from the State School Fund apportionment of such district for the fiscal year next succeeding that in which such refund was made or judgment rendered, by that amount by which the annual repayment and deduction of the district would have been reduced for the fiscal year next succeeding that in which such taxes were levied had the assessed valuation upon which such annual repayment was computed not included an amount of assessed valuation equal to the amount of assessed valuation of the property so determined to be exempt.

The amount of annual repayment and deduction, reduced as required by this section, shall be the amount deducted by the Controller for the purposes of Sections 19436, 19442, and 19443 for the fiscal year in which such reduction is made.

Recomputation of annual repayment

19438. (a) Upon request of the district, the Controller shall use in computing the "first computation" under Section 19430 the difference between the total assessed valuation of property in a district as shown on the equalized assessment roll for the current fiscal year and the assessed valuation of property as shown on the equalized assessment roll for the

current fiscal year, in excess of 2 percent of such total assessed valuation, with respect to which revenues of the district taxes levied in the 1954-1955 Fiscal Year, or thereafter, have been impounded by the county auditor pursuant to Section 20901. If such a request is received prior to August 1, 1955, with respect to the impounding of revenues of taxes levied during the 1954-1955 Fiscal Year, the Controller shall recompute the annual repayment of the district due during the 1955-1956 Fiscal Year on the basis of such reduced assessed valuation, and, on or before September 1, 1955, notify the officers and board referred to in Section 19442 of such recomputed annual repayment for the 1955-1956 Fiscal Year, and of the recomputed amount to be deducted from the State School Fund apportionment to such district during the 1955-1956 Fiscal Year.

(b) Whenever, after July 1, 1955, the county auditor notifies the Superintendent of Public Instruction and the Controller of the release of impounded tax revenues to the school district, the Controller shall add to the annual repayment of the district, for the first fiscal year or second fiscal year next succeeding that in which such notification of release was made, that amount by which the annual repayment of the district for a previous fiscal year was reduced by reason of the exclusion of assessed valuation with respect to tax revenues impounded and thereafter released.

(c) The amount of annual repayment and deduction, increased or reduced as required by this section, shall be the amount deducted by the Controller for the purposes of Sections 19436, 19442, and 19443 for the fiscal year in which such increase or reduction occurs.

(d) If a request is received from a school district and an annual repayment reduced pursuant to subdivision (a) hereof, Section 19437 shall not apply with respect to any tax revenues to which subdivision (a) applies.

Same

19439. The State Controller shall make the deduction provided by Section 19436 during each fiscal year, as herein provided, until the principal amount of the apportionment made to the district for such grade level, and all accrued interest due thereon, has been withheld; but no interest shall accrue or become due and payable to the State with respect to the principal amount of any such apportionment after the expiration of 25 years from the first day of January of the fiscal year next succeeding the date of the warrant issued by the State Controller covering the payment to the county treasurer of each portion of such apportionment. At the expiration of 30 years from the first day of January of the fiscal year next succeeding the date of the warrant issued by the State Controller covering the payment to the county treasurer of each portion of such apportionment, any unpaid balance of the principal amount of any such apportionment, including all interest included in such principal amount, shall be canceled on the books of the State Controller, and the State shall have no further right to the repayment of such unpaid balance.

19440. The State Controller shall certify to the board the cancellation of the unpaid balance of the principal amount of such apportionment; and upon receipt of such certification, the board shall, in the name of the State, convey to the district all sites purchased and improved, all equipment purchased, and all buildings constructed, reconstructed, altered, or added to, from moneys provided by the apportionment covered by such cancellation. Certification and conveyance

19441. The State Controller shall determine and maintain a record of the amount due the State in connection with each apportionment made to each grade level of a district under the provisions of this chapter (Sections 19401 to 19486, inclusive). He shall compute interest on the original amount of the apportionment at the rate fixed by the board, from the date of issuance of the State Controller's warrant covering the payment to the county treasurer of any portion of the apportionment until the first day of January of the fiscal year next succeeding that in which such warrant was issued. Thereafter, interest shall accrue to and be compounded as a part of the principal amount due the State pursuant to such apportionment, on the first day of the following January of each year, until the principal and interest have been paid, or until the interest ceases to accrue, as provided in this chapter (Sections 19401 to 19486, inclusive). No interest shall accrue on the principal amount of any apportionment because of the withholding of the annual repayment from apportionments made to school districts from the State School Fund on dates subsequent to the first day of January of the year in which the computation of the annual repayment is determined. Record of amount due State

19442. Upon computing in any fiscal year the amount to be deducted from the apportionments to the district from the State School Fund during the succeeding fiscal year, the State Controller shall notify the governing board of the district and the county auditor of the county, the county superintendent of which has jurisdiction over the district, of the amount to be deducted. Notice of deductions from State School Fund apportionments

19443. The board of supervisors of the county, the county superintendent of which has jurisdiction over any district which under this chapter (Sections 19401 to 19486, inclusive) will have moneys withheld by the State Controller from the apportionments to be made to it from the State School Fund during any fiscal year, shall annually at the time the board of supervisors makes the levy of taxes for county purposes, levy a tax upon the property in the district sufficient to raise for the district the amount of money to be withheld by the State Controller during the fiscal year in which the tax is levied. Such tax, when collected, shall be paid into the county treasury of the county, the county superintendent of schools of which has jurisdiction over the district for which the tax was levied, to the credit of the general fund of the district. Tax levy

19444. The board shall prescribe in such detail as it deems necessary, the purposes for which moneys apportioned by it Use of funds

or which it requires the district to contribute toward, or in reduction of the cost of a project, may be expended, and such prescription shall be binding upon the governing board of the district, save as it may be changed or modified by the board for such cause as it sees fit. In determining funds which can be contributed by the district, the board may require the district to contribute unexpended balances of funds earmarked or encumbered by the district for furniture, equipment, or any other lawful purpose; provided, however, that changes or substitutions in the purposes for which such funds were earmarked or encumbered, with respect to such requirement under any apportionment heretofore or hereafter made, may be authorized by the board, or pursuant to its delegation, by the Director of Finance.

Void conditional apportionment

19445. Unless the board has received the certificates of the county superintendent of schools required by Section 19423 within nine months from the date of the conditional apportionment, it shall, at the expiration of said nine months' period, void said conditional apportionment and shall certify this fact to the State Controller. Each final apportionment made by the board under this chapter (Sections 19401 to 19486, inclusive) shall be certified by it to the State Controller who shall from time to time draw his warrant on the State Treasurer in favor of the county treasurer of the county having jurisdiction over the district in accordance with the terms of such final apportionment. The warrant shall be exempt from the provisions of Division 4 of Title 2 of the Government Code and shall be paid by the State Treasurer from the Public School Building Loan Fund.

Public school building fund

19446. A public school building fund is hereby created in the county treasury in each county for each school district in such county. The county treasurer of each county shall pay into the public school building fund of each school district, exactly as apportioned by the board, all moneys received by him under this chapter (Sections 19401 to 19486, inclusive) with respect to each such school district.

Transfer of funds

19447. The governing board of each school district to which an apportionment is made under this chapter is authorized to, and shall, transfer to the Public School Building Fund of the district from all other funds of the district in which such moneys may be, all moneys of the district which under, or pursuant to, this chapter (Sections 19401 to 19486, inclusive) are required to be expended for the project for which such apportionment was made.

Public School Building Loan Fund

19448. A fund in the State Treasury is hereby created, to be known as the Public School Building Loan Fund. All money in the Public School Building Loan Fund, including any money deposited in said fund from any source whatsoever after July 29, 1949, is hereby continuously appropriated without regard to fiscal years for expenditure pursuant to apportionments made under the provisions of this chapter (Sections 19401 to 19486, inclusive).

19449. Notwithstanding any provision of law to the contrary, the State Allocation Board may from time to time by appropriate resolution order the transfer from the Public School Building Loan Fund to the State School Building Aid Fund of any amounts therein which it deems no longer desirable to retain for the purposes of this chapter (Sections 19401 to 19486, inclusive) and Sections 19501 to 19514, inclusive, of the Education Code; providing, that nothing herein shall be deemed to apply to any moneys heretofore or hereafter deposited in the Public School Building Loan Fund by virtue of Sections 19436, 19508, and 5107 as added by Chapter 922 of the Statutes of 1949, and as subsequently amended; or to any moneys heretofore or hereafter deposited in said fund from deductions made from the State School Fund pursuant to Section 5047.8; or to any moneys appropriated from the Public School Building Loan Fund by virtue of the Budget Acts of 1954 and 1955, and which remain available for expenditure. Upon such order or orders the Controller shall make appropriate transfers, and any sums so transferred shall be available for apportionment in the same manner as other moneys in the State School Building Aid Fund, except that to the amount available for apportionment on the fifth day of each month pursuant to Section 19710, there shall be added any amount transferred to the State School Building Aid Fund by virtue of this paragraph prior to the fifth day of the preceding month. Notwithstanding the provisions of Section 19505, after July 7, 1955, there shall be no further transfers to the General Fund from the Public School Building Loan Fund of any amounts deposited therein by virtue of Sections 19453, 19454, and 19455.

Same: Transfer of funds

19450. The governing board of each school district to which an apportionment has been made under this chapter (Sections 19401 to 19486, inclusive) shall expend the moneys in the Public School Building Fund of the school district exactly as apportioned by the board and only for the purposes for which said moneys were apportioned to the district, and for no other purpose, and shall make such reports relating to the expenditure of such moneys as the board and the State Controller shall require.

Expenditure of moneys

19451. A complete detailed report of expenditure of funds allocated pursuant to this chapter (Sections 19401 to 19486, inclusive) shall be made by the board annually to the Legislature. The report shall contain a detailed statement of facilities provided, type of construction, square footage provided and all other items which will enable the Legislature fully to understand the nature of the construction performed by the school districts.

Report of expenditures

19452. It shall be the duty of the State Controller to make such audit or audits of the books and records of counties and school districts receiving apportionments under this chapter (Sections 19401 to 19486), as he may deem necessary from time to time, for the purpose of determining that the money

Audit by Controller

received by school districts as apportionments hereunder has been expended for the purposes and under the conditions authorized by this chapter (Sections 19401 to 19486).

Unauthorized expenditures, etc.

19453. Whenever the State Controller determines that any money apportioned to a school district has been expended by such school district for purposes not authorized by this chapter (Sections 19401 to 19486, inclusive), or exceeds the final cost of the project which is authorized by this chapter (Sections 19401 to 19486, inclusive) to be paid therefrom, the State Controller shall furnish written notice to the board, the governing board of the school district, the county superintendent of schools, the county auditor, and the county treasurer of the county whose county superintendent of schools has jurisdiction over the school district, directing the school district and the county treasurer to pay into the State Treasury, at the time of the next county settlement following receipt of such notice, the amount of such unauthorized expenditures, or the amount of such excess apportionment, as the case may be. Upon receipt of such notice, such governing board shall, at the time specified herein, order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the Public School Building Loan Fund.

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State.

If, upon petition of the district, the State Controller determines that the amount to be included in the county settlement is in excess of the amount that may be paid out of taxes levied at the maximum rate authorized by Section 20751 increased by any increase in such rate authorized by the electors of the district pursuant to Section 20803, without impairing essential district services, he may provide for the payment of the entire amount or any unpaid balance thereof in not exceeding three consecutive annual payments, commencing with the next school year. Each payment shall be an equal portion of the principal amount, plus accrued interest, and shall be paid not later than January 31st of each school year in which a payment is due. If the district fails to make the payment as specified, the State Controller shall deduct the amount thereof from the February payment made to the district under the provisions of Section 17352.

Deferred payments under this section shall bear interest at the same annual rate of interest as the apportionment from which the unauthorized expenditures or the amounts of excess apportionment were made.

Expenditure of apportionment

19454. Any portion of an apportionment paid to a school district under this chapter (Sections 19401 to 19486, inclusive) shall be available for expenditure by its governing board for

not less than one year nor more than three years, as the board shall determine, after the date on which the warrant covering such portion of the apportionment was issued by the State Controller. For the purposes of this chapter (Sections 19401 to 19486, inclusive), an apportionment shall be deemed to be expended at the time and to the extent that the amount thereof on deposit in the county treasury has been encumbered by the creation of a valid obligation on the part of the school district. Upon the expiration of its period of availability, the unencumbered balance of any apportionment made under this chapter (Sections 19401 to 19486, inclusive) shall become due and payable to the State of California; and the governing board of the school district and the county treasurer shall, at the time of the next county settlement following the expiration of such period of availability, pay the amount of such unencumbered balance to the State Treasurer, out of the funds, and in the manner specified in Section 19453 of this code. Such payment shall, on order of the State Controller, be deposited in the Public School Building Loan Fund in the State Treasury.

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State.

Sale or nonuse of site

19455. Whenever a school district receives an apportionment under this chapter (Sections 19401 to 19486, inclusive) for the purchase or improvement of a school building site and within a period of five years after the date on which the warrant covering the appropriate portion or portions of the apportionment was drawn on the State Treasurer from the Public School Building Loan Fund, (1) sells or otherwise disposes of such site or the improvements thereon, or any portion thereof, purchased or improved in whole or in part from such apportionment, or (2) within not less than one year nor more than five years, as the board shall determine, does not begin to use such site or the improvements thereon for the purpose or purposes for which said apportionment was made, the board shall make such determinations and take such action with respect thereto as it may deem necessary. If the board determines that the district has (1) sold or otherwise disposed of the site or the improvements thereon, or any portion thereof, or (2) has not used the site for the purpose for which the apportionment was made, it shall demand the return of the apportionment or such portion thereof as it deems proper.

Return of apportionment

Written notice of such demand, setting forth the amount due the State pursuant thereto, shall be furnished by the board to the governing board of the school district, the county superintendent of schools, the county auditor, the county treasurer of the county whose county has jurisdiction over the school district, and the State Controller. Upon receipt of such notice and demand, the governing board of the school district shall, at the time of the next county settlement following re-

ceipt of such notice, order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the Public School Building Loan Fund.

It shall be the duty of such governing board and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State.

Article 2. School Housing Aid for Reorganized Districts

Definitions

19471. (a) As used in this article (commencing at Section 19471):

(1) "State-aided district" means a district to which a conditional or final apportionment has been made under this chapter (Sections 19401 to 19486, inclusive).

(2) "Acquiring district" means a district in which all, or a part of, a state-aided district or an applicant district has been included.

(b) Except as otherwise provided in Section 19479, the effective date for the purposes of this article (commencing at Section 19471) of any change of boundaries or annexation or other inclusion affecting a school district shall be the date such action became effective for the purposes of Section 1603.

Effective date of unification

19472. Notwithstanding any provisions of law to the contrary, when a district has received conditional apportionments which have become final under this chapter (Sections 19401 to 19486, inclusive), and there is a unification of said district prior to December 31, 1952, within the meaning of Section 3201 of the Education Code, with another district having the same boundaries, the effective date of said unification for the purpose of the first district receiving additional apportionments pursuant to the terms of Section 19415 of the Education Code shall be July 1, 1953.

Effect of annexation prior to conditional apportionment

19473. Whenever, prior to the date on which a conditional apportionment is made by the board to an applicant district, (1) if an applicant district is annexed to or otherwise included in whole in another district which is ineligible for an apportionment under this chapter (Sections 19401 to 19486, inclusive), no apportionment shall be made to the applicant district; (2) if less than the whole of an applicant district is included in a district which is ineligible for an apportionment under this chapter (Sections 19401 to 19486, inclusive), the board may reconsider the application of the applicant district and make such determinations and take such action with respect thereto, including the making, subject to Article 1 of this chapter (Sections 19401 to 19455, inclusive), of a conditional apportionment to such district, as the board may deem necessary because of such inclusion of less than the whole of the applicant district in the acquiring district; (3) if

an applicant district is annexed to or otherwise included in whole or in part in a district which is eligible for an apportionment under this chapter (Sections 19401 to 19486, inclusive) and has made or does make an application for such an apportionment, the board may reconsider the applications of the applicant district and the acquiring district and make such determinations and take such action with respect thereto, including the making, subject to the provisions of Article 1 of this chapter (Sections 19401 to 19455, inclusive), of conditional apportionments to such districts, as the board may deem necessary because of such annexation or other inclusion in the acquiring district of the applicant district in whole or in part.

Annexation after conditional, but before final, apportionment

19474. Whenever, subsequent to the date on which a conditional apportionment is made by the board to an applicant district, but prior to the date on which said conditional apportionment becomes final, (1) if an applicant district is annexed to or otherwise included in whole in a district which is not eligible for an apportionment under this chapter (Sections 19401 to 19486, inclusive), such conditional apportionment shall, notwithstanding any other provisions of this chapter (Sections 19401 to 19486, inclusive), become void and the board shall promptly notify the State Controller in writing thereof and the date on which the apportionment became void; (2) if the district to which an applicant district is annexed or in which it is otherwise included in whole is eligible for an apportionment, has made or does make an application for such an apportionment under this chapter (Sections 19401 to 19486, inclusive), the conditional apportionment made to the applicant district shall, notwithstanding any other provisions of this chapter (Sections 19401 to 19486, inclusive), become void but the board may reconsider the application of the acquiring district and make such determinations and take such action with respect thereto, including the making, subject to the provisions of Article 1 of this chapter (Sections 19401 to 19455, inclusive) except as hereinafter provided, of additional conditional apportionments to the acquiring district, as the board may deem necessary as a result of such annexation or other inclusion in the acquiring district of the applicant district; (3) if less than the whole of an applicant district is included in another district, the conditional apportionment shall, notwithstanding any other provisions of this chapter (Sections 19401 to 19486, inclusive), become void, but the board may reconsider the application and make such determinations and take such actions with respect thereto, including the making, subject to the provisions of Article 1 of this chapter (Sections 19401 to 19455, inclusive) except as hereinafter provided, of new conditional apportionments to the applicant district, as the board may deem necessary as a result of such inclusion of a portion of the applicant district in the acquiring district.

Notwithstanding anything in the first sentence of Section 19422 to the contrary, additional conditional apportionments made to a district under (2), or new conditional apportion-

ments made to a district under (3) of the first paragraph of this section may, with the approval of the board, become final if the total amount of the bonds of the district outstanding and unpaid is within ten thousand dollars ($10,000) of the amount required under Section 19422.

Conditional apportionment. Effect of annexation, etc

19475. Whenever, prior to the date on which conditional apportionments have been made to an applicant district for the full amount of state aid approved for the district under Section 19416, (1) if the applicant district is annexed to or otherwise included in whole in another district which is ineligible for an apportionment under this chapter (Sections 19401 to 19486, inclusive), no further apportionment shall be made to the applicant district; (2) if the applicant district is annexed to or otherwise included in whole in a district which is eligible for an apportionment under this chapter (Sections 19401 to 19486, inclusive) and which has made or does make an application for such an apportionment, the board may reconsider the applications of the applicant district and the acquiring district and make such determinations and take such action with respect thereto, including the making, subject to the provisions of Article 1 of this chapter (Sections 19401 to 19455, inclusive), of a conditional apportionment or apportionments to such acquiring district as the board may deem necessary because of such annexation or other inclusion in the acquiring district of the applicant district; (3) if a portion of the applicant district is annexed to or otherwise included in another district, the board may reconsider the application of the applicant district and may, within two years after the first apportionment made under said approval, make such additional apportionments as it sees fit to the applicant district, but not in excess of the amount in which such application was originally approved, without requiring the district to issue additional bonds.

Same. Apportionment to acquiring district

19476. Notwithstanding, and in lieu of, any provisions of this chapter (Sections 19401 to 19486, inclusive) to the contrary, excepting Section 19426, if during the Fiscal Year 1950-1951, or any subsequent fiscal year, a conditional apportionment is or has been made to a district, hereinafter referred to as the original district, and if the original district (1) holds or has held all elections required by Section 19422, and (2) before such apportionment becomes final is or has been annexed to or included in whole in another district, hereinafter referred to as the acquiring district, which had prior thereto received its first final apportionment under this chapter (Sections 19401 to 19486, inclusive) during the same fiscal year, and (3) after such inclusion or annexation sells or has sold the bonds authorized by the aforesaid elections, the board may approve any application by the governing board of the acquiring district and make an apportionment, or apportionments, for any project for which the original district would have been eligible under this chapter (Sections 19401 to 19486, inclusive) had such inclusion not taken place. No apportionment shall be

made to the acquiring district under this section unless the proceeds of the bonds which the board required the original district to sell are available for and will be contributed toward the cost of the approved project. Any apportionment made to the acquiring district under this section shall become final when made.

The computations provided in Sections 19430, 19431, 19433, and 19434 with respect to apportionments made under this section shall be made exactly as though the acquiring school district was comprised only of the original school district.

Any rate or amount of tax levied pursuant to or under the authority of Sections 19443, 20705, 20751, or any other provision of law, for the purpose of producing the amount or any part thereof deducted by the State Controller with respect to apportionments made under this section, during any fiscal year under Sections 19436 and 19439 from apportionments to the acquiring district from the State School Fund shall be levied only on property in the original school district.

Validation of certain final apportionments

19477. Whenever, subsequent to the date when a conditional apportionment is made to a district and before such conditional apportionment becomes final the boundaries of such district are changed so that the territory of the district is reduced by not to exceed 1 percent of the assessed valuation of the district, as determined by the last equalized assessment roll immediately preceding the effective date of such change of boundaries, and the superintendent of schools of the county having jurisdiction over the district has failed to file the certificate required by Section 19486, showing such change of boundaries, and prior to April 15, 1952, the board has certified to the State Controller that the apportionment made to the district has become final, such final apportionment is hereby confirmed, ratified, and validated, and any expenditure of money from the Public School Building Loan Fund according to the terms of such final apportionment is hereby confirmed, ratified, and validated.

Continuation of elementary district for apportionment purposes

19478. Notwithstanding any provision of law to the contrary, whenever a conditional apportionment has been made to an elementary school district pursuant to Section 19415 prior to August 1, 1951, and the school district has subsequently voted to become a part of a union school district before the school district has voted to accept and repay an amount sufficient to include both said entire apportionment made pursuant to Section 19415, and all other apportionments made to said school district by the board prior to August 1, 1951, the elementary school district is continued in existence until September 1, 1953, for the purpose of (1) receiving any apportionment made to said district subsequent to August 1, 1951, under Section 19419, as if said elementary district had not voted to unionize with another school district, and (2) for the purpose of voting upon the acceptance and repayment of the apportionment mentioned in (1) or any

other apportionment made to said district by the board subsequent to August 1, 1951.

If any elementary school district so described above shall vote, prior to September 1, 1953, to accept and repay any apportionment above mentioned (except of any apportionment made under Section 19419), said apportionment shall thereupon become final. Repayment of any apportionment referred to in this section shall be made by said elementary district pursuant to the applicable provisions of this chapter (Sections 19401 to 19486, inclusive) as if no change in boundaries had been made in said district.

Inclusion of state-aided district after apportionment is final

19479. Whenever, subsequent to the date on which a conditional apportionment made to a district becomes final, the state-aided district is included in whole in another district, the acquiring district shall, on the effective date of such inclusion, succeed to and be vested with all of the duties, powers, purposes, jurisdiction, and responsibilities of the state-aided district with respect to said apportionment and the property acquired or to be acquired from funds provided thereby, and all funds in the Public School Building Fund of the state-aided district shall be transferred to the Public School Building Fund of the acquiring district. All amounts which would, after the effective date of such inclusion, have been otherwise paid to the state-aided district under the terms of or pursuant to said apportionment, shall be paid to the acquiring district. In addition, the acquiring district shall, on the effective date of the inclusion of the state-aided district in the acquiring district as fixed by Section 1601, become liable for the annual repayments and other payments due the State under Section 19434 and other provisions of this chapter (Sections 19401 to 19486, inclusive) with respect to said apportionment or the property acquired or to be acquired therewith.

Inclusion of state-aided districts

19480. Whenever one or more state-aided districts are included in whole in an acquiring district, and the acquiring district applies for and receives an apportionment, then after the effective date of such inclusion and upon the approval of the application of the acquiring district, the governing board of each component state-aided district shall immediately transfer to the acquiring district all moneys of such component district which are required to be, or have been, earmarked for a project or projects of the district. The acquiring district, upon the transfer to it of such funds, may expend such funds for any projects of the acquiring district as to which its application was approved.

Annexation after apportionment becomes final

19481. Whenever, subsequent to the date on which a conditional apportionment made to a state-aided district becomes final, less than all of such district is included in another district, the Director of Finance shall determine what portion of such apportionment was expended or will be expended for property acquired or to be acquired by the acquiring district. Any determination made by the Director of Finance under this section may be redetermined by him, from time to time,

until the project for which the apportionment was made has been completed, and the final cost thereof determined and the final determination has been made pursuant to such final cost. The Director of Finance shall promptly notify the State Controller, the governing board of the state-aided district and of the acquiring district, the superintendent of schools, the auditor, and the treasurer of the counties having jurisdiction over said districts of each determination and redetermination made by him under this section. No redetermination shall be retroactive nor affect the liability of any school district for any payment or annual repayment, or portion thereof, previously made by or on behalf of such district to the State under the provisions of this chapter (Sections 19401 to 19486, inclusive).

On and after the date of such change of boundaries, the acquiring district succeeds to and is vested with all of the duties, powers, purposes, jurisdiction, and responsibilities of the state-aided district with respect to that portion of the apportionment which the Director of Finance has determined or redetermined under this section was expended, or will be expended, for property acquired or to be acquired by the acquiring district, and the unexpended part of such portion of the apportionment in the public school building fund of the state-aided district shall be transferred to the public school building fund of the acquiring district. In addition, and at the same time, the acquiring district shall become liable for the payment to the State of that portion of the annual repayment and all other payments due the State under Section 19434 and other provisions of this chapter (Sections 19401 to 19486, inclusive) with respect to that portion of the apportionment which the Director of Finance has determined or redetermined was expended, or will be expended for property acquired, or to be acquired by the acquiring district, or, in the event such portion of such apportionment is a lower percentage of such apportionment than the percentage that the assessed valuation in the territory of the state-aided district which was transferred to the acquiring district is of the total assessed valuation of the state-aided district immediately preceding the effective date of the transfer, the acquiring district shall become liable for the payment to the State of that percentage of the annual repayment and all other repayments due the State under Section 19434 and other provisions of this chapter (Sections 19401 to 10486, inclusive) with respect to such apportionment which is equal to such percentage of assessed valuation in the territory transferred to the acquiring district.

Change of boundaries Assessment

19482. Notwithstanding any change in the boundaries of a state-aided district or the annexation to, or the inclusion in, another district of a state-aided district, the state-aided district as it existed immediately prior to the effective date of such action shall be continued in existence for the determination of the assessed valuation of the property therein and for the purposes of the computations provided by Sections 19430, 19431, 19433, and 19434; and all the computations required to be

made pursuant to said sections shall be made exactly as if there had been no such change of boundaries, annexations, or inclusion, except as otherwise provided in Sections 19483 and 19484.

Withdrawal of territory: Assessment

19483. Whenever, subsequent to the date on which a conditional apportionment becomes final, territory is withdrawn from a state-aided district and no portion of the apportionment was expended for school property acquired by the acquiring district:

(1) If the acquiring district is a state-aided district, the assessed valuation in the territory acquired shall be included in determining assessed valuation of the property in the acquiring district, and shall thereafter be excluded in determining assessed valuation of the property in the state-aided district, for purposes of the computations under Sections 19430 to 19434, inclusive;

(2) If the acquiring district is not a state-aided district and the assessed valuation in the territory acquired is less than 10 percent of the total assessed valuation in the state-aided district immediately preceding the withdrawal, the assessed valuation in the territory shall thereafter be excluded in determining the assessed valuation in the state-aided district, and for purposes of the computations under Sections 19430 to 19434, inclusive;

(3) If the acquiring district is not a state-aided district and (2) does not apply, the assessed valuation of the state-aided district for purposes of the computations under Sections 19430 to 19434, inclusive, shall be determined thereafter by dividing the current assessed valuation of such district, by the percentage of the total assessed valuation in such district, immediately preceding the first withdrawal to which this subdivision applies, remaining in the state-aided district upon such withdrawal.

Whenever subdivison (3) applies, liability for the annual repayment computed shall be apportioned between the acquiring district and the state-aided district in the ratio, as of the time of the withdrawal, of the assessed valuation of the territory withdrawn to the assessed valuation in territory remaining in the state-aided district.

Same Non-state-aided district

19484. Whenever, subsequent to the date on which a conditional apportionment becomes final, any territory is withdrawn from a non-state-aided district and annexed to the state-aided district, the assessed valuation in the territory so annexed shall be included with the valuation of the state-aided district for the purposes of making the computations provided by Sections 19430 to 19434.

Repayment of apportionments

19485. The State Controller shall compute, in accordance with Sections 19482, 19483, and 19484, the amount of the annual repayment due the State on account of the apportionment or apportionments to each state-aided district and shall deduct from the respective apportionments made from the State School Fund under Sections 11256, 11257 and 17251, Sections

17401 to 17417, inclusive, and Sections 17601 to 18460.1, inclusive, whichever are in effect, to the state-aided district and an acquiring district the portion thereof for which each is liable under the provisions of this article (Sections 19471 to 19486, inclusive).

Certificate of annexation

19486. When, after any application is filed, the applicant district is annexed to, or, by change of boundaries or otherwise, is included in whole or in part in another district or districts, the superintendent of schools of the county having jurisdiction over said applicant district shall, within 10 days after the effective date of such annexation, inclusion, or change of boundaries, file a certificate with the board, in writing, in such form as the board shall prescribe, setting forth (1) the effective date of such annexation, inclusion, or change of boundaries; (2) identification of the area of the school district affected by such change and the name of the school district or districts in which such area is included as a result thereof, and (3) such additional information in such form as the board may require.

The board shall, upon receiving the appropriate certificate from a county superintendent of schools as provided herein, promptly notify the State Controller, in writing, of (1) the effective date of annexation or other inclusion of a state-aided district by an acquiring district; (2) the name of the state-aided district; (3) the name of the acquiring district; and (4) the number and other identification of the apportionment affected.

Chapter 9. State School Building Aid Bond Law of 1949

Creation of debt

19501. For the purpose of creating a fund to provide aid to school districts of the State, the State School Building Finance Committee, created by Section 19510, shall be and it hereby is authorized and empowered to create a debt or debts, liability or liabilities, of the State of California in the manner and to the extent hereinafter provided, but not otherwise, nor in excess thereof.

Approval of voters, Bonds

19502. After the approval by the people of the constitutional amendment of the 1949 Regular Session of the Legislature adding Section 15 to Article XVI of the Constitution of the State, and immediately after adoption of any resolution by the State School Building Finance Committee, provided for in Section 19512, the State Treasurer shall arrange for the preparation of the requisite number of suitable bonds of the denomination of one thousand dollars ($1,000), or multiples thereof, in accordance with the specifications contained in such resolution. The aggregate par value of all bonds issued under this chapter (Sections 19501 to 19514, inclusive) shall not exceed the sum of two hundred fifty million dollars ($250,000,000) and shall bear interest at a rate not exceeding 5 percent per annum. Both principal and interest shall be payable in lawful money of the United States, at the Office of the State

Treasurer, or at the office of any duly authorized agent of the State Treasurer.

All bonds issued under this chapter (Sections 19501 to 19514, inclusive) shall bear the facsimile signature of the Governor and the facsimile countersignature of the Controller and shall be endorsed by the State Treasurer either by original signature or by a signature stamp, and the bonds shall be signed, countersigned, and endorsed by the officers who shall be in office on the date of issuance thereof, and each of said bonds shall bear an impress of the Great Seal of the State of California. Interest coupons attached to each bond shall bear the facsimile signature of the State Treasurer who shall be in office on the date of issuance of the bond to which said coupons pertain. The bonds or coupons so signed, countersigned, endorsed, and sealed, when sold, shall be and constitute a valid and binding general obligation upon the State of California, although the sale thereof be made at a date or dates upon which the officers having signed, countersigned, and endorsed said bonds or coupons, or any or either of said officers, shall have ceased to be the incumbents of the offices held by them at the time of signing, countersigning, or endorsing said bonds or coupons. Each bond issue under this chapter (Sections 19501 to 19514, inclusive) shall contain a clause or clauses referring to this chapter (Sections 19501 to 19514, inclusive) and to the resolutions of the State School Building Finance Committee hereunder by virtue of which said bond is issued, and if subject to call or redemption prior to maturity, shall contain a recital to that effect.

Payment, etc.

19503. The State Treasurer shall, on the respective dates of maturity or prior redemption of said bonds, or as soon thereafter as said bonds are surrendered to him, pay the same out of the proceeds of the Controller's warrants drawn in his favor as provided in Section 19504 and perforate the bonds so paid with a suitable device in a manner to indicate such payment and the date thereof. The State Treasurer, or his duly authorized agent, shall also, on the respective dates of maturity, cancel all bonds and appurtenant coupons bearing said dates of maturity and remaining unsold, by perforation with a suitable device in a manner to indicate such cancellation and the date thereof; provided, however, new bonds may be prepared and executed in lieu of bonds canceled solely by reason of the fact that such bonds have not been sold prior to their fixed maturity dates, whenever the State School Building Finance Committee shall determine such new bonds shall be prepared and executed, subject to the condition the total indebtedness created hereunder shall not exceed the maximum limit herein specified. Not less than four years after the final maturity date of a particular issue of bonds, the State Treasurer, or his duly authorized agent, may destroy or cremate any bonds of such issue which have been previously paid or canceled as hereinbefore provided.

19504. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof. There is hereby appropriated from the General Fund in the State Treasury such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this chapter (Sections 19501 to 19514, inclusive), as said principal and interest become due and payable.

Bonds General obligation of State, etc

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the State, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

On the several dates of maturity of said principal and interest in each fiscal year, there shall be transferred to the General Fund in the State Treasury, on order of the State Controller, all of the money in the Public School Building Loan Fund which was transferred into or deposited in said fund in accordance with the provisions of Sections 19436, 19453, 19454, 19455, and 5107 as added by Chapter 922 of the Statutes of 1949, and as subsequently amended, together with all of the money deposited in the Public School Building Loan Fund under Section 19507 which was derived from premium and accrued interest on bonds sold pursuant to said Section 19507; but the amount to be transferred to the General Fund pursuant to this section shall not exceed the principal of and interest on the said bonds then due and payable, except as hereinafter provided for the prior redemption of said bonds, and, in the event such money so returned on said dates of maturity being less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State Treasury out of said Public School Building Loan Fund as soon thereafter as it shall become available.

Both principal and interest of said bonds shall be paid when due upon warrants duly drawn against said appropriation from the General Fund by the State Controller in favor of the State Treasurer, or his duly authorized agent, upon claims audited by the State Controller. The State Allocation Board, by resolution approved by the State School Building Finance Committee, shall direct the State Treasurer to call bonds (which are then subject to redemption) if such call is desirable and whenever funds are available to effect such redemption, the part of each issue so called to be not less than all of the bonds maturing in any one year. Notice of such redemption shall be given by the State Treasurer in the manner provided in the resolution authorizing the issuance of said bonds.

Transfer to General Fund

19505. All money deposited in the Public School Building Loan Fund under Sections 19436, 19453, 19454, 19455, and 5107 as added by Chapter 922 of the Statutes of 1949, and as subsequently amended, shall be available only for transfer to the General Fund, as provided in Section 19504. When transferred to the General Fund, such money shall be applied as a reimbursement to the General Fund on account of principal and interest due and payable or paid from the General Fund on the earliest issue of school building bonds for which the General Fund has not been fully reimbursed by such transfer of funds

Appropriation for expenses

19506. The sum of seventy-five thousand dollars ($75,000) was appropriated, by Chapter 922 of the Statutes of 1949, out of the General Fund to be used as a revolving fund to pay the expenses incurred by the State Treasurer in having said bonds prepared and in advertising their sale or their prior redemption. Whenever bonds are sold, out of the first money realized from the sale of said bonds, there shall be redeposited in the revolving fund such sums as the State Treasurer has expended for the purpose, which may be used for the same purpose and repaid in the same manner whenever additional sales are made. Whenever all the bonds authorized by this chapter (Sections 19501 to 19514, inclusive) have been sold, said revolving fund shall be refunded to the General Fund in the State Treasury.

Procedure re sale of bonds

19507. The bonds authorized to be issued under this chapter (Sections 19501 to 19514, inclusive) shall be sold by the State Treasurer to the highest bidder for cash at public sale upon sealed bids in such parcels and numbers as the State Treasurer shall be directed by the Governor of the State, under seal thereof, but the State Treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which shall have accrued thereon between the date of purchaser's payment for said bonds and the last preceding interest maturity date; and the State Treasurer may from time to time, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, at such time and place as the State Treasurer may select. Each bid shall be in writing and signed by the bidder and sealed, and shall be accompanied by the deposit of a certified check or cashier's check for five thousand dollars ($5,000), drawn on a bank or trust company authorized to transact and transacting business in the State of California, payable to the Treasurer of the State of California, such deposit not to bear interest. The deposit of each unsuccessful bidder shall be returned to him immediately upon the nonacceptance of his bid, and the deposit of the successful bidder shall immediately upon the acceptance of his bid become and be the property of the State of California and be placed in the State Treasury to the credit of the Public School Building Loan Fund, and shall be credited to the successful purchaser upon

the purchase price of the bonds bid for in case such purchase price is paid in full by him within the time mutually agreed upon between the successful bidder and the State Treasurer. If the purchase price is not so paid, the successful bidder shall have no right in and to said bonds or by reason of said bid, or to the recovery of said deposit accompanying said bid, or to any allowance or credit by reason of such deposit unless it shall appear that the bonds would not be validly issued if delivered to the purchaser in the form and manner proposed. In case the purchase price is not so paid, the bonds so sold but not paid for shall be resold by the State Treasurer upon notice as provided in case of original sale.

Temporary or interim bonds, certificates, or receipts of any denomination whatever and with or without coupons attached thereto, to be signed by the State Treasurer, may be issued and delivered until the definitive bonds are executed and available for delivery. Signature of the State Treasurer may be by signature stamp.

Bond premiums and interest

19508. All money deposited in the Public School Building Loan Fund under the provisions of Section 19507 which is derived from premium and accrued interest on bonds sold pursuant to said section shall be reserved in said fund and shall be available only for transfer to the General Fund, as provided by Section 19504. When transferred to the General Fund, such money shall be applied as a reimbursement to the General Fund on account of principal and interest due and payable or paid from the General Fund on the particular issue of school building bonds from the sale of which such premium and accrued interests were derived.

Notice of sale

19509. Due notice of the time and place of sale of all bonds shall be given by the State Treasurer by publication in one newspaper published in the City and County of San Francisco, by publication in one newspaper published in the City of Sacramento, and by publication in one newspaper published in the City of Los Angeles once a week during two weeks prior to such sale. In addition to the notice last above provided for, the State Treasurer may give further notice as he may deem advisable, but the expense and cost of such additional notice shall not exceed the sum of five hundred dollars ($500) for each sale so advertised. The proceeds of the sale of such bonds and such amount as may have been paid as accrued interest thereon shall be forthwith paid over by the State Treasurer into the Public School Building Loan Fund and must be used exclusively to aid school districts of the State in purchasing and improving school sites, the purchasing of furniture and equipment for schools, and the planning and constructing, reconstructing, repairing, alteration of, and making additions to, school buildings; provided, that the proceeds from the sale of said bonds may be used to pay the debt created by the issuance and sale thereof, the expense of preparing and of advertising the sale or prior redemption of said

Disposition of proceeds

bonds, and the actual and necessary expenses of the State School Building Finance Committee.

State School Building Finance Committee

19510. There is hereby created a State School Building Finance Committee composed of the Governor, State Controller, State Treasurer, Director of Finance, and Director of Education, all of whom shall serve thereon without compensation and a majority of whom shall be empowered to act for said committee. Two Members of the Senate appointed by the Senate Committee on Rules, and two Members of the Assembly appointed by the Speaker, shall meet and advise with the committee to the extent that such advisory participation is not incompatible with their respective positions as Members of the Legislature. For the purposes of this chapter (Sections 19501 to 19514, inclusive) said Members of the Legislature shall constitute an interim investigating committee on the subject of this chapter (Sections 19501 to 19514, inclusive) and as such shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and the Assembly. The Director of Finance shall provide such assistance to the State School Building Finance Committee as it may require. The Attorney General of the State shall be the legal adviser of the State School Building Finance Committee.

Necessity for issue

19511. Upon request of the State Allocation Board, supported by a statement of the apportionments made and to be made under Sections 19401 to 19486, inclusive, the State School Building Finance Committee shall determine whether or not it is necessary or desirable to issue any bonds authorized under this chapter (Sections 19501 to 19514, inclusive) in order to make such apportionments, and, if so, the amount of bonds then to be issued and sold. A sufficient number of bonds authorized under this chapter (Sections 19501 to 19514, inclusive) shall be issued and sold so that one hundred million dollars ($100,000,000) will have been apportioned or will be available for apportionment on October 5, 1950, or as soon thereafter as such bonds can be issued and sold, and so that five million dollars ($5,000,000) additional will become available for apportionment on November 5, 1950, and on the fifth day of each month thereafter until the total amount of bonds authorized by this chapter (Sections 19501 to 19514, inclusive) have been issued and sold. Successive issues of bonds may be authorized and sold to make such apportionments progressively, and it shall not be necessary that all of the bonds herein authorized to be issued shall be sold at any one time.

Resolution of necessity

19512. Whenever the State School Building Finance Committee shall have determined that the sale of all or any part of the bonds authorized to be issued under this chapter (Sections 19501 to 19514, inclusive) is necessary or desirable to make such apportionments, in whole or in part, it shall adopt a resolution to this effect. The said resolution shall authorize and direct the State Treasurer to provide for the preparation of the requisite number of suitable bonds then authorized to be sold and shall specify as to such bonds then to be sold:

1. The aggregate number, aggregate par value, and the date of the bonds to be then sold. The date appearing on said bonds shall be deemed to be the date of issuance for all purposes of this chapter (Sections 19501 to 19514, inclusive), irrespective of the actual date of delivery of such bonds and the payment of the purchase price thereof. Successive issues of bonds herein authorized shall be identified by the number of the issue, or the entire authorized issue may be divided into series or divisions appropriately identified by letter or number.

2. The date or dates of maturity, and the number and numerical sequence of the bonds maturing at each date of maturity, to be at annual or semiannual intervals.

3. The provisions for the retirement of said bonds at any time or times prior to their maturity, the manner of the call thereof, and the price or prices at which said bonds shall be redeemed.

4. The annual rate, or rates, of interest which the bonds to be issued shall bear, to be in multiples of one-fourth of 1 percent, which rate, or rates, at the discretion of said committee, may be determined by the bidder at the time of sale of said bonds, not to exceed 5 percent.

5. The number, numerical sequence, amount or amounts, and dates of maturity of the interest coupons to be attached to said bonds.

6. The technical form and language of said bonds and of the interest coupons to be attached thereto.

In determining the date or dates of maturity of the said bonds and the amount of bonds maturing at each date of maturity, the State School Building Finance Committee shall be guided by the amounts and dates of maturity of the receipts estimated to accrue to the Public School Building Loan Fund from the transactions to be financed by each issue, and shall fix and determine said dates and amounts in such manner that, together with the dates and amounts of interest payments on the said bond issue, they shall coincide, as nearly as practicable, with the dates and amounts of such estimated receipts, provided, the bonds first to mature in each issue shall mature not later than five years and the bonds last to mature in each issue shall mature not later than 45 years from the date of issuance thereof.

The rate of interest to be borne by the bonds need not be uniform for all bonds of the same issue or series or division, and may be determined and fixed by the State School Building Finance Committee by resolution adopted at or after the sale of said bonds, but not exceeding in any case 5 percent per annum payable semiannually. The highest bid received on the sale of the bonds shall be determined by deducting the total amount of the premium bid (if any) from the total amount of interest which the State would be required to pay from the date of sale to the respective maturity dates of the bonds then offered for sale at the coupon rate or rates specified in the bid, and the award shall be made on the basis of the lowest net

interest cost to the State. The lowest net interest cost to the State shall be computed between the dates aforesaid according to standard bond interest tables. The interest coupons first payable may, if the State School Building Finance Committee shall so determine and specify, be payable at any time within one year after the date of issuance of said bonds.

Expenses of committee and legislative interim committee

19513. All actual and necessary expenses of the State School Building Finance Committee and the legislative interim committee and of the members thereof incurred in the performance of their duties arising out of the provisions of this chapter (Sections 19501 to 19514, inclusive) shall be paid out of the Public School Building Loan Fund, upon approval of the State Board of Control and on Controller's warrant duly drawn for that purpose.

Whenever the State School Building Finance Committee deems that it will increase the salability or the price of the bonds to obtain a legal opinion as to the validity of the bonds, prior to or after sale, from attorneys other than the Attorney General, the committee may authorize the State Treasurer or the Department of Finance or both to obtain such a legal opinion. Payment for such legal services shall be made from the Public School Building Loan Fund, upon approval of the State Board of Control and on Controller's warrant duly drawn for that purpose.

Accounts and records

19514. The Controller, the State Treasurer and the State School Building Finance Committee shall keep full and particular account and record of all their proceedings under this chapter (Sections 19501 to 19514, inclusive) and they shall transmit to the Governor an abstract of all such proceedings thereunder, with an annual report, to be by the Governor laid before the Legislature biennially; and all books and papers pertaining to the matter provided for in this chapter (Sections 19501 to 19514, inclusive) shall at all times be open to the inspection of any party interested, or the Governor, or the Attorney General, or a committee of either branch of the Legislature, or a joint committee of both, or any citizen of the State.

CHAPTER 10. STATE SCHOOL BUILDING AID LAW OF 1952

Article 1. General Provisions

Short title

19551. This chapter (Sections 19551 to 19689, inclusive) may be cited as the State School Building Aid Law of 1952.

Legislative intent

19552. The Legislature hereby declares that it is in the interest of the State and of the people thereof for the State to aid school districts of the State in providing necessary school sites and buildings for the pupils of the Public School System, such system being a matter of general concern inasmuch as the education of the children of the State is an obligation and function of the State.

In adopting this chapter (Sections 19551 to 19689, inclusive), the Legislature considers that the great need in school

construction is for classrooms for the education of the pupils of the Public School System It is the intent of the Legislature to first satisfy this primary need to the greatest extent possible before providing additional educational facilities, regardless of how desirable such additional facilities may be. To the end that school classrooms may be made available at once and to all school districts in need of such classrooms, provisions for other needed school facilities is necessarily subordinated.

Definitions

19553. As used in this chapter (Sections 19551 to 19689, inclusive):

(a) "Board" means the State Allocation Board, created by Section 7 of the Construction and Employment Act as amended

(b) "Director" means the Director of Education.

(c) "Project" means the purposes for which a school district has applied for an apportionment under this chapter (Sections 19551 to 19689, inclusive).

(d) "Construction project" means the purposes for which a school district has applied for an apportionment at a given location.

(e) "Grade level maintained by a district" means (1) the kindergarten, if any, and grades 1 to 6, or grades 1 to 8, inclusive, maintained by an elementary school district or a unified school district; or (2) grades 7 to 12, grades 9 to 12, inclusive, or grades 7 to 10, inclusive, maintained by a high school district or unified school district; and (3) grades 13 and 14 maintained by a high school district, unified school district, or junior college district, but not more than one grade level shall be claimed by any district under any one of the subdivisions of this paragraph.

(f) "Apportionment" means an apportionment made under this chapter (Sections 19551 to 19689, inclusive) unless the context otherwise requires. The term "apportionment" in Sections 19620, 19626, 19628, 19629, 19631, 19632, and any other section in this chapter (Sections 19551 to 19689, inclusive) where the context justifies, shall be deemed to include funds of a school district required by the board to be contributed toward the purposes thereof. It is hereby declared that this construction is not intended as a change in the present law but rather as a declaration of existing law.

Administration

19554. The Director of Finance shall administer this chapter (Sections 19551 to 19689, inclusive) and shall provide such assistance to the board as it may require.

State Allocation Board

19555. The State Allocation Board is continued in existence for the purposes of this chapter (Sections 19551 to 19689, inclusive). The members of the board and the Members of the Legislature meeting with the board shall receive no compensation for their services under this chapter (Sections 19551 to 19689, inclusive) but shall be reimbursed for their actual and necessary expenses incurred in connection with the performance of their duties hereunder, to be paid out of the State School Building Aid Fund.

Allocation priorities

19556. The board by the adoption of rules shall give priority in allocating funds to districts to those districts where the children will benefit most from additional schoolhouse facilities. This priority shall be based on acuteness of overcrowding, on sudden growth in attendance, on amount of local tax funds expended for housing of a character within the purposes of this chapter (Sections 19551 to 19689, inclusive), and on the time the district's application has been ready for allotment. The board may make exceptions when it determines that it will be for the benefit of the children affected.

In adopting rules the board may provide for the granting of priority points to govern the allocation according to the following schedule:

(a) Four priority points may be granted, either for each percent of the latest estimated average daily attendance of the district that is unhoused, or for each percent of the total area of school building construction permitted by this chapter (Sections 19551 to 19689, inclusive) which may be included by the district in applications to the board for new construction. The number of unhoused students is the latest estimated average daily attendance of the district less the sum of (1) any classrooms up to a total of two, multiplied by 25, and (2) any classrooms in excess of two, multiplied by 33.

(b) One priority point may be granted for each percent of the latest estimated average daily attendance of the district that is housed in unsafe buildings or buildings that are a serious hindrance to the education of the students. The number of students so housed is the latest estimated average daily attendance of the district less the sum of (1) the average daily attendance that is unhoused and (2) the sum of any classrooms in buildings which are not unsafe or a serious hindrance to the education of the students up to a total of two, multiplied by 25, and any such classrooms in excess of two, multiplied by 33.

(c) One priority point may be granted for each 5 percent of the latest computed average daily attendance of the district that represents an increase over the average daily attendance for the fifth preceding school year.

(d) One point of priority may be granted for each one-tenth of 1 percent of the assessed valuation of the district, collected in taxes and expended for school housing within the scope of this chapter (Sections 19551 to 19689, inclusive) for the last 12 completed fiscal years. Expenditure of the proceeds of the sale of bonds shall not be counted but expenditure for interest and retirement of bonds shall be counted

(e) Not more than one point of priority shall be allowed for each calendar month that the completed application of the district has awaited funds.

If any computation of priority points made under this section results in a fraction of a point, such fraction shall be disregarded and the number of priority points shall be taken as the next lowest whole number.

These priorities shall be recomputed at least semiannually when funds are available for allocation, on the respective periods of time next preceding the date of computation. The State Department of Education shall assist and co-operate with the board in determining priority ratings.

The latest computed average daily attendance for a district is the average daily attendance computed for the district for the last preceding school year.

The latest estimated average daily attendance for a district is the estimated average daily attendance of the district, computed in accordance with Section 19581 of this code.

No priority points shall be determined on the basis of enrollment where this section requires estimated average daily attendance or latest computed average daily attendance.

Same

19558. In allocating funds under this chapter (Sections 19551 to 19689, inclusive), the board may give first priority to school districts for the replacement and repair of school buildings and necessary facilities appurtenant thereto damaged by any earthquake occurring subsequent to July 1, 1952. All of the provisions of this chapter (Sections 19551 to 19689, inclusive) apply to such districts except the provisions for the establishment of priorities.

Prior to making any apportionment under this section, the State Allocation Board may secure from the Division of Architecture of the Department of Public Works, a report showing the urgency of the work of replacement or repair for which an application has been filed. The report shall not be conclusive upon the State Allocation Board, but shall be advisory only.

Powers and duties

19559. In addition to such other powers and duties as are granted the board by this chapter (Sections 19551 to 19689, inclusive), the board shall:

(a) Establish such qualifications not in conflict with other provisions of this chapter (Sections 19551 to 19689, inclusive) as it deems will best serve the purposes of this chapter (Sections 19551 to 19689, inclusive) for determining the eligibility of school districts to apportionments of funds under this chapter (Sections 19551 to 19689, inclusive).

(b) Establish such procedures and policies in connection with the administration of, and the expenditure of funds made available for the purpose of, this chapter (Sections 19551 to 19689, inclusive) as it deems necessary and which are not in conflict with the powers and duties of the Department of Education or of the director granted or imposed by this chapter (Sections 19551 to 19689, inclusive).

(c) Adopt such rules and regulations for the administration of this chapter (Sections 19551 to 19689, inclusive), requiring such procedure, forms, and information, as it may deem necessary.

Apportionments

19560. Apportionment from the State School Building Aid Fund to school districts shall be made in the manner and subject to the conditions herein provided and in accordance with

policies adopted by the board, for the following purposes, all of which purposes are hereby declared to be, and are, public works: (a) the purchase and improvement of school sites which have been approved by the State Department of Education; (b) the purchase of necessary desks, tables, chairs and other movable furniture and equipment, as approved by the Department of Education; and (c) the planning and construction, reconstruction, alteration of, the moving of portable classroom buildings on an existing site or to another school site, and addition to, school buildings, including built-in or fixed equipment, for such facilities as are approved by the Department of Education as essential, except (1) a room used solely for an auditorium for a school of any type or class and (2) a room used solely for a gymnasium or a room used solely for a cafeteria for elementary schools. This section does not prohibit the Department of Education from approving multipurpose rooms which are rooms designed to be used for two or more of the following purposes:

(a) Classroom
(b) Auditorium
(c) Gymnasium
(d) Cafeteria
(e) Such other purposes as the district requires which are approved by the Department of Education.

Where a district is required by a contract entered into between itself and a contractor, to obtain at its own expense insurance covering risks incurred during any construction, reconstruction or alteration for which an apportionment has been made, the cost thereof may be paid either directly, or by way of reimbursement, to said district out of said apportionment, or out of any apportionment made specifically covering such insurance; provided, that in other respects said apportionments are eligible for payment under provisions of this chapter (Sections 19551 to 19689, inclusive).

Same
Investigation re replacement of facilities

19561. The board shall not make any apportionment with respect to an application for replacing inadequate school facilities unless it has first investigated and made a finding that it would not be economical or good practice to rehabilitate said facilities.

Same
Off-site facilities

19562. In addition to the purposes for which apportionments may be made to school districts under Section 19560, apportionments may also be made to school districts for the construction, repair, attachment or development of off-site facilities, utilities or improvements which the board determines are necessary to the proper operation or functioning of the school facilities for which apportionments are made, all of which purposes are hereby declared to be, and are, public works.

Title to property

19563. In making applications for, and in expending, apportionments of funds under this chapter (Sections 19551 to 19689, inclusive), a school district acts as an agent of the State and all sites purchased and improved, all equipment pur-

chased, and all buildings constructed, reconstructed, altered, or added to through the expenditure of funds apportioned under this chapter (Sections 19551 to 19689, inclusive), are declared to be, and are, the property of the State. Upon the payment by the district of the amounts required to be paid by it to the State under this chapter (Sections 19551 to 19689, inclusive) the board shall, in the name of the State, convey such property to the district.

Insurance

19564. The board may require school districts to insure for the benefit of the State all sites, equipment and buildings which are under Section 19563 the property of the State, against such risks and in such amounts as the board may deem necessary to protect the interests of the State. No state funds apportioned under this chapter (Sections 19551 to 19689, inclusive) shall be used to pay the premiums on said insurance.

Bids

19565. A school district shall not expend money apportioned under this chapter (Sections 19551 to 19689, inclusive) unless the contracts under which the funds are expended have been let after competitive bids thereafter pursuant to this code.

Priority of applications

19566. In making apportionments to districts under this chapter (Sections 19551 to 19689, inclusive), the board shall first consider and act upon all applications for apportionments on file with the board on November 12, 1952, if the districts submitting such applications have complied with all of the following conditions: (1) the applications have been submitted pursuant to the provisions of Sections 19401 to 19486, inclusive, of this code; (2) the applications have been approved by resolution of the board; and (3) two-thirds of the qualified electors of the district voting thereat have favorably voted to authorize the amount of bonds required by the board pursuant to Sections 19401 to 19486, inclusive, of this code.

Except as otherwise provided in this section, the provisions of this chapter (Sections 19551 to 19689, inclusive) shall apply to the applications submitted pursuant to Sections 19401 to 19486, inclusive, of this code. The board shall not consider applications other than those referred to above until all such applications have been considered and acted upon.

Apportionments to certain unified districts

19567 Notwithstanding any other provision of this chapter (Sections 19551 to 19689, inclusive), the governing board of any unified school district which has called an election in the district pursuant to Section 19422 of this code in which the electors of the district, at an election held and conducted between November 1, 1956, and November 30, 1956, authorized the governing board of the district to accept and expend an apportionment from the State under and subject to the provisions of Sections 19401 to 19486, inclusive, may make application for an apportionment under the provisions of this chapter (Sections 19551 to 19689, inclusive).

The board may consider and act upon any application for an apportionment made pursuant to this section and all the provisions of this chapter (Sections 19551 to 19689, inclusive) shall apply to such application and any apportionment made

pursuant thereto, except that the governing board of the applicant school district shall not be required to call an election in the manner prescribed in the second paragraph of Section 19590, nor shall it be necessary, as a condition to any apportionment made by the board to such applicant school district becoming final, that the qualified electors of the district authorize the governing board of the district to accept, expend and repay an apportionment under the provisions of this chapter (Sections 19551 to 19689, inclusive).

Any apportionment made by the board to an applicant school district under this section shall become final upon receipt by the board of the certificate of the county superintendent of schools having jurisdiction over the district stating that bonds of the applicant school district in the amount prescribed by the board have been authorized, issued and sold and that the proceeds thereof have been made available for the purposes of the application. One copy of the certificate shall be sent to the State Controller by the county superintendent of schools on the date of sending the certificate to the board.

Unencumbered funds

19568. Funds apportioned to a school district under Section 19571 of this chapter (Sections 19551 to 19689, inclusive) for a project, remaining unencumbered or unexpended one year from the date the application of the district for such apportionment was approved, shall not be encumbered or expended except as provided in this section.

The governing board of the district shall notify the board of its desire to encumber or expend such funds. The board shall immediately request the Department of Education to, and that department shall, review the project for which apportionment was made. If the Department of Education finds that the conditions existing at the time it approved the project for which the apportionment was made have so changed that the needs of the district are less than originally determined, it shall notify the board of its findings and of the respects in which the project should accordingly be modified. The board shall review the project and revise the project in such manner as it deems necessary subject to the provisions of Section 19598, and make such changes in the purposes for which the apportionment may be expended as it deems necessary. The cost of the project as revised by the board shall be computed in the manner prescribed by Section 19571 and the excess, if any, of the amount theretofore apportioned to the district over the computed cost of the revised project shall be deducted by the board from the apportionment made to the district. The board shall give notice of its action, in writing, to the State Controller, the governing board of the district, and the county auditor and the county treasurer having jurisdiction over the state school building fund of the district. If the amount of such excess, or any portion thereof, has not been paid to the district, such excess, or portion thereof, shall be made available for apportionment to other districts. If such excess, or portion thereof, has been paid to the district, it

shall not be encumbered or expended by the district and shall become due and payable to the State of California. The governing board of the district and the county treasurer shall, at the time of the next county settlement following receipt of such notice from the board, pay such amount to the State Treasurer, out of the funds, and in the manner specified in Section 19629 of this code. Such payment shall, on order of the State Controller, be deposited in the State School Building Aid Fund in the State Treasury.

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State.

This section does not authorize the board to increase any apportionment made to a school district.

Funds allocated to project Expenditure

19569. Funds apportioned to a school district under Section 19573 of this chapter (Sections 19551 to 19689, inclusive) for a project, together with all available funds of the district applied to such project, shall be expended only for the purposes of this project.

The governing board of the district shall notify the board upon completion of the project and acceptance by the governing board. The State Controller, pursuant to Section 19629, shall determine the amount of money expended for the project. If the maximum amount that could have been allowed pursuant to Section 19573 for the project is greater than the amount expended for the project, the difference shall become due and payable to the State of California. The governing board of the district and the county treasurer shall pay such amount to the State Treasurer out of the funds and in the manner specified in Section 19629 of this code. Such payment shall on order of the State Controller be deposited in the State School Building Aid Fund in the State Treasury.

It shall be the duty of such governing body and the county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collections on behalf of the State.

Laboratory and vocational training equipment

19570. Notwithstanding any other provisions of this chapter (Sections 19551 to 19689, inclusive), a district may apply, on a separate application, for an apportionment for the purchase of laboratory and vocational training equipment, whether or not such equipment is for use in connection with a construction project.

All of the provisions of this chapter (Sections 19551 to 19689, inclusive) apply to such application and apportionment except that:

(a) Any application for the equipment pursuant to this section which is received by the board shall be transmitted to the Department of Education. If the Department of Education approves the application, it shall refer it to the board which shall either approve or reject the application pursuant

to Section 19571. Any provision of Section 19571 inconsistent with this section shall not apply to such application.

(b) Section 19556 does not apply.

(c) If the application is approved and an apportionment granted therefor the district shall repay the full amount of such apportionment and the interest thereon. The repayment of the apportionment, and the interest thereon, may be over a period of years, not to exceed 20 years from the first day of January of the fiscal year next succeeding the fiscal year in which such apportionment became final. The number of years allowed for repayment shall be determined by the board at the time it fixes interest on the apportionment. Such repayment is in addition to any other repayment required under this chapter (Sections 19551 to 19689, inclusive).

Application for apportionment

19571. Each school district which desires an apportionment for a grade level maintained by it, shall submit through its governing board to the board an application therefor in such form and number of copies as the board shall prescribe. Each copy of the application shall be accompanied by a statement of the estimated cost of the project certified by an architect or structural engineer, and by layout plans showing the entire construction project for which the district desires an apportionment. Before the board approves an application for a construction project and makes an apportionment pursuant to this chapter (Sections 19551 to 19689, inclusive), it shall after consultation with the Division of Architecture establish standards for all new construction included therein. After such consultation the board shall establish current construction cost standards for such construction. Such standards shall not exceed typical comparable new construction by school districts in the same area not receiving or eligible for apportionment under this chapter (Sections 19551 to 19689, inclusive), or if there has been no new construction by school districts in the area, the standards shall not exceed the reasonable current cost of similar construction in the area. The board shall determine such typical current costs or such reasonable current costs. In applying such standards the board shall take into account the size and type of the construction proposed and may make such deviations as in their judgment are justified. When a standard has been set by the board to cover any individual apportionment, no apportionment shall be made by the board in excess of such standard, unless the board shall find that in view of a rapid increase in building costs an adjustment is warranted. Immediately upon receipt of an application in the prescribed form accompanied by the required estimate of cost, a copy thereof shall be transmitted by the board to the director and to the Director of Finance.

A school district shall not let any contract for new construction included in an application for a construction project which has been approved by the board if the cost exceeds the construction cost standards fixed by the board under this section for such new construction.

A school district may at any time amend or supplement its application.

Each construction project for which a district applies for an apportionment shall be applied for on a separate application and shall be considered separately by the board. If a district applies for more than one construction project, at the same time or at different times, the priority points of the district shall be recalculated after the approval of each separate construction project and before a subsequent construction project is approved.

The Allocation Board shall require such changes in the plans which an applicant school district submits with its application as the board determines is necessary or desirable to reduce the cost of the project. The board may also by rule provide for the vesting in the director or in the Director of Finance of the responsibility for requiring such changes, according to whether the subject matter of the change is subject to the jurisdiction or approval of the director or the Director of Finance, respectively.

The board may for such good cause as it shall determine, reduce the amount of, or modify any provisions relating to, any contribution required of a school district under the terms of an apportionment, other than any contribution required of such district under Section 19590 from the sale of bonds; provided, that the board may not, without the consent of the district, increase the amount of any district contribution under the terms of an apportionment, in the absence of mistake arising from any source, or misrepresentation, concealment, or omission, on the part of the district, intentional or otherwise. The provisions of this paragraph shall be applicable to apportionments heretofore or hereafter made.

The Director of Finance shall determine the school district's financial ability to meet all or a portion of the cost of the project and the amount which the school district can contribute toward the cost of the project out of its available funds, and shall submit his report thereon to the board.

The term "available funds" as used in the preceding paragraph means funds of the district other than funds received by gift or bequest.

The director shall as promptly as possible prepare a report and recommendation with respect to the application and refer the application, report, and recommendation to the Director of Finance, who shall, if he finds said documents to be in proper form and otherwise sufficient, refer them to the board. If the Director of Finance finds said documents to be lacking in any respect as to any matter which is subject to the jurisdiction or approval of the director or Department of Education, he shall refer them to the director who shall take such action as may be necessary. The board shall, subject to the provisions of this chapter (Sections 19551 to 19689, inclusive) approve or reject each application referred to it by the Director of Finance. If the board approves of the application,

either in whole or in part, it shall, by a resolution adopted by it, apportion to the district from the State School Building Aid Fund the amount applied for, or such portion thereof as the board may deem appropriate; provided, that it may order that the apportionment or any part thereof shall be paid in progressive installments at such times and under such conditions as it may then prescribe. This shall be known as a conditional apportionment and shall become final only if the vote provided for in Section 19590 is favorable and if bonds are authorized and sold in the amounts prescribed by the board, and the proceeds of the bonds sold earmarked for the project as approved. The conditional apportionment shall remain effective for a period of nine months from the date of said resolution of the board, and if it does not become a final apportionment by that date, it shall become void and the money so apportioned shall become again available for apportionment pursuant to this chapter (Sections 19551 to 19689, inclusive).

District contributions

19572. Notwithstanding any provision of this chapter (Sections 19551 to 19689, inclusive) to the contrary, no school district shall be required, except as provided in this section, to contribute toward the cost of a project for which an application for an apportionment is filed, any of the following funds of the district:

(a) Amounts in the general fund of the district which are apportionments from the State School Fund.

(b) Amounts in the general fund of the district which are the proceeds of a tax levy and have not been earmarked by the governing board of the district or the electors of the district for any purposes for which school district bonds may be issued and sold.

In considering an application for an apportionment the board may review the purposes for which the district has expended or encumbered proceeds from the sale of district bonds authorized to be issued at an election held on or after September 3, 1952. Upon a finding by the board that any such proceeds have been expended or encumbered for purposes outside the scope and intent of this chapter (Sections 19551 to 19689, inclusive), the board may require the district to contribute toward the project for which an apportionment is sought from any funds of the district, except those referred to in subdivision (a) above, an amount equal to the amount of district bond proceeds expended or encumbered for purposes outside the scope and intent of this chapter (Sections 19551 to 19689, inclusive).

Application for apportionment

19573. Any school district which desires an apportionment for (a) the purchase of equipment, (b) the planning and construction of school buildings, or (c) the planning and construction of additions to school buildings for grade levels maintained by it, shall submit through its governing board to the board an application therefor in such form and number of copies as the board shall prescribe, and may request that its application be considered under this section. If the board and

the Department of Education approve the request, the application shall be considered under this section.

Each construction project for which a district applies for an apportionment shall be applied for on a separate application and shall be considered separately by the board, except that a single application, under this section, may contain a request for an apportionment for construction, site development, and equipment when all apply to a single project. If a district applies for more than one construction project, at the same time or at different times, the priority points of the district shall be recalculated after the approval of each separate construction project and before a subsequent construction project is approved.

Each copy of the application shall be accompanied by a preliminary floor plan in sufficient detail as to clearly indicate the dimensions of each room and number of square feet contained therein. All measurements shall be taken from the outside of exterior walls to the center line of interior walls. Such plans shall be prepared by an architect or a structural engineer and shall be certified as a true and correct copy of the proposed construction project plan. A school district shall prepare its application and plans after consultation with the Department of Education, and may at any time amend or supplement its application.

Before the board approves an application for a construction project, it shall, after a consultation with the Division of Architecture, establish standards for all new construction included therein. After such consultation, the board shall establish current construction cost standards for such construction. Such standards shall not exceed typical comparable new construction by school districts in the same area not receiving or eligible for apportionment under this chapter (Sections 19551 to 19689, inclusive), or if there has been no new construction by school districts in the area, the standards shall not exceed the reasonable current cost of similar construction in the area. The board shall determine such typical current costs or such reasonable current costs. In applying such standards, the board shall take into account the size and type of the construction proposed and may make such deviations as in their judgment are justified. All such standards shall be reviewed by the board quarterly and adjustments made in accordance with current cost standards. Such standards shall consist of square-foot costs for each type of construction which represents a differential in cost.

Before the board approves an application for an equipment project or an application for a construction project including equipment, it shall, after a consultation with the Department of Education, establish current equipment cost standards. Such standards shall not exceed typical comparable equipment purchased by school districts not receiving or eligible for an apportionment under this chapter (Sections 19551 to

19689, inclusive). Such standards shall consist of equipment cost for each type of classroom or pupil station which represents a differential in cost. The standards shall be reviewed by the board quarterly and adjustments made in accordance with current cost standards. In applying such standards the board may make such deviations as in their judgment are justified.

Before the board approves an application for a site development project, or a construction project, including site development, it shall, after consultation with the Department of Education, determine development for each type of work required and for each different type of teaching station which represents a differential of cost.

Immediately upon receipt of an application in the prescribed form accompanied by the required floor plan, a copy thereof shall be transmitted by the board to the director and to the Director of Finance. The director shall as promptly as possible review the application and the accompanying plan. If he finds the plan unacceptable, the district shall be notified and be required to make such changes as are found necessary. If he finds the plans sufficient and satisfactory, he shall certify his approval to such plans and to the application and refer it, together with his report and recommendation, to the Director of Finance who shall review the documents. If the Director of Finance finds the said documents to be lacking in any respect as to any matter which is subject to the jurisdiction or approval of the director or Department of Education, he shall refer them to the director who shall take such action as may be necessary. If the Director of Finance finds the said documents to be in proper form and otherwise sufficient he shall refer them to the board. The board shall, subject to the provisions of this chapter (Sections 19551 to 19689, inclusive), approve, in whole or in part, or reject such application referred to it by the Director of Finance.

As to any construction application approved by the board, in whole or in part, under this section, the maximum amount that may be apportioned shall be the sum of the products of the number of square feet in the construction project of each type or class of construction as may be determined by the board, and that has been approved by the board, and the cost per square foot for each established by the board in its standards adopted pursuant to this section. The total number of square feet in the application and plan shall not, with the area of other adequate school construction in the applicant district, exceed the areas prescribed in Section 19581.

As to any equipment application approved by the board, in whole or in part, under this section the maximum amount that may be apportioned shall be the sum of the products of the number of each type of classroom or pupil station and the cost for each established by the board in its standards adopted pursuant to this section.

As to any site development application approved by the board, in whole or in part, under this section, the maximum amount that may be apportioned shall be the amount approved by the board.

The Director of Finance shall investigate the school district's financial ability to meet all or a portion of the amount determined to be the maximum amount that may be apportioned, shall estimate the amount which the school district can contribute, and shall submit his report thereon to the board.

The board shall determine the amount the school district shall contribute but this amount shall not be less than the amount the district is required to contribute under Section 19590 of this chapter (Sections 19551 to 19689, inclusive) from the sale of bonds; provided, that the board may not, without consent of the district, increase the amount of any district contribution under the terms of the apportionment, in the absence of mistake arising from any source, or misrepresentation, concealment, or omission, on the part of the district intentional or otherwise.

The amount that the district shall contribute, as determined by the board, shall be subtracted from the maximum amount that may be apportioned and the remaining amount shall be apportioned to the district from the State School Building Aid Fund; provided, that the board may order that the apportionment or any part thereof shall be paid in progressive installments at such times and under such conditions as the board may prescribe by regulations.

This apportionment shall be known as a conditional apportionment and shall become final only if the vote provided for in Section 19590 is favorable and if bonds are authorized and sold in the amounts prescribed by the board, and the proceeds of the bonds sold earmarked for the project as approved. The conditional apportionment shall remain effective for a period of nine months from the date of the apportionment of the board and if it does not become a final apportionment by that date, it shall become void and the money so apportioned shall become again available for apportionment pursuant to this chapter (Sections 19551 to 19689, inclusive).

No application shall be approved pursuant to this section after the ninety-first day after final adjournment of the 1959 Regular Session.

Furniture or equipment Cost standards

19574. Before the board approves an application for a furniture or equipment project, or an application for a new construction project, including furniture and equipment, and after consultation with the Department of Education, it shall establish current furniture and equipment cost standards. Such standards shall not exceed the quantity and quality of furniture and equipment for comparable facilities purchased by school districts not receiving or not eligible for an apportionment under this chapter (Sections 19551 to 19689, inclusive). Such standards shall consist of equipment costs for each

type of classroom or pupil station which represents a differential in costs. The standards shall be reviewed quarterly by the board and adjustments made in accordance with current cost standards. When standards have been adopted by the board, no apportionment shall be made by the board in excess of such standards unless a rapid increase in costs warrants an adjustment.

Before the board approves an application for furniture and equipment in connection with an application for the replacement of, reconstruction of, alteration of, or addition to, a school building, the Department of Education, after full consideration of all the furniture and equipment existing in the applicant district that is in usable condition, shall recommend the amount that shall be approved in the application. The board may approve all or a portion of the amount so recommended.

Contract for construction of project

19575. Whenever an apportionment of the board under Section 19573 becomes final, the governing board of a school district may award a contract for the construction of the project. The contract awarded shall call for at least the number of square feet of construction that was shown in the plan upon which the apportionment was computed The contract may call for the construction of building area in addition to the square feet in the plan upon which the apportionment was based; provided, that the final plans and specifications for construction had been approved by the Department of Education and the Division of Architecture.

The application, plans, specifications, bids and contract shall be prepared and submitted in such manner that the Department of Education and the State Allocation Board may be able to determine what portion or portions of the apportionment are to be expended for the approved items within the application and that expenditures are made in accordance with the approved application.

Approval of application

19576. The board may approve, in whole or in part, an application submitted by a school district under Section 19571 and in such amount, not exceeding the amount applied for, as the board may deem appropriate.

The board may, upon approval of the application, in whole or in part, and subsequently from time to time, make a conditional apportionment or conditional apportionments not exceeding in the aggregate the total amount determined by the board as aforesaid, to the applicant school district from the State School Building Aid Fund for such portion or portions of the construction project as the board determines the district is ready to proceed with. If the board has approved an application and made an apportionment as to a portion or portions of a construction project, the board may approve the remaining portion or portions of the construction project and make an additional apportionment or apportionments within two years after the original approval without requiring a district to issue additional bonds.

If the board determines that the actual cost is in excess of the estimated cost of the specific school plant facilities or sites for which an apportionment to a district has been made, or for which a district's application has been approved in whole or in part pursuant to this section, the board may make an additional apportionment to such district in an amount equal to such excess even though such additional apportionment will result in the total apportionments to the district exceeding the amount of the application originally approved by the board. Before such additional apportionment becomes final the district, pursuant to Section 19590, shall hold an election to repay the amount of such additional apportionment which is in excess of the amount which the district has previously voted to repay. Such additional apportionment shall become final when the county superintendent of schools transmits to the board and the State Controller a certificate in duplicate stating that the school district has authorized the acceptance and expenditure of the necessary amount of such excess. The first paragraph of Section 19595 shall not apply to such additional apportionments. If such additional apportionments are made by the board within two years after the original approval, the district shall not be required to issue additional bonds.

Unless the board by rule otherwise provides, the total of the amounts of applications as approved by the board under this section shall not, when added to all amounts apportioned to school districts by the board under Section 19571, exceed 90 percent of the total amount of state school building bonds authorized to be issued and sold by Section 16.5 of Article XVI of the Constitution of the State.

Except as otherwise provided in this section, all provisions of this chapter (Sections 19551 to 19689, inclusive) relating to apportionments shall apply to apportionments made under this section.

Approval of an application under this section shall not be construed as creating or implying any obligation, commitment or promise on the part of the board or the State to make apportionments under this chapter (Sections 19551 to 19689, inclusive).

Application Site, etc., not part of construction project

19577. Notwithstanding any other provisions of this chapter (Sections 19551 to 19689, inclusive), a district which applies for an apportionment for the purchase of a site or comprehensive master plan, or for the cost of the preparation of plans and specifications, which is not a part of a construction project, shall make a separate application for such site, comprehensive master plan, or plans and specifications in the same manner as prescribed by Section 19571.

All of the provisions of this chapter (Sections 19551 to 19689, inclusive) apply to such application and apportionment except that:

(a) If the Department of Education determines that within five years from the date of the application for the site or comprehensive master plan there will be sufficient enrollment in

the district to show the need of such site or comprehensive master plan, it may approve the application. If the Department of Education determines pursuant to Section 19581, that within the period of years for which estimates of average daily attendance may be made for the particular type of district pursuant to Section 19581, the applicant district will need the plans and specifications, because it will be ready to commence with the construction covered by the plans and specifications, and that the area of construction covered by plans, when added to the adequate school construction existing in the applicant district at the time of the application, does not exceed the maximum allowable building area under Section 19581, it may approve the application. Any application referred to the board pursuant to this section shall be either approved or rejected pursuant to Section 19571. Any provision of Section 19571 inconsistent with this section shall not apply to such application.

(b) Section 19556 does not apply.

(c) An application for a site pursuant to this section may include an amount for the preparation of a comprehensive master plan for the development of the site.

(d) If the application is approved and an apportionment granted therefor the district shall repay the full amount of such apportionment and the interest thereon. The repayment of the apportionment for a site or comprehensive master plan, and the interest thereon, may be over a period of years, not to exceed 30 years from the first day of January of the fiscal year next succeeding the fiscal year in which such apportionment became final. The repayment of the apportionment for plans and specifications, and the interest thereon, may be over a period of years, not to exceed 30 years from the first day of January of the second fiscal year succeeding the fiscal year in which such apportionment became final The number of years allowed for repayment shall be determined by the board at the time it fixes interest on the apportionment. Such repayment is in addition to any other repayment required under this chapter (Sections 19551 to 19689, inclusive). If an apportionment is granted pursuant to this section for a site and such site is subsequently used in a construction project for which an apportionment is received under other provisions of this chapter (Sections 19551 to 19689, inclusive), or if an apportionment is granted pursuant to this section for plans and specifications and such plans and specifications are subsequently used in a construction project for which an apportionment is received under other provisions of this chapter (Sections 19551 to 19689, inclusive), the district shall not be required to make any further repayments for the site, or the plans and specifications, as the case may be, pursuant to this section and the unpaid balance of the apportionment and interest owing on the apportionment for the site, or the plans and specifications, as the case may be, pursuant to this section

shall be added to the principal amount of the apportionment and accrued interest thereon for the construction project.

Apportionments Waiver of conditions precedent

19578. Notwithstanding any other provision of this chapter (Sections 19551 to 19689, inclusive) to the contrary, whenever it appears (1) that a district made application for an apportionment of funds under this chapter (Sections 19551 to 19689, inclusive) for the construction of school facilities to be located on a new school site, which application was approved by the Department of Education; (2) that the board upon consideration of such application found that it would be good practice to continue the use of the existing school and site, and thereupon made an apportionment for surveys and plans for the rehabilitation and enlargement of such school on the pre-existing site; (3) that on the date of such action by the board the district made application for an apportionment of funds under this chapter for the rehabilitation and enlargement of the existing school facilities of the district; (4) that at the time of making such conditional apportionment the board determined that the district was not required to issue and sell additional bonds of the district; and (5) that the district had prior to the date of the aforesaid board action voted to accept, expend and repay, as provided in this chapter (Sections 19551 to 19689, inclusive), an apportionment or apportionments in an amount sufficient to include all apportionments made to the district up to and including the date of the aforesaid board action, the board may at any time within two years of September 7, 1955, consider or reconsider and approve or reject either of such applications submitted by the school district. If the board approves of either of such applications, either in whole or in part, it shall, by resolution make such apportionment or apportionments to the district from the State School Building Aid Fund as the board may deem appropriate without the necessity of the district complying with any provisions of this chapter (Sections 19551 to 19689, inclusive) which constitute conditions precedent to an apportionment being made or becoming final.

The provisions of this section shall remain in effect only until the ninety-first day after the final adjournment of the 1957 Regular Session of the Legislature.

Repayment of site apportionments

19579. If an apportionment is or has been made at any time after September 9, 1953, for construction on a site for which an apportionment was made pursuant to Section 19577, from and after the date said apportionment for construction becomes, or became, final, no repayment deductions by the Controller pursuant to Section 19611 attributable to the apportionment for said site shall thereafter be made, except that any such repayment deductions attributable to such site apportionment which would otherwise be made by the Controller during the fiscal year in which such construction apportionment becomes final shall be made during such fiscal year only. The balance of the principal amount of the apportionment for said

site, and accrued interest thereon, shall be added by the Controller to and become part of the apportionment for construction, as of the date of such apportionment, and repaid in the manner otherwise prescribed by this article (Sections 19551 to 19632, inclusive). The Controller shall promptly notify the governing board of the district and the county auditor of the county, the county superintendent of which has jurisdiction over the district, of any revision required by this section of any previous computation made by him pursuant to Section 19618.

Extension of time

19580. If, after a conditional apportionment has been made to a school district, legal proceedings initiated prior or subsequent to the making of such conditional apportionment prevent the taking, within the period during which the conditional apportionment remains effective under Section 19571, of the actions necessary to permit the conditional apportionment to become final, the conditional apportionment shall nevertheless remain effective for a period of nine months from the date upon which such legal proceedings are finally determined.

Apportionment for new construction

19581. No apportionment shall be made for new construction which, when added to the area of adequate school construction existing in the applicant school district at the time of application, will provide a total area of school building construction per unit of average daily attendance of the estimated average daily attendance in excess of that computed in accordance with Sections 19583, 19585, 19586, 19587, and 19588.

As used in Sections 19583, 19585, 19586, 19587, and 19588, "maximum area" means maximum area of school building construction and "attendance unit" means unit of estimated average daily attendance.

As used in this section and Sections 19586, 19587, and 19588, "attendance center" means a school maintained or to be maintained at a given location within a district. The Department of Education shall approve or disapprove, the allocation by an applicant district of units of estimated average attendance among the attendance centers of the district.

To the building area permitted to an applicant school district by Sections 19583, 19585, 19586, 19587, and 19588, there may be added such additional building area as may be required to provide adequate facilities for exceptional children pursuant to Article 3 (Sections 19681 to 19689, inclusive) of this chapter.

No estimate of average daily attendance made by an applicant for the purpose of justifying an apportionment shall be made for a longer time than the third fiscal year beyond the fiscal year in which an application is made, except that an estimate for the purpose of justifying an apportionment for a grade level maintained by a high school district or unified district, composed of grades 7 to 12, inclusive, 9 to 12, inclusive, or 7 to 10, inclusive, shall not be made for a longer time than the fourth fiscal year beyond the fiscal year in which the application is made. The estimates of average daily attendance

shall be based upon the number of family dwellings under construction in the district and the number of children residing in the district. In no case shall an estimate be given effect unless approved by the Department of Education.

Notwithstanding any provision of this code to the contrary, for the purposes of this chapter (Sections 19551 to 19689, inclusive) pupils attending grades 7 and 8 in an elementary district but residing in a high school district which maintains one or more junior high schools shall not be considered in determining or estimating the average daily attendance of the elementary district.

Method of determining need, etc

19582. The board by the adoption of rules shall provide for the manner of determining the area of adequate school construction existing in an applicant school district at the time of application. Such rules shall define and provide for the method of determining building areas that are to be included in whole or in part, or to be excluded from the area of existing adequate school construction.

The board may make exceptions to the provisions of this section or to the rules adopted pursuant to such section when it determines that such will be for the benefit of children affected.

For the purposes of this section, "service area" may be defined as (1) buildings which when constructed were intended to be used for a purpose to which the provisions of Education Code Sections 15451 to 15465, inclusive, would not apply, whether or not such sections were in effect at the time when the building was constructed, or (2) buildings which when constructed were intended to be used for a purpose to which Education Code Sections 15451 to 15465, inclusive, would apply, whether or not such sections were in effect when the building was constructed, but which building has been converted or is intended to be converted, as shown by the application, to use for purposes to which such sections would not apply. Service area may include, but is not limited to, construction used as bus garages, maintenance shops, centrally located district storage and warehouses, teacherage and custodial houses, utility shelters, administration offices, transformer vaults, and service yards.

The board shall exclude from the building area of a district the area of any building which is or will be used exclusively for a parent co-operative nursery education facility, and for no other purpose, and which building at the time of acquisition thereof by the district was incidental to the purchase of a school site and unsuitable for classroom purposes or which was acquired by the district without expenditure of school district funds.

The area of adequate school construction existing in a district at the time of application shall be initially computed as all of the construction area of a district except (1) such areas as may be eligible for replacement under standards established by the board, and (2) such areas in an existing structurally

inadequate building for which an application has been filed for structural rehabilitation or in a building previously structurally rehabilitated under either Sections 19401 to 19486, inclusive, or Sections 19551 to 19689, inclusive, of the Education Code, that exceeds the maximum building area allowed by Section 19581 for a number of pupils, equivalent to those that could be housed in the building after rehabilitation. The board shall prescribe by rule the method of computing the number of pupils which could be so housed for the purposes of this subsection. If such area of adequate school construction, when added to the minimum facilities needed by the district, results in a total construction area in excess of the amount prescribed in Section 19581, then the board may make the following adjustments to the initial computation or such revisions thereof as the board, in its discretion, deems desirable:

(a) Service areas constructed prior to July 19, 1947, shall be excluded, except as provided in (c) below.

(b) Service areas constructed subsequent to July 19, 1947, shall be recomputed by multiplying the total number of square feet of said service area by the percentage determined from dividing the actual construction cost per square foot as determined by the Director of Finance by the estimated average cost per square foot of the new school facilities for which the district has made application.

(c) If any inadequate nonservice area constructed prior to July 19, 1947, is, or will be, converted to a service area, such area shall be recomputed by multiplying said area by the percentage determined by dividing the depreciated value of said area by the replacement cost as such value and cost are determined by the Director of Finance.

(d) If, after the revised computation of service areas is made as prescribed under subsections (a), (b), and (c) of this section, the existing and requested building area of the district is in excess of the schedule set forth in Section 19581, the existing building area of nonservice facilities may be determined on the basis of the number of pupils housed by such facilities at an allowance per pupil which is not more than 25 percent in excess of the amount per pupil prescribed in Section 19581.

The board shall prescribe by rule the method for computing the number of adequately housed pupils for purposes of this subsection.

This section shall remain in effect until the ninety-first day after the final adjournment of the 1959 Regular Session of the Legislature.

Maximum area Kindergarten and grades 1 to 6

19583. There shall be allowed to each district with attendance units of 300 or more in kindergarten and grades 1 to 6, inclusive, a maximum area of 55 square feet for each attendance unit of the district in kindergarten and grades 1 to 6, inclusive.

The maximum total building area per attendance unit allowed to applicant districts with attendance units of less than 300 in kindergarten and grades 1 to 6, inclusive, for such attendance units shall be determined by the Department of Education, and shall be building area to provide comparable facilities to those provided by the first paragraph of this section, and shall be the least building area required to house adequately the estimated average daily attendance and the normal instructional and other services.

Exclusions from computation

19584. The area of any building constructed by a school district after September 11, 1957 with funds given or bequeathed to the district after such effective date, and the area of any building given, devised or bequeathed to a school district after such effective date, including any building given to a district by any city, county or political subdivision of this State, shall not be included in any computation of the area of adequate school construction existing in any applicant school district under this chapter (Sections 19551 to 19689, inclusive).

For the purposes of this section, any building leased to a school district for a term exceeding 24 years and for an annual rental of not exceeding five dollars ($5), shall be construed as constituting a gift to the district.

Maximum area Grades 7 and 8

19585. There shall be allowed to each district a maximum area of 75 square feet for each attendance unit of the district in grades 7 and 8.

Same Junior high schools

19586. The allowance of maximum area to a district for the attendance units in junior high schools of the district composed of grades 7 to 9, inclusive, or 7 to 10, inclusive, shall be determined pursuant to this section, rather than Sections 19585 and 19587. This section does not apply to junior high schools composed of grades 7 and 8 only.

There shall be allowed to each district a maximum area for the attendance units of the district in junior high schools determined by computing, in accordance with the following paragraph, the number of square feet for the attendance units at each junior high school attendance center of the district, and totaling the number of square feet so determined for all attendance units in all such junior high school attendance centers of the district.

There shall be allowed a maximum area of 75 square feet for each attendance unit of the junior high school attendance center in grades 7 and 8. For each attendance unit in grade 9, or grades 9 and 10, as the case may be, at each junior high school attendance center, there shall be allowed a maximum area of a number of square feet equal to the number of square feet which would be allowed under Section 19587 for each attendance unit of an attendance center having a total number of attendance units equal to the total number of attendance units in grades 7 to 9, inclusive, or 7 to 10, inclusive, as the case may be, at the junior high school attendance center. The number of square feet which would be allowed under Section

19587 for each attendance unit of an attendance center shall be computed by determining in accordance with that section the total number of square feet which would be allowed at an attendance center and dividing such total number of square feet by the total number of attendance units at such attendance center.

Same Grades 9 to 12

19587. There shall be allowed to each district a maximum area for the attendance units of the district in grades 9 to 12, inclusive, determined by computing, for the attendance units in grades 9 to 12, inclusive, at each attendance center of the district, a number of square feet for the number of attendance units in such grades at each attendance center, in accordance with the following table, and totaling the number of square feet so determined for all attendance units in such grades of all attendance centers of the district:

Attendance units of attendance center	Maximum number of square feet of building area
1-50	18,000
51-100	18,000 plus 162 for each attendance unit over 50
101-200	26,100 plus 99 for each attendance unit over 100
201-300	36,000 plus 60 for each attendance unit over 200
301-600	42,000 plus 54 for each attendance unit over 300
601-1,800	58,200 plus 80 for each attendance unit over 600
Over 1,800	154,200 plus 70 for each attendance unit over 1,800

Same Grades 13 and 14

19588. There shall be allowed to each district a maximum area for the attendance units of the district in grades 13 and 14, determined by computing, for the attendance units in grades 13 and 14, at each attendance center of the district, a number of square feet for the number of attendance units in such grades at each attendance center, in accordance with the following table, and totaling the number of square feet so determined for all attendance units in such grades of all attendance centers of the district:

Attendance units of attendance center	Maximum number of square feet of building area
1-50	18,000
51-100	18,000 plus 162 for each attendance unit over 50
101-200	26,100 plus 99 for each attendance unit over 100
201-300	36,000 plus 60 for each attendance unit over 200

Attendance units of attendance center	Maximum number of square feet of building area
301-400	42,000 plus 54 for each attendance unit over 300
401-600	47,400 plus 59 for each attendance unit over 400
601-1,800	59,200 plus 88 for each attendance unit over 600
Over 1,800	164,800 plus 77 for each attendance unit over 1,800

Payment to district

19589. Payment shall be made in accordance with the terms of a final apportionment, either directly or by way of reimbursement, to a school district for expenditures, or commitments therefor, which have been made by the district subsequent to the effective date of the constitutional amendment of the 1952 Second Extraordinary Session of the Legislature adding Section 16 5 to Article XVI, for any items approved by the board in such apportionment; provided, however, that where expenditures were made for, or work was commenced with respect to, any item so approved, prior to the time the application of such district containing such item was received by the board, payment or reimbursement for such item, either with state funds or with district funds which the district is required to contribute by said apportionment, shall be made only upon authorization of the board by special resolution citing this section.

Final apportionments Conditions, etc

19590. No apportionment to a school district shall become final unless: (a) the total amount of outstanding bonds of the district exceeds ninety-five percent (95%) of the maximum amount of bonds which the district could have had outstanding under any law on the date the conditional apportionment is made, or (b) if the total amount of the bonds of the district outstanding and unpaid is less than ninety-five percent (95%) of the amount of the bonds permitted to be issued by the district, the amount of district bonds outstanding is within twenty-five thousand dollars ($25,000) of the total bond limit permitted, as of the date on which the conditional apportionment is made. At the time the board makes a conditional apportionment pursuant to Section 19571, it shall determine what portion of the total amount of bonds which a district is permitted to issue and sell by law shall be issued and sold by such district, the proceeds of which shall be applied toward the cost of the project for which the apportionment is sought; provided, that in the event the school district has previously received apportionments, such proceeds shall first be applied toward the reduction, in chronological order beginning with the earliest, of any apportionments previously made to the district, before being applied toward the cost of the project for which an apportionment is sought. The portion so determined by the board shall be not less than the minimum amount required for such apportionment to become final under this

section. Any apportionment made by the board pursuant to Section 19571 shall be conditioned upon the approval and sale of such bonds by the district. The amount of any apportionment for a construction project made as a consequence of applying district bond proceeds toward the reduction of prior apportionments pursuant to this section instead of applying the district bond proceeds toward the cost of such construction project, shall be excluded in determining the amount chargeable against the apportionments authorized by the electorate of the district to be accepted, expended and repaid. It is hereby declared that this provision, added by the amendment to this section enacted at the 1958 First Extraordinary Session of the Legislature, is not intended as a change in the law, but rather as a declaration of existing law.

Any provision of this code to the contrary notwithstanding, whenever the electors of a district, subsequent to any requirement by the board for the sale of bonds in connection with an apportionment, authorize the issuance of bonds for any purpose for which an apportionment could lawfully be made, such authorization shall, in addition to the purposes specified, be deemed to constitute the consent of the electors to apply the proceeds of the bonds so required to be sold by the board toward the reduction of any apportionment previously made to such district. Any bond funds used to reduce any apportionment pursuant to this section shall be transferred to the State School Building Aid Fund and shall be available for reapportionment by the board. The portion so determined by the board shall be not less than the minimum amount required for such apportionment to become final under this section. Any apportionment made by the board pursuant to Section 19571 shall be conditioned upon the approval and sale of such bonds by the district.

No apportionment to a school district shall become final unless, at an election called by the governing board of the district, two-thirds of the qualified electors of the district voting thereat have authorized the governing board of the district to accept, expend, and repay, as provided in this chapter (Sections 19551 to 19689, inclusive), an apportionment under the provisions of this chapter (Sections 19551 to 19689, inclusive). Such election shall be combined with and held at the same time as the bond election to authorize the amount of bonds required by the board, if any, and shall be called, held, and conducted in the same manner as are elections to authorize the issuance of school district bonds, except that the ballot, in addition to the bond proposition, shall contain substantially the following words:

"Shall the governing board of the _____ school district be authorized to accept and expend an apportionment in an amount not to exceed _____ dollars ($_____) from the State of California under and subject to the provisions of Chapter 10 (Sections 19551 to 19689, inclusive) of Division 14

of the Education Code which amount is subject to repayment as provided by said chapter? Yes____ No____."

Bond issue

19591. Notwithstanding the provisions of Section 19590, if an applicant school district issues and sells bonds in an amount which is within five thousand dollars ($5,000) of the maximum amount of bonds which the district could have outstanding on the date of the conditional apportionment and makes the proceeds thereof available for the purposes of the apportionment, the district shall remain eligible for an apportionment of funds under this chapter (Sections 19551 to 19689, inclusive) without being required to issue and sell additional bonds until the next equalized assessment of the county or counties in which the district is located irrespective of the redemption of any bonds of the district.

Election certificate

19592. Immediately after the result of the election has been determined, the county superintendent of schools shall make a certificate in duplicate stating whether the bonds have been authorized in the amount prescribed by the board and whether the school district has authorized the acceptance and expenditure of the apportionment. One copy of the certificate shall be sent to the board and one copy to the State Controller. When the bonds authorized have been issued and sold and the proceeds thereof made available for the purposes of the application, the county superintendent of schools shall also certify this fact to the board and the State Controller. Upon the receipt by the board of the certificates stating that the bonds have been issued and sold and the proceeds made available for the purposes of the application, the apportionment shall become final.

Time of election

19593. The election by a school district upon the acceptance, expenditure, and repayment of an apportionment prescribed by Section 19590 may be called and held either before or after the making of an apportionment.

Validation of apportionments

19594. Whenever a conditional apportionment has, prior to September 11, 1957, been made to an applicant school district pursuant to this chapter (Sections 19551 to 19689, inclusive) and thereafter the county superintendent of schools of the county having jurisdiction over such district has certified to the board and the State Controller that at an election called, held and conducted in the district for that purpose, two-thirds of the qualified electors of the district voting thereat authorized the governing board of the applicant school district to accept, expend and repay an apportionment under the provisions of this chapter (Sections 19551 to 19689, inclusive), and whenever thereafter said county superintendent of schools has certified to the board and the State Controller that the amount of bonds, if any, required by the board, as a condition to the apportionment becoming final, have been issued and sold and the proceeds thereof made available for the purposes of the application and the board has certified to the State Controller that the apportionment to the applicant school district has become final, such final apportionment is hereby confirmed, ratified, and validated, and any expenditure of money from the

State School Building Aid Fund according to the terms of such final apportionment is hereby confirmed, ratified, and validated.

Limitations

19595. No apportionment shall be made to a school district for any grade level if the estimated cost of the project, as approved by the Director of Finance, is (1) an amount which would result in an apportionment to the district exceeding the amount authorized at the district election held under Section 19590, or (2) is an amount which if raised by the issuance and sale of bonds of the district running for 25 years bearing the current going rate of interest as determined by the board and the principal of which is payable in 25 equal annual payments, would require the levy of a tax under Section 22101 upon property in the district which would, when added to the tax actually being levied upon property in the district for the grade level as determined by the Director of Finance under said section, amount to less than thirty cents ($0.30) on each one hundred dollars ($100) of assessed valuation of property in the district during the next fiscal year.

Interest

At the time the board makes an apportionment, it shall, with the approval of the Director of Finance, fix the interest to be paid by the district on the sum apportioned to it at a rate equal to the effective rate paid by the State upon the bonds sold from the proceeds of which the apportionment is made, giving effect to the price at which the bonds are sold and the premium, if any, paid thereon, adjusted to the next highest one-eighth of 1 percent, to cover the cost of sale and issuance of the bonds and costs of administration, to be compounded annually on the first day of January of each year.

The Controller shall recompute the rates of interest fixed for apportionments made prior to the amendment to this section made at the 1955 Session of the Legislature, in accordance with this section as amended at such session and shall adjust the records of his office in order to show such recomputation.

Interest and recomputation

19596 Notwithstanding any provision to the contrary after June 28, 1955, at the time the board makes an apportionment, the board, with the approval of the Director of Finance, shall, pursuant to this section, fix the rate of interest to be paid by the district on the sum apportioned to it. The board shall compute the average of the rates of interest which the State pays upon the state school building bonds, authorized by Article XVI, sold at the three sales of state school building bonds occurring immediately prior to the apportionment, or, if the board so determines, at all of the sales of such bonds occurring in the two years immediately prior to the apportionment, giving effect to the price at which the state school building bonds sold at such sales, and the premium, if any paid, thereon. Such average rate shall be adjusted to the next highest one-tenth of 1 percent to cover the cost of sale and issuance of the bonds and costs of administration. Such adjusted average rate shall be the rate paid by the district on its apportionment, and

shall be compounded annually on the first day of January of each year.

Apportionment funds

19597. Apportionments may be made irrespective of whether there is on deposit at the time thereof a sufficient amount in the State School Building Aid Fund to permit the payment of such apportionments. Disbursements may be made under any apportionment which heretofore or hereafter becomes final from any funds in the State School Building Aid Fund; irrespective of whether there exists at the time of such disbursement a sufficient amount in such fund to permit the payment in full of all apportionments previously made; provided, that no disbursements shall be made from any funds in the State School Building Aid Fund required by law to be transferred to the General Fund, or from any moneys therein which the Controller deems necessary to satisfy appropriations from such fund for purposes other than apportionments.

Construction requirements

19598. No apportionment shall be made to a district for the construction, reconstruction, or alteration of, or addition to, school buildings if the requirements prescribed by this code for the construction of school buildings are not met by the plans for the entire building program of the district in connection with which the district applied for an apportionment or for any project or part thereof which has not been approved by the Department of Education.

Annual repayments Effect of federal funds

19599. If any school district receives a final apportionment under this chapter (Sections 19551 to 19689, inclusive) and after November 12, 1952, receives money from the Federal Government as reimbursement for any expenditures by the State or school district for constructing any school facilities included in the construction project for which the district is receiving an apportionment, the amount of the district's annual repayment next succeeding the date on which the district receives such money shall be increased by the amount of the money so received; provided, however, that the annual repayment of the district shall not be so increased where the money received from the Federal Government constitutes a contribution toward the cost of school facilities which are to be acquired, in part, with an apportionment, and said federal funds are encumbered or expended by the district in accordance with the purposes of the apportionment.

Repayment

19600. Each district to which an apportionment has been made under this chapter (Sections 19551 to 19689, inclusive) shall repay the principal amount of such apportionment and the accrued interest thereon in the amount and in the manner provided in this chapter (Sections 19551 to 19689, inclusive).

"First computation"

19601. On or before the first day of January of each fiscal year, the State Controller shall compute for each grade level of a district for which an apportionment has been made and has become final during any preceding fiscal year the amount that would be produced by a tax of thirty cents ($0.30) on

each one hundred dollars ($100) of assessed valuation, excluding the assessed valuation of solvent credits and other intangible property, for the current fiscal year within the district Such amount is designated as the "first computation."

"Second computation"

19602. On or before the first day of December preceding the first day of January of each fiscal year, the Director of Finance shall determine for each such grade level and certify to the State Controller the amount raised and to be raised by the district during the current fiscal year for the repayment of principal and interest on that portion of the bonded indebtedness of the district that was incurred for the grade level prior to the making of the conditional apportionment plus that portion which the board, in the conditional apportionment, required the district to incur prior to the date on which the first apportionment made to said district under the provisions of this chapter (Sections 19551 to 19689, inclusive) became final, which amount is designated as the "second computation." The Director of Finance shall determine the amount of the bonded indebtedness that was incurred by the district for each grade level, when bonds were issued and sold for purposes of more than one grade level. When one or more additional apportionments have been made to a grade level of a school district, conditioned upon the issuance and sale of additional bonds of the district, or upon the requirement that the proceeds of bonds issued and sold be contributed for the purposes of the application for which the apportionment is made, the Director of Finance shall determine and include in his certificate the amount raised and to be raised by the district during the current fiscal year for the payment of principal and interest on that portion of the additional bonded indebtedness of the district that was incurred for each such grade level as a condition to receiving such additional apportionment or which was incurred for bonds issued and sold, the proceeds of which were required to be contributed for purposes for which the apportionment was made; and such amount so certified shall be included in the "second computation," as herein defined.

Same

19603. If an apportionment has been made to a district for a grade level for which the district also received an apportionment pursuant to Chapter 8 (Sections 19401 to 19486, inclusive), the Controller shall determine the amount of the positive difference, if any, due from the district during the next succeeding fiscal year for such grade level as required by Chapter 8 (Sections 19401 to 19486, inclusive) and such amount shall be included by the Controller in the second computation.

Adjustment of "second computation"

19604. If the Director of Finance determines in any fiscal year that the amount certified to the State Controller as the "second computation" during the next preceding fiscal year is more or less than the amount actually raised by the district for the repayment of principal and interest of the bonded indebtedness referred to in Section 19602, then the Director of Finance shall add to, or subtract from, the amount computed

as the "second computation" for the current fiscal year, as the case may require, an amount equal to the difference between the amount actually raised by the district for the repayment of such bonded indebtedness and the amounts so certified by the Director of Finance.

Inclusion in "second computation"

19605. Whenever a conditional apportionment is made to an applicant school district under this chapter (Sections 19551 to 19689, inclusive) which requires the district to issue and sell bonds of the district and contribute the proceeds thereof to the project for which the application for an apportionment is made and, thereafter, such apportionment becomes final as a result of an erroneous certification of the county superintendent of schools made prior to July 10, 1957, to the effect that the bonds of the district have been issued and sold and the proceeds thereof made available for the purposes of the application for the apportionment, and whenever the amount of the bonds of the applicant school district actually issued and sold and the proceeds thereof made available for the purposes of the apportionment was 98 percent or more of the total amount required by the board as a condition to the apportionment becoming final, then the Director of Finance shall include in his certification to the State Controller the amount of the principal and interest on such portion of the bonded indebtedness of such district as the Director of Finance determines the proceeds thereof were actually contributed toward the cost of a construction project subsequently approved by the board and for which an apportionment has been made to the district under this chapter (Sections 19551 to 19689, inclusive).

"Third computation"

19606. With respect to each grade level of a district referred to in Sections 19601 and 19602, the amount of the "second computation" which is not in excess of one-third of the "first computation" is hereby designated as the "third computation."

"Annual" repayment Computation

19607. On or before the first day of January of each fiscal year, the State Controller shall compute the "annual" repayment, if any, due from each district during the next succeeding fiscal year as herein provided. If, for any grade level of a district, the amount, if any, by which the second computation exceeds the third computation is greater than the first computation, the amount of such excess, herein called a "negative difference," shall be disregarded, and no reimbursement shall be due the State from such district with respect to such grade level during the next succeeding fiscal year. If, for any grade level of a district, the amount of the first computation is greater than the amount, if any, by which the second computation exceeds the third computation, the amount of such excess, herein called a "positive difference," shall constitute the amount of reimbursement due the State from such district with respect to such grade level during the next succeeding fiscal year. The sum of the "positive differences" so computed for all grade levels having a "positive difference" within each

district is herein designated as the "annual repayment" of such district.

Same Multipurpose rooms

19608. If an apportionment is made for a project which includes a multipurpose room the board shall determine and specify the portion of the apportionment that is allocated to the cost of the multipurpose room.

If a district receives an apportionment a portion of which is for a multipurpose room it shall repay the principal amount of such portion of the apportionment as an additional payment as provided by this section. Interest on the total apportionment shall be paid as provided in Section 19614. Such repayment is in addition to the repayments required on the total of all apportionments to the district, which shall be repaid as otherwise provided in this chapter (Sections 19551 to 19689, inclusive).

Notwithstanding the provisions of Sections 19614 and 19616 for cancellation of the principal amount of apportionments the State Controller shall continue to make the deduction provided by Section 19611 during each fiscal year thereafter until the principal amount of the portion of the apportionment that was allocated to the cost of the multipurpose room and was made and disbursed to the district has been withheld, or for an additional period of 10 years, whichever first occurs. At the expiration of 40 years from the first day of January of the fiscal year next succeeding the fiscal year in which such apportionment became final, the unpaid balance of the principal amount of such portion of the apportionment shall be cancelled on the books of the State Controller and the provisions of Section 19614 shall thereupon become applicable thereto and the board shall execute a conveyance to the district as provided in Section 19616.

Same Grades 7 and 8

19609. If an apportionment is made to an elementary district for a project which includes space for pupils in grades 7 and 8, who reside in a high school district which maintains one or more junior high schools, the board shall determine and specify the portion of the apportionment that is allocated to the cost of such space.

If an elementary district receives an apportionment, a portion of which is for space for pupils in grades 7 and 8 who reside in a high school district which maintains one or more junior high schools, it shall repay the principal amount of such portion of the apportionment as an additional payment in equal amounts over a 30-year period. Interest on the total apportionment shall be paid as provided in Section 19614. Such repayment is in addition to the repayments required on the total of all apportionments to the district, which shall be repaid as otherwise provided in this chapter (Sections 19551 to 19689, inclusive).

The State Controller shall make deductions provided by Section 19611 each fiscal year until the principal amount of the portion of the apportionment that was allocated for space for pupils in grades 7 and 8 who reside in a high school district

which maintains one or more junior high schools has been withheld.

If an elementary school district has received an apportionment, a portion of which is for space for pupils in grades 7 and 8 who reside in a high school district which maintains one or more junior high schools and subsequently files an application for an apportionment, it may request that space for grades 7 and 8 approved in a previous apportionment be available for grades kindergarten through six, and that the unpaid amount of the portion of the previous apportionment allocated for grades 7 and 8 be made a part of the new application and apportionment.

Same Total

19610. Notwithstanding any other provision of this chapter (Sections 19551 to 19689, inclusive), and regardless of how many apportionments are made to a grade level of a school district under the provisions of this chapter (Sections 19551 to 19689, inclusive), the total annual repayment for such grade level during any fiscal year, covering all such apportionments, shall not exceed the amount that would be computed under Sections 19601 to 19611, inclusive, for any one of such apportionments.

State Controller Repayment deductions

19611. The State Controller shall, during the next fiscal year following that in which he determines the annual repayment as herein provided, deduct the total amount of the annual repayment of each district in equal amounts from each of the February, March, April, and May installments of the apportionments made to such district from the State School Fund under Sections 11256, 11257, and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460.1, inclusive, whichever are in effect; and, on order of the State Controller, the amount so deducted shall be transferred to the State School Building Aid Fund. All money transferred to the State School Building Aid Fund under the provisions of this section shall be available only for transfer to the General Fund under the provisions of Section 19704.

District tax refund· Effect

19612. Notwithstanding any provision of law to the contrary, whenever in any fiscal year, pursuant to Chapter 5, Part 9, Division 1 of the Revenue and Taxation Code, a refund is made or a judgment rendered, as the case may be, for the return of an amount collected as school district taxes levied during a previous year upon secured or unsecured personal property, because it was determined that such property was exempt from taxation, and such property so determined to be exempt equals 1 percent, or more, of the assessed valuation in the school district upon which school district taxes for such previous year were levied, the Controller shall reduce the annual repayment of the district and the amount deducted from the State School Fund apportionment of such district for the fiscal year next succeeding that in which such refund was made or judgment rendered, by that amount by which the annual repayment and deduction of the district would have been reduced for the fiscal year next succeeding that in which

such taxes were levied had the assessed valuation upon which such annual repayment was computed not included an amount of assessed valuation equal to the amount of assessed valuation of the property so determined to be exempt.

The amount of annual repayment and deduction, reduced as required by this section, shall be the amount deducted by the Controller for the purposes of Sections 19611, 19618, and 19619 for the fiscal year in which such reduction is made.

Optional "first computation"

19613. (a) Upon request of the district, the Controller shall use in computing the "first computation" under Section 19601 the difference between the total assessed valuation of property in a district as shown on the equalized assessment roll for the current fiscal year and the assessed valuation of property as shown on the equalized assessment roll for the current fiscal year, in excess of 2 percent of such total assessed valuation, with respect to which revenues of the district taxes levied in the 1954-1955 Fiscal Year, or thereafter, have been impounded by the county auditor pursuant to Section 20901. If such a request is received prior to August 1, 1955, with respect to the impounding of revenues of taxes levied during the 1954-1955 Fiscal Year, the Controller shall recompute the annual repayment of the district due during the 1955-1956 Fiscal Year on the basis of such reduced assessed valuation, and, on or before September 1, 1955, notify the officers and board referred to in Section 19618 of such recomputed annual repayment for the 1955-1956 Fiscal Year, and of the recomputed amount to be deducted from the State School Fund apportionment to such district during the 1955-1956 Fiscal Year.

(b) Whenever, after July 1, 1955, the county auditor notifies the Superintendent of Public Instruction and the Controller of the release of impounded tax revenues to the school district, the Controller shall add to the annual repayment of the district for the first fiscal year or second fiscal year next succeeding that in which such notification of release was made, that amount by which the annual repayment of the district for a previous fiscal year was reduced by reason of the exclusion of assessed valuation with respect to tax revenues impounded and thereafter released.

(c) The amount of annual repayment and deduction, increased or reduced as required by this section, shall be the amount deducted by the Controller for the purposes of Sections 19611, 19618, and 19619 for the fiscal year in which such increase or reduction occurs.

(d) If a request is received from a school district and an annual repayment reduced pursuant to subdivision (a) hereof, Section 7733 1 shall not apply with respect to any tax revenues to which subdivision (a) applies.

Unpaid balance. Cancellation

19614. The State Controller shall make the deduction provided by Section 19611 during each fiscal year, as herein provided, until the principal amount of the apportionment made and disbursed to the district for such grade level, and all accrued interest due thereon, has been withheld; but no interest

shall accrue, or become due and payable, to the State with respect to the principal amount of any such apportionment, or any portion thereof, for any period of time following the expiration of 25 years after the first day of January of the fiscal year next succeeding the fiscal year in which such apportionment becomes final. At the expiration of 30 years from the first day of January of the fiscal year next succeeding the fiscal year in which such apportionment became final, any unpaid balance of the principal amount of any such apportionment disbursed to such district, including all interest included in such principal amount as provided in Section 19617, shall be canceled on the books of the State Controller; and the State shall have no further right to the repayment of such unpaid balance. Notwithstanding the provisions of this section, that portion of the "anual repayment," if any, computed by the State Controller under Section 19607 prior to the date of cancellation of the principal amount of an apportionment under the provisions of this section, which has not been withheld by the State Controller, as provided by Section 19611, prior to the date of such cancellation, shall be withheld by the State Controller, as provided by said Section 19611, subsequent to the effective date of such cancellation; and the amount so withheld shall be credited to the school district in determining the principal amount of the apportionment, including all interest included therein, which is canceled under the provisions hereof. Such grade level shall be excluded from any computations provided under Sections 19601, 19602, 19606, and 19607, in making computations, after the effective date of such cancellation, to determine the "annual repayment," if any, that may thereafter be due the State from such school district with respect to other grade levels thereof.

Deferment of payment

19615. If, on or before June 30th of any fiscal year, any school district files a request with the State Controller for a deferment of the annual repayment due from such district during the next succeeding fiscal year for an apportionment received by the district pursuant to this chapter (Sections 19551 to 19689, inclusive) or Chapter 8 (Sections 19401 to 19486, inclusive) of this division, and it is determined, in accordance with this section, that the district is entitled to a deferment of all or part of such annual repayment, the deferment shall be made in accordance with such determination.

As used in the preceding paragraph, "any school district" means a district which is liable for the repayment of the principal amount of apportionments made to the district under the provisions of Chapter 8 (Sections 19401 to 19486, inclusive) of this division and which has received a conditional apportionment under this chapter (Sections 19551 to 19689, inclusive).

The portion of the annual repayment to be deferred under this section shall be determined as follows:

There shall be computed the amount required to be raised by taxes on property within the district, during the fiscal year

in which the annual repayment is to be deducted pursuant to Sections 19436 and 19611, for the payment of principal and interest on (a) any bonded indebtedness incurred for school purposes prior to the first conditional apportionment to the school district under this chapter (Sections 19551 to 19689, inclusive), (b) any bonded indebtedness which was incurred as a condition to any apportionment under this chapter, and (c) any bonded indebtedness incurred, the proceeds of which were required to be contributed for the purposes for which an apportionment was made under this chapter (Sections 19551 to 19689, inclusive). To this amount shall be added the amount required during such fiscal year, for the annual repayment of school building apportionments under Chapter 8 (Sections 19401 to 19486, inclusive) of this division and under this chapter (Sections 19551 to 19689, inclusive). The total of these amounts shall constitute the "basic tax amount."

There shall be computed the amount which would be produced by a tax of forty-five cents ($0.45) on each one hundred dollars ($100) of assessed valuation of the district during such year, to be known as the "45-cent tax amount." The amount of the annual repayment to be deferred during the fiscal year in which the annual repayment is due shall be the amount, if any, by which the basic tax amount exceeds the 45-cent tax amount. The amount deferred shall be added to the annual repayment for the next succeeding fiscal year.

On or before the last day of July of each fiscal year, the State Controller shall request the Director of Finance to, and the Director of Finance shall, determine and certify to the State Controller the amount of bonded debt service included in the "basic tax amount." On or before the third Monday in August of each fiscal year, the State Controller shall request the county auditor of each county to, and the county auditor of each county shall, determine and certify to the State Controller the current assessed valuation of property within each district which has filed a request for a deferment under this section.

Before the date on which the board of supervisors makes the levy of taxes for county purposes, the State Controller shall make the deferment determination required by this section for each district requesting a deferment, and, for each district which is entitled to a deferment, shall notify, in writing, the board of supervisors of the county, the governing board of the district, the county auditor, and the county superintendent of schools having jurisdiction over the district of the amount of the repayment of the district which is to be deferred under this section.

For the purposes of this section the "annual repayment" means the amount of the annual repayment of the district due in a fiscal year as determined pursuant to Section 19434 and Section 19607, plus the then unpaid deferred amount of any annual repayment due in any previous fiscal years. Any repayments by a district of a deferred amount shall be first applied

to loans granted under Chapter 8 (Sections 19401 to 19486, inclusive) of this division.

Notwithstanding any other provision of this chapter, if, at the end of the 30-year period provided in Section 19439 or Section 19614, as the case may be, there are any deferred amounts due in any previous fiscal year remaining unpaid, repayments shall continue to be made in the manner provided by this section during each fiscal year thereafter until the amounts are paid, or for an additional period of 10 years, whichever first occurs. At the expiration of the additional 10-year period the unpaid portion of the deferred amounts shall be canceled on the books of the State Controller, and the provisions of Section 19439 or Section 19614, as the case may be, shall thereupon become applicable thereto and the board shall execute a conveyance to the district as provided in Section 19440 or Section 19616, whichever is applicable.

Same Cancellation certificate

19616. The State Controller shall certify to the board the cancellation of the unpaid balance of the principal amount of such apportionment; and upon receipt of such certification, the board shall, in the name of the State, convey to the district all sites purchased and improved, all equipment purchased, and all buildings constructed, reconstructed, altered, or added to, from money provided by the apportionment covered by such cancellation.

Interest computation

19617. The State Controller shall determine and maintain a record of the amount due the State in connection with each apportionment made to each grade level of a district under the provisions of this chapter (Sections 19551 to 19689, inclusive). He shall compute interest, at the rate fixed by the board, on each amount disbursed by the State pursuant to any such apportionment, from the date of issuance of the State Controller's warrant covering the payment to the county treasurer of such amount until the first day of January of the fiscal year next succeeding that in which such warrant was issued. Thereafter, interest shall accrue to and be compounded as a part of the principal amount due the State pursuant to such apportionment, on the first day of the following January of each year, until the principal and interest have been paid, or until the interest ceases to accrue, as provided in this chapter (Sections 19551 to 19689, inclusive). No interest shall accrue on the principal amount of any apportionment because of the withholding of the annual repayment from apportionments made to school districts from the State School Fund on dates subsequent to the first day of January of the year in which the computation of the annual repayment is determined.

Notice re deductions

19618. Upon computing in any fiscal year the amount to be deducted from the apportionments to the district from the State School Fund during the succeeding fiscal year, the State Controller shall notify the governing board of the district and the county auditor of the county, the county superintendent of which has jurisdiction over the district, of the amount to be deducted.

County tax levy

19619. The board of supervisors of the county, the county superintendent of which has jurisdiction over any district which under this chapter (Sections 19551 to 19689, inclusive) will have moneys withheld by the State Controller from the apportionments to be made to it from the State School Fund during any fiscal year, shall annually at the time the board of supervisors makes the levy of taxes for county purposes, levy a tax upon the property in the district sufficient to raise for the district the amount of money to be withheld by the State Controller during the fiscal year in which the tax is levied. Such tax, when collected, shall be paid into the county treasury of the county, the county superintendent of schools of which has jurisdiction over the district for which the tax was levied, to the credit of the general fund of the district.

Prescribed apportionment purposes

19620. The board shall prescribe in such detail as it deems necessary, the purposes for which moneys apportioned by it or which it requires the district to contribute toward, or in reduction of the cost of a project, may be expended, and such prescription shall be binding upon the governing board of the district, save as it may be changed or modified by the board for such cause as it sees fit. In determining funds which can be contributed by the district, the board may require the district to contribute unexpended balances of funds earmarked or encumbered by the district for furniture, equipment, or any other lawful purpose; provided, however, that changes or substitutions in the purposes for which such funds were earmarked or encumbered, with respect to such requirement under any apportionment heretofore or hereafter made, may be authorized by the board, or pursuant to its delegation, by the Director of Finance.

Voiding of conditional apportionments

19621. Unless the board has received the certificates of the county superintendent of schools required by Section 19592 within nine months from the date of the conditional apportionment, it shall, at the expiration of said nine months' period, void said conditional apportionment and shall certify this fact to the State Controller. Each final apportionment made by the board under this chapter (Sections 19551 to 19689, inclusive) shall be certified by it to the State Controller who shall from time to time draw his warrant on the State Treasurer in favor of the county treasurer of the county having jurisdiction over the district in accordance with the terms of such final apportionment. The warrant shall be exempt from the provisions of Division 4 of Title 2 of the Government Code and shall be paid by the State Treasurer from the State School Building Aid Fund.

Reinstatement of certain void apportionments

19622. Whenever it appears (1) that a district has received an apportionment between May 1 and May 30, 1954, conditioned upon the issuance and sale, as required by Section 19590, of not more than twenty thousand dollars ($20,000) worth of bonds; (2) that, though the electors of the district authorized the issuance and sale of such bonds within nine months from the date of such apportionment, such bonds were

not actually sold within such period; and (3) that as a result thereof said apportionment was voided pursuant to the provisions of Section 19621 of the Education Code, said apportionment is hereby reinstated, and anything in Section 19621 to the contrary notwithstanding, shall become final if the district within 30 days of July 8, 1955, has met all of the requirements otherwise imposed by this chapter (Sections 19551 to 19689, inclusive) upon such apportionment becoming final.

State school building funds

19623. A state school building fund is hereby created in the county treasury in each county for each school district in such county. The county treasurer of each county shall pay into the state school building fund of each school district, exactly as apportioned by the board, all moneys received by him under this chapter (Sections 19551 to 19689, inclusive) with respect to each such school district.

Transfer of funds

19624. The governing board of each school district to which an apportionment is made under this chapter (Sections 19551 to 19689, inclusive) is authorized to, and shall, transfer to the state school building fund of the district from all other funds of the district in which such moneys may be, all moneys of the district which under, or pursuant to, this chapter (Sections 19551 to 19689, inclusive) are required to be expended for the project for which such apportionment was made.

State School Building Aid Fund

19625. A fund in the State Treasury is hereby created, to be known as the State School Building Aid Fund. All money in the State School Building Aid Fund, including any money deposited in said fund from any source whatsoever after November 12, 1952, is hereby continuously appropriated without regard to fiscal years for expenditure pursuant to apportionments made under the provisions of this chapter (Sections 19551 to 19689, inclusive).

Expenditures

19626. The governing board of each school district to which an apportionment has been made under this chapter (Sections 19551 to 19689, inclusive) shall expend the moneys in the state school building fund of the school district exactly as apportioned by the board and only for the purposes for which said moneys were apportioned to the district, and for no other purpose, and shall make such reports relating to the expenditure of such moneys as the board and the State Controller shall require.

Same Annual report

19627. A complete detailed report of expenditure of funds allocated pursuant to this chapter (Sections 19551 to 19689, inclusive) shall be made by the board annually to the Legislature. The report shall contain a detailed statement of facilities provided, type of construction, square footage provided and all other items which will enable the Legislature fully to understand the nature of the construction performed by the school districts.

Audits

19628. It shall be the duty of the State Controller to make such audit or audits of the books and records of counties and school districts receiving apportionments under this chapter (Sections 19551 to 19689, inclusive), as he may deem necessary

from time to time, for the purpose of determining that the money received by school districts as apportionments hereunder has been expended for the purposes and under the conditions authorized by this chapter (Sections 19551 to 19689, inclusive).

Unauthorized expenditures, etc

19629. Whenever the State Controller determines that any money apportioned to a school district has been expended by such school district for purposes not authorized by this chapter (Sections 19551 to 19689, inclusive), or exceeds the final cost of the project which is authorized by Section 19571 of this chapter to be paid therefrom, or that the school district has constructed less area than was represented in the plan for which an apportionment was made under Section 19573 of this chapter, the State Controller shall furnish written notice to the board, the governing board of the school district, the county superintendent of schools, the county auditor, and the county treasurer of the county whose county superintendent of schools has jurisdiction over the school district, directing the school district and the county treasurer to pay into the State Treasury, at the time of the next county settlement following receipt of such notice, the amount of such unauthorized expenditures, or the amount of such excess apportionment, or the amount of the apportionment made under Section 19573 to construct the area not constructed by the district, as the case may be. Upon receipt of such notice, such governing board shall, at the time specified herein, order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the State School Building Aid Fund, to be reapportioned by the board.

It shall be the duty of such governing body and the county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State.

Excess apportionments Repayment

19630. Notwithstanding any provision of law to the contrary, if an apportionment is or has been made at any time after October 1, 1953, to meet a construction low bid and if the State Allocation Board after approving such apportionment revises the apportionment, and the apportionment finally approved reveals that an applicant school district receives excess construction area to what they are entitled to pursuant to Section 19581, and if a judgment for the collection of such excess apportionment has not been rendered by a court prior to September 11, 1957, such excess apportionment shall be computed by the State Controller and shall be repaid pursuant to this section. The district shall repay the amount of excess apportionment, and the interest thereon, in equal annual installments within 20 years from the date it receives the excess apportionment. The rate of interest shall be the same rate

as that fixed for the approved apportionment. The district may at any time before the end of the 20-year period for repayment elect to repay, and repay, the balance of the excess apportionment then unpaid, plus interest computed to the date of repayment of such balance.

Availability of apportionments

19631. Any portion of an apportionment paid to a school district under this chapter (Sections 19551 to 19689, inclusive) shall be available for expenditure by its governing board for not less than one year nor more than three years, as the board shall determine, after the date on which the warrant covering such portion of the apportionment was issued by the State Controller. For the purposes of this chapter (Sections 19551 to 19689, inclusive), an apportionment shall be deemed to be expended at the time and to the extent that the amount thereof on deposit in the county treasury has been encumbered by the creation of a valid obligation on the part of the school district. Upon the expiration of its period of availability, the unencumbered balance of any apportionment made under this chapter (Sections 19551 to 19689, inclusive) shall become due and payable to the State of California; and the governing board of the school district and the county treasurer shall, at the time of the next county settlement following the expiration of such period of availability, pay the amount of such unencumbered balance to the State Treasurer, out of the funds, and in the manner specified in Section 19629 of this code. Such payment shall, on order of the State Controller, be deposited in the State School Building Aid Fund in the State Treasury, to be reapportioned by the board.

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State.

Site or improvements Sale, etc

19632. Whenever a school district receives or has received an apportionment under this chapter (Sections 19551 to 19689, inclusive) for or toward the purchase or improvement of a school building site and whenever, within a period of five years after the date on which the duly authorized representative of the board shall have heretofore or hereafter authorized in writing, pursuant to the terms of such apportionment, the expenditure by the district for said site, either from state funds apportioned or funds which the district is required by the board to contribute toward the cost thereof, the district (1) sells or otherwise disposes of such site or the improvements thereon, or any portion thereof purchased or improved in whole or part from said apportionment, or (2) within not less than one year nor more than five years from the date of said authorization, as the board shall determine, the district does not begin to use such site or the improvements thereon for the purpose or purposes for which said apportionment was made, the board shall make such determinations and take such action with respect thereto as it may deem necessary. If

the board determines that the district has (1) sold or otherwise disposed of the site or the improvements thereon, or any portion thereof, or (2) has not used the site for the purpose for which the apportionment was made, it shall demand the return of the apportionment or such portion thereof as it deems proper, less any repayment made prior to such demand by the district on account of such apportionment.

Written notice of such demand, setting forth the amount due the State pursuant thereto, shall be furnished by the board to the governing board of the school district, the county superintendent of schools, the county auditor, the county treasurer of the county whose county has jurisdiction over the school district, and the State Controller. Upon receipt of such notice and demand, the governing board of the school district shall, at the time of the next county settlement following receipt of such notice, order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the State School Building Aid Fund, to be reapportioned by the board.

Whenever a school district receives or has received an apportionment under this chapter (Sections 19551 to 19689, inclusive) for the purchase of a site which contains existing improvements, the board may require the district to dispose of such existing improvements as a condition of receiving an apportionment in such manner as the board deems proper, and contribute the net proceeds therefrom or the value of any consideration received therefor, in reduction of any apportionment. In the event that the district is not so required to dispose of such existing improvements but after receiving such apportionment subsequently disposes thereof, the net proceeds therefrom or the value of the consideration received therefor, shall be contributed by the district in reduction of any remaining indebtedness to the State under this chapter (Sections 19551 to 19689, inclusive) or Chapter 8 (Sections 19401 to 19486, inclusive) of this division of the Education Code.

Where a district has been unable to use any building site acquired by an apportionment under this chapter (Sections 19551 to 19689, inclusive) because of the delay of the board in acting upon its application for an apportionment for the planning and construction of school buildings on such site, the board may withhold demand for repayment of the apportionment for such building site for a period of not less than one or more than three years after approval of the apportionment for planning and construction.

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State.

Article 2. School Housing Aid for Reorganized Districts

19651. (a) As used in this article (Sections 19651 to 19667, inclusive): Definitions

(1) "State-aided district" means a district to which a conditional or final apportionment has been made under this chapter (Sections 19551 to 19689, inclusive).

(2) "Acquiring district" means a district in which all or a part of, a state-aided district or an applicant district has been included.

(b) For the purposes of this article (Sections 19651 to 19667, inclusive) the effective date of any change of boundaries, annexation, formation of a new district, or other reorganization shall be:

(1) For granting conditional apportionments: the date such action became effective for the purposes of Section 1603.

(2) For making conditional apportionments final: the date such action became effective for all purposes as specified in Section 1601; provided the conditional apportionment was made prior to the effective date of such action for the purposes of Section 1603.

(3) No conditional apportionment may be made to any district affected by any reorganization after the date such action became effective for the purposes of Section 1603 except on application of the new district or of any affected existing district based on conditions following the reorganization.

19652. Where the incorporation of a joint union school district into a unified school district is effective for the purposes of Section 4932, as added by Chapter 1273 of the Statutes of 1945, and as subsequently amended, between Christmas, 1955, and New Year's Day, 1956, the effective date of such inclusion for all purposes of this article (Sections 19651 to 19667, inclusive) shall be July 1, 1956. This section shall be applied retroactively to reinstate and validate as of the date it was made, any apportionment to such district so incorporated into such unified district which apportionment became void prior to April 24, 1956, because the effective date of the aforesaid inclusion into such unified district was deemed for the purposes of this article (Sections 19651 to 19667, inclusive), to have been prior to January 9, 1956. Incorporation of joint union into unified district

19653. Notwithstanding any law to the contrary, a school district whose territory previously contained a union high school district not having, prior to April 24, 1956, received an apportionment, which for the purposes of Section 4932, as added by Chapter 1273 of the Statutes of 1945, and as subsequently amended, became a unified district during December, 1955, upon the request of the present or last existing board of the union high school district, shall not be deemed, for the purpose of this chapter (Sections 19551 to 19689, inclusive) only, to have been so unified until December 1, 1956; provided, that in such event such union high school district shall be deemed to have met the bonding requirements of Sections Unification of certain districts

19590 and 19595 with respect to any apportionment made to it prior to December 1, 1956, if the bonding qualifications set forth in said sections had been reached or complied with by the district at any time between December 1, 1955, and the time of such apportionment. In the event that under other sections of this code property of the union high school district, including funds from the sale of bonds or otherwise, is transferred to the aforesaid unified district prior to the date an apportionment is made to such district, the unified district shall, notwithstanding any provision of this code to the contrary, contribute toward the cost of any project approved by the board for such union district any portion of such property or funds as the board may require.

Effective date of unification

19654. Anything in Section 19651 to the contrary notwithstanding, whenever any single elementary school district is included in a newly formed unified school district for the purposes of Section 1603 between July 1, 1957, and February 1, 1958, the date of such inclusion for the purposes of this chapter (Sections 19551 to 19689, inclusive) shall be deemed to be July 1, 1958.

Annexation Prior to conditional apportionment

19655. Whenever, prior to the date on which a conditional apportionment is made by the board to an applicant district, (1) if an applicant district is annexed to or otherwise included in whole in another district which is ineligible for an apportionment under this chapter (Sections 19551 to 19689, inclusive), no apportionment shall be made to the applicant district; (2) if less than the whole of an applicant district is included in a district which is ineligible for an apportionment under this chapter (Sections 19551 to 19689, inclusive), the board may reconsider the application of the applicant district and make such determinations and take such action with respect thereto, including the making, subject to Article 1 of this chapter (Sections 19551 to 19632, inclusive), of a conditional apportionment to such district, as the board may deem necessary because of such inclusion of less than the whole of the applicant district in the acquiring district; (3) if an applicant district is annexed to or otherwise included in whole or in part in a district which is eligible for an apportionment under this chapter (Sections 19551 to 19689, inclusive) and has made or does make an application for such an apportionment, the board may reconsider the applications of the applicant district and the acquiring district and make such determinations and take such action with respect thereto, including the making, subject to the provisions of Article 1 of this chapter (Sections 19551 to 19632, inclusive), of conditional apportionments to such districts, as the board may deem necessary because of such annexation or other inclusion in the acquiring district of the applicant district in whole or in part.

Same Subsequent to conditional apportionment

19656. Whenever, subsequent to the date on which a conditional apportionment is made by the board to an applicant district, but prior to the date on which said conditional apportionment becomes final, (1) if an applicant district is annexed

to or otherwise included in whole in a district which is not eligible for an apportionment under this chapter (Sections 19551 to 19689, inclusive), such conditional apportionment shall, notwithstanding any other provisions of this chapter (Sections 19551 to 19689, inclusive), become void and the board shall promptly notify the State Controller in writing thereof and the date on which the apportionment became void; (2) if the district to which an applicant district is annexed or in which it is otherwise included in whole is eligible for an apportionment, has made or does make an application for such an apportionment under this chapter (Sections 19551 to 19689, inclusive), the conditional apportionment made to the applicant district shall, notwithstanding any other provisions of this chapter (Sections 19551 to 19689, inclusive), become void but the board may reconsider the application of the acquiring district and make such determinations and take such action with respect thereto, including the making, subject to the provisions of Article 1 of this chapter (Sections 19551 to 19632, inclusive) except as hereinafter provided, of additional conditional apportionments to the acquiring district, as the board may deem necessary as a result of such annexation or other inclusion in the acquiring district of the applicant district; (3) if less than the whole of an applicant district is included in another district, the conditional apportionment shall, notwithstanding any other provisions of this chapter (Sections 19551 to 19689, inclusive), become void, but the board may reconsider the application and make such determinations and take such actions with respect thereto, including the making, subject to the provisions of Article 1 of this chapter (Sections 19551 to 19632, inclusive) except as hereinafter provided, of new conditional apportionments to the applicant district, as the board may deem necessary as a result of such inclusion of a portion of the applicant district in the acquiring district.

Notwithstanding anything in the first sentence of Section 19590 to the contrary, additional conditional apportionments made to a district under (2), or new conditional apportionments made to a district under (3) of the first paragraph of this section may, with the approval of the board, become final if the total amount of the bonds of the district outstanding and unpaid is within twenty-five thousand dollars ($25,000) of the amount required under Section 19590.

Same Less than 5 percent of assessed valuation

19657. If before or after the effective date of this section, an annexation or other inclusion of a portion of an applicant district in another district comprises less than 5 percent of the assessed valuation of the applicant district on the effective date of such change, no annexation or other inclusion shall be deemed to have taken place for the purposes of Sections 19656 and 19658 of this article.

Same Prior to conditional apportionment

19658. Whenever, prior to the date on which conditional apportionments have been made to an applicant district for the full amount of state aid approved for the district under

Section 19576, (1) if the applicant district is annexed to or otherwise included in whole in another district which is ineligible for an apportionment under this chapter (Sections 19551 to 19689, inclusive), no further apportionment shall be made to the applicant district; (2) if the applicant district is annexed to or otherwise included in whole in a district which is eligible for an apportionment under this chapter (Sections 19551 to 19689, inclusive) and which has made or does make an application for such an apportionment, the board may reconsider the applications of the applicant district and the acquiring district and make such determinations and take such action with respect thereto, including the making, subject to the provisions of Article 1 of this chapter (Sections 19551 to 19632, inclusive), of a conditional apportionment or apportionments to such acquiring district as the board may deem necessary because of such annexation or other inclusion in the acquiring district of the applicant district; (3) if a portion of the applicant district is annexed to or otherwise included in another district, the board may reconsider the application of the applicant district and may, within two years after the first apportionment made under said approval, make such additional apportionments as it sees fit to the applicant district, but not in excess of the amount in which such application was originally approved, without requiring the district to issue additional bonds.

Bonds

19659. Notwithstanding, and in lieu of, any provisions of this chapter (Sections 19551 to 19689, inclusive) to the contrary, excepting Section 19595, if during the Fiscal Year 1953-1954, or any subsequent fiscal year, a conditional apportionment is or has been made to a district, hereinafter referred to as the original district, and if the original district (1) holds or has held all elections required by Section 19590, and (2) before such apportionment becomes final is or has been annexed to or included in whole in another district, hereinafter referred to as the acquiring district, which had prior thereto received its first final apportionment under this chapter (Sections 19551 to 19689, inclusive) during the same fiscal year, and (3) after such inclusion or annexation sells or has sold the bonds authorized by the aforesaid elections, the board may approve any application by the governing board of the acquiring district and make an apportionment, or apportionments, for any project for which the original district would have been eligible under this chapter (Sections 19551 to 19689, inclusive) had such inclusion not taken place. No apportionment shall be made to the acquiring district under this section unless the proceeds of the bonds which the board required the original district to sell are available for and will be contributed toward the cost of the approved project. Any apportionment made to the acquiring district under this section shall become final when made.

The computations provided in Sections 19601, 19602, 19606, and 19607 with respect to apportionments made under this

section shall be made exactly as though the acquiring school district was comprised only of the original school district.

Any rate or amount of tax levied pursuant to or under the authority of Sections 19619, 20705, 20751, or any other provision of law, for the purpose of producing the amount or any part thereof deducted by the State Controller with respect to apportionments made under this section, during any fiscal year under Sections 19611 and 19614 from apportionments to the acquiring district from the State School Fund shall be levied only on property in the original school district.

Acquiring district: Powers and duties

19660. Whenever, subsequent to the date on which a conditional apportionment made to a district becomes final, the state-aided district is included in whole in another district, the acquiring district shall, on the effective date of such inclusion, succeed to and be vested with all of the duties, powers, purposes, jurisdiction, and responsibilities of the state-aided district with respect to said apportionment and the property acquired or to be acquired from funds provided thereby, and all funds in the state school building fund of the state-aided district shall be transferred to the state school building fund of the acquiring district. All amounts which would, after the effective date of such inclusion, have been otherwise paid to the state-aided district under the terms of or pursuant to said apportionment, shall be paid to the acquiring district. In addition, the acquiring district shall, on the effective date of the inclusion of the state-aided district in the acquiring district as fixed by Section 1609, become liable for the annual repayments and other payments due the State under Section 19607 and other provisions of this chapter (Sections 19551 to 19689, inclusive) with respect to said apportionment or the property acquired or to be acquired therewith.

Same Transfer of funds

19661. Whenever one or more state-aided districts are included in whole in an acquiring district, and the acquiring district applies for and receives an apportionment, then after the effective date of such inclusion and upon the approval of the application of the acquiring district, the governing board of each component state-aided district shall immediately transfer to the acquiring district all moneys of such component district which are required to be, or have been, earmarked for a project or projects of the district. The acquiring district, upon the transfer to it of such funds, may expend such funds for any projects of the acquiring district as to which its application was approved.

Same Share of apportionment

19662. Whenever, subsequent to the date on which a conditional apportionment made to a state-aided district becomes final, less than all of such district is included in another district, the Director of Finance shall determine what portion of such apportionment was expended or will be expended for property acquired or to be acquired by the acquiring district. Any determination made by the Director of Finance under this section may be redetermined by him, from time to time, until the project for which the apportionment was made has

been completed, and the final cost thereof determined and the final determination has been made pursuant to such final cost. The Director of Finance shall promptly notify the State Controller, the governing board of the state-aided district and of the acquiring district, the superintendent of schools, the auditor, and the treasurer of the counties having jurisdiction over said districts of each determination and redetermination made by him under this section. No redetermination shall be retroactive nor affect the liability of any school district for any payment or annual repayment, or portion thereof, previously made by or on behalf of such district to the State under the provisions of this chapter (Sections 19551 to 19689, inclusive).

On and after the date of such change of boundaries, the acquiring district succeeds to and is vested with all of the duties, powers, purposes, jurisdiction, and responsibilities of the state-aided district with respect to that portion of the apportionment which the Director of Finance has determined or redetermined under this section was expended, or will be expended, for property acquired or to be acquired by the acquiring district, and the unexpended part of such portion of the apportionment in the state school building fund of the state-aided district shall be transferred to the state school building fund of the acquiring district. In addition, and at the same time, the acquiring district shall become liable for the payment to the State of that portion of the annual repayment and all other payments due the State under Section 19607 and other provisions of this chapter (Sections 19551 to 19689, inclusive) with respect to that portion of the apportionment which the Director of Finance has determined or redetermined was expended, or will be expended for property acquired, or to be acquired by the acquiring district, or, in the event such portion of such apportionment is a lower percentage of such apportionment than the percentage that the assessed valuation in the territory of the state-aided district which was transferred to the acquiring district is of the total assessed valuation of the state-aided district immediately preceding the effective date of the transfer, the acquiring district shall become liable for the payment to the State of that portion of the annual repayment and all other repayments due the State under Section 19607 and other provisions of this chapter (Sections 19551 to 19689, inclusive) with respect to such apportionment which is equal to such percentage of assessed valuation in the territory transferred to the acquiring district. "Annual repayment," as used in this section, refers to repayment computed under Sections 19601 to 19607, inclusive, and excludes amounts for which the state-aided district is liable under the provisions of Section 19577. Whenever a site for which repayments are being made under Section 19577 is transferred to an acquiring district the acquiring district shall be liable for the repayments required under Section 19577.

Assessment valuation

19663. Notwithstanding any change in the boundaries of a state-aided district or the annexation to, or the inclusion in,

another district of a state-aided district, the state-aided district as it existed immediately prior to the effective date of such action shall be continued in existence for the determination of the assessed valuation of the property therein and for the purposes of the computations provided by Sections 19601, 19602, 19606, and 19607; and all the computations required to be made pursuant to said sections shall be made exactly as if there had been no such change of boundaries, annexation, or inclusion, except as otherwise provided in Sections 19664 and 19665.

Same

19664. Whenever, subsequent to the date on which a conditional apportionment becomes final, territory is withdrawn from a state-aided district and no portion of the apportionment was expended for school property acquired by the acquiring district:

(1) If the acquiring district is a state-aided district, the assessed valuation in the territory acquired shall be included in determining assessed valuation of the property in the acquiring district, and shall thereafter be excluded in determining assessed valuation of the property in the state-aided district, for purposes of the computations under Sections 19601 to 19607, inclusive;

(2) If the acquiring district is not a state-aided district and the assessed valuation in the territory acquired is less than 10 percent of the total assessed valuation in the state-aided district immediately preceding the withdrawal, the assessed valuation in the territory shall thereafter be excluded in determining the assessed valuation in the state-aided district, and for purposes of the computations under Sections 19601 to 19607, inclusive;

(3) If the acquiring district is not a state-aided district and (2) does not apply, the assessed valuation of the state-aided district for purposes of the computations under Sections 19601 to 19607, inclusive, shall be determined thereafter by dividing the current assessed valuation of such district by the percentage of the total assessed valuation in such district, immediately preceding the first withdrawal to which this subdivision applies, remaining in the state-aided district upon such withdrawal.

Whenever subdivision (3) applies, liability for the annual repayment computed shall be apportioned between the acquiring district and the state-aided district in the ratio, as of the time of the withdrawal, of the assessed valuation of the territory withdrawn to the assessed valuation in territory remaining in the state-aided district.

Same

19665. Whenever, subsequent to the date on which a conditional apportionment becomes final, any territory is withdrawn from a non-state-aided district and annexed to the state-aided district, the assessed valuation in the territory so annexed shall be included with the valuation of the state-aided district for the purposes of making the computations provided by Sections 19601 to 19607.

Annual repayment computation

19666. The State Controller shall compute, in accordance with Sections 19663, 19664, and 19665, the amount of the annual repayment due the State on account of the apportionment or apportionments to each state-aided district and shall deduct from the respective apportionments made from the State School Fund under Sections 11256, 11257 and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460.1, inclusive, whichever are in effect, to the state-aided district and an acquiring district the portion thereof for which each is liable under the provisions of this article (Sections 19651 to 19667, inclusive).

Certificate of annexation, etc

19667. When, after any application is filed, the applicant district is annexed to, or, by change of boundaries or otherwise, is included in whole or in part in another district or districts, the superintendent of schools of the county having jurisdiction over said applicant district shall, within 10 days after the effective date of such annexation, inclusion, or change of boundaries, file a certificate with the board, in writing, in such form as the board shall prescribe, setting forth (1) the effective date of such annexation, inclusion, or change of boundaries; (2) identification of the area of the school district affected by such change and the name of the school district or districts in which such area is included as a result thereof; and (3) such additional information in such form as the board may require.

The board shall, upon receiving the appropriate certificate from a county superintendent of schools as provided herein, promptly notify the State Controller, in writing, of (1) the effective date of annexation or other inclusion of a state-aided district by an acquiring district; (2) the name of the state-aided district; (3) the name of the acquiring district; and (4) the number and other identification of the apportionment affected.

Article 3. School Housing Aid for Exceptional Children

Funds available

19681. Not to exceed 3½ percent of any sum appropriated by the Legislature at the 1952 Second Extraordinary Session and not to exceed 3½ percent of the proceeds of the sale of any state bonds for state school building aid, including the proceeds of bonds authorized by Section 17 of Article XVI of the California Constitution, may be expended pursuant to this article (Sections 19681 to 19689, inclusive) for assistance to school districts in providing necessary housing and equipment for the education of exceptional children. All the provisions of Articles 1 and 2 of this chapter (Sections 19551 to 19667, inclusive), except Sections 19556 and 19581, shall apply to this article (Sections 19681 to 19689, inclusive) unless otherwise provided herein.

"Exceptional children"

19682. As used in this article (Sections 19681 to 19689, inclusive), "exceptional children" means physically handicapped minors or mentally retarded minors required or al-

lowed to be educated pursuant to Sections 6801 to 6853, inclusive, and Sections 6901 to 6914, inclusive, of this code.

Allocations

19683. Allocations under this article (Sections 19681 to 19689, inclusive) may be made in such amount as may be necessary, and in such manner as to distribute the available funds equitably among school districts, giving consideration to the needs of each district and the number of children within each district who are blind, partially seeing, deaf, hard of hearing, mentally retarded, orthopedically handicapped or cerebral palsied.

In computing the number of such children there shall be included:

(a) The number of them residing in the district.

(b) The number of handicapped minors who are actually living within the district five or more days a week, although their legal residence may be outside the district and who are educated pursuant to Section 6805.

(c) The number of them who reside outside of the district, except those described in subdivision (b), and who are to be educated by the district, excluding mentally retarded minors within the provisions of Section 6902 who reside within a district having an average daily attendance of 900 or more and which does not meet the requirements of Section 19590 concerning outstanding bonded indebtedness.

Repayment

19684. Notwithstanding the provisions of Articles 1 and 2 (Sections 19551 to 19667, inclusive) of this chapter, the obligation of any district receiving an apportionment under this article (Sections 19681 to 19689, inclusive) to repay such apportionment shall not extend to more than one-half of the amount of the apportionment.

Application for allocation re certain facilities

19685. With the approval of the county superintendent of schools, a school district may make application for an allocation under this article (Sections 19681 to 19689, inclusive) for facilities for the education of mentally retarded minors pursuant to subdivision (a) of Section 8951 by the county superintendent of schools. Facilities for which an apportionment is made under this section shall be made available for use by the county superintendent of schools for the education of mentally retarded minors pursuant to subdivision (a) of Section 8951, until he ceases to conduct such classes therein or until the superintendent of schools of a county other than the county whose superintendent of schools approved the application made under this section acquires jurisdiction over the location of such facility, whichever first occurs. Not more than 50 percent of the amount of any apportionment made pursuant to this section shall be repaid. Repayments shall be made in the following manner: Ten percent of the amount of the apportionment shall be subject to repayment by the district to the extent, and in the manner prescribed in Article 1 (Sections 19551 to 19632, inclusive) of this chapter for apportionments other than those made pursuant to Section 19577. Forty percent of the amount of the apportionment shall be repaid in full

with interest by the district, in such annual amounts and over such period as the board may determine, not to exceed 20 years from the date the apportionment became final. The county board of supervisors of the county whose superintendent of schools conducts classes in such facility during any fiscal year shall at such time or times within such fiscal year as may be agreed upon between the county and the school district, but in any case not later than the end of such fiscal year, pay to the school district having the obligation to repay the apportionment made under this section for the construction of such facility, an amount equal to the amount the district is required to repay in said fiscal year with respect to the 40 percent of the amount of the apportionment described above.

In determining the number of children for whom such facilities shall be provided, there shall be included only the number of them residing in elementary or unified school districts with less than 900 average daily attendance.

Allocations made pursuant to this section shall not exceed a total of five hundred thousand dollars ($500,000) for all districts.

Certification of attendance

19686. Not later than July 20th of each year the county superintendent of schools of each county in which there is a school district maintaining facilities for the education of exceptional children which have been constructed with funds apportioned to the district under this article (Sections 19681 to 19689, inclusive) shall certify to the board of supervisors and to the county auditor of the county the total number of units of average daily attendance of pupils enrolled in such facilities during the next preceding fiscal year who reside in a district other than the district maintaining such facilities.

Special tax levy

19687. The board of supervisors with whom the certificate is filed shall, at the time of making the tax levy for that year for county purposes, levy a special tax upon all taxable property in the district of residence of each pupil enrolled in the facilities other than the district maintaining such facilities, sufficient in amount to raise the sum of one hundred sixty dollars ($160) per unit of average daily attendance for the use of the facilities.

Same

19688. If the board of supervisors fails to make the tax levy, the auditor shall make the levy.

County school building aid funds

19689. The county auditor shall, not later than the last Monday in December and the last Monday in May of each year, notify the superintendent of schools of the amount in the county school building aid fund. Thereupon the superintendent shall draw his order on the county auditor in favor of the State Treasurer for the amount in the county school building aid fund of the county. Such amount shall be paid by the county treasurer and, upon order of the State Controller, shall be deposited in the State Treasury to the credit of the State School Building Aid Fund. All money paid to the State School Building Aid Fund under the provisions of this section shall

be available only for transfer to the General Fund under the provisions of Section 19704, and shall be credited to the repayment of the apportionment of funds to the school district maintaining the facilities.

CHAPTER 11. STATE SCHOOL BUILDING AID BOND LAW OF 1952

State School Building Finance Committee

19701. For the purpose of creating a fund to provide aid to school districts of the State, the State School Building Finance Committee, created by Section 19510, shall be and it hereby is authorized and empowered to create a debt or debts, liability or liabilities, of the State of California in the manner and to the extent hereinafter provided, but not otherwise, nor in excess thereof. The State School Building Finance Committee is continued in existence for the purposes of this chapter (Sections 19701 to 19715, inclusive). The Members of the Legislature of such committee constitute an interim investigating committee on the subject of this chapter (Sections 19701 to 19715, inclusive) and as such shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and the Assembly.

Bonds Preparation and amount

19702. After the approval by the people of the constitutional amendment of the 1952 Second Extraordinary Session of the Legislature adding Section 16.5 to Article XVI of the Constitution of the State, and immediately after adoption of any resolution by the State School Building Finance Committee, provided for in Section 19713, the State Treasurer shall arrange for the preparation of the requisite number of suitable bonds of the denomination of one thousand dollars ($1,000), or multiples thereof, in accordance with the specifications contained in such resolution. The aggregate par value of all bonds issued under this chapter (Sections 19701 to 19715, inclusive) shall not exceed the sum of one hundred eighty-five million dollars ($185,000,000) and shall bear interest at a rate not exceeding 5 percent per annum. Both principal and interest shall be payable in lawful money of the United States, at the Office of the State Treasurer, or at the office of any duly authorized agent of the State Treasurer.

All bonds issued under this chapter (Sections 19701 to 19715, inclusive) shall bear the facsimile signature of the Governor and the facsimile countersignature of the Controller and shall be endorsed by the State Treasurer either by original signature or by a signature stamp, and the bonds shall be signed, countersigned, and endorsed by the officers who shall be in office on the date of issuance thereof, and each of said bonds shall bear an impress of the Great Seal of the State of California. Interest coupons attached to each bond shall bear the facsimile signature of the State Treasurer who shall be in office on the date of issuance of the bond to which said coupons pertain. The bonds or coupons so signed, countersigned, endorsed, and sealed, when sold, shall be and constitute a valid

and binding general obligation upon the State of California, although the sale thereof be made at a date or dates upon which the officers having signed, countersigned, and endorsed said bonds or coupons, or any or either of said officers, shall have ceased to be the incumbents of the offices held by them at the time of signing, countersigning, or endorsing said bonds or coupons. Each bond issue under this chapter (Sections 19701 to 19715, inclusive) shall contain a clause or clauses referring to this chapter (Sections 19701 to 19715, inclusive) and to the resolutions of the State School Building Finance Committee hereunder by virtue of which said bond is issued, and if subject to call or redemption prior to maturity, shall contain a recital to that effect.

Cancellation, etc

19703. The State Treasurer shall, on the respective dates of maturity or prior redemption of said bonds, or as soon thereafter as said bonds are surrendered to him, pay the same out of the proceeds of the Controller's warrants drawn in his favor as provided in Section 19704 and perforate the bonds so paid with a suitable device in a manner to indicate such payment and the date thereof. The State Treasurer, or his duly authorized agent, shall also, on the respective dates of maturity, cancel all bonds and appurtenant coupons bearing said dates of maturity and remaining unsold, by perforation with a suitable device in a manner to indicate such cancellation and the date thereof; provided, however, new bonds may be prepared and executed in lieu of bonds canceled solely by reason of the fact that such bonds have not been sold prior to their fixed maturity dates, whenever the State School Building Finance Committee shall determine such new bonds shall be prepared and executed, subject to the condition the total indebtedness created hereunder shall not exceed the maximum limit herein specified. Not less than four years after the final maturity date of a particular issue of bonds, the State Treasurer, or his duly authorized agent, may destroy or cremate any bonds of such issue which have been previously paid or canceled as hereinbefore provided.

General obligations of State

19704. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof. There is hereby appropriated from the General Fund in the State Treasury such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this chapter (Sections 19701 to 19715, inclusive), as said principal and interest become due and payable.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the State, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers

charged by law with any duty in regard to the collection of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

On the several dates of maturity of said principal and interest in each fiscal year, there shall be transferred to the General Fund in the State Treasury, on order of the State Controller, all of the money in the State School Building Aid Fund which was transferred into or deposited in said fund in accordance with the provisions of Sections 19611 and 7909 as added by Chapter 28 of the Statutes of 1952 (Second Extraordinary Session) and as subsequently amended, together with all of the money deposited in the State School Building Aid Fund under Section 19707 which was derived from premium and accrued interest on bonds sold pursuant to said Section 19707; but the amount to be transferred to the General Fund pursuant to this section shall not exceed the principal of and interest on the said bonds then due and payable, except as hereinafter provided for the prior redemption of said bonds, and, in the event such money so returned on said dates of maturity being less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State Treasury out of said State School Building Aid Fund as soon thereafter as it shall become available.

Both principal and interest of said bonds shall be paid when due upon warrants duly drawn against said appropriation from the General Fund by the State Controller in favor of the State Treasurer, or his duly authorized agent, upon claims audited by the State Controller. The State Allocation Board, by resolution approved by the State School Building Finance Committee, shall direct the State Treasurer to call bonds (which are then subject to redemption) if such call is desirable and whenever funds are available to effect such redemption, the part of each issue so called to be not less than all of the bonds maturing in any one year. Notice of such redemption shall be given by the State Treasurer in the manner provided in the resolution authorizing the issuance of said bonds.

Reimbursement of General Fund

19705. All money deposited in the State School Building Aid Fund under Sections 19611 and 7909 as added by Chapter 28 of the Statutes of 1952 (Second Extraordinary Session) and as subsequently amended, shall be available only for transfer to the General Fund, as provided in Section 19704. When transferred to the General Fund, such money shall be applied as a reimbursement to the General Fund on account of principal and interest due and payable or paid from the General Fund on the earliest issue of school building bonds for which the General Fund has not been fully reimbursed by such transfer of funds.

Appropriation Revolving fund

19706. The sum of seventy-five thousand dollars ($75,000) was appropriated, by Chapter 28 of the Statutes of 1952 (Second Extraordinary Session), out of the General Fund to be used as a revolving fund to pay the expenses incurred by the State

Treasurer in having said bonds prepared and in advertising their sale or their prior redemption. Whenever bonds are sold, out of the first money realized from the sale of said bonds, there shall be redeposited in the revolving fund such sums as the State Treasurer has expended for the purpose, which may be used for the same purpose and repaid in the same manner whenever additional sales are made. Whenever all the bonds authorized by this chapter (Sections 19701 to 19715, inclusive) have been sold, said revolving fund shall be refunded to the General Fund in the State Treasury.

Procedure re sale of bonds

19707. The bonds authorized to be issued under this chapter (Sections 19701 to 19715, inclusive) shall be sold by the State Treasurer to the highest bidder for cash at public sale upon sealed bids in such parcels and numbers as the State Treasurer shall be directed by the Governor of the State, under seal thereof, but the State Treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which shall have accrued thereon between the date of purchaser's payment for said bonds and the last preceding interest maturity date; and the State Treasurer may from time to time, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, at such time and place as the State Treasurer may select. Each bid shall be in writing and signed by the bidder and sealed, and shall be accompanied by the deposit of a certified check or cashier's check for five thousand dollars ($5,000), drawn on a bank or trust company authorized to transact and transacting business in the State of California, payable to the Treasurer of the State of California, such deposit not to bear interest. The deposit of each unsuccessful bidder shall be returned to him immediately upon the non-acceptance of his bid, and the deposit of the successful bidder shall immediately upon the acceptance of his bid become and be the property of the State of California and be placed in the State Treasury to the credit of the State School Building Aid Fund, and shall be credited to the successful purchaser upon the purchase price of the bonds bid for in case such purchase price is paid in full by him within the time mutually agreed upon between the successful bidder and the State Treasurer. If the purchase price is not so paid, the successful bidder shall have no right in and to said bonds or by reason of said bid, or to the recovery of said deposit accompanying said bid, or to any allowance or credit by reason of such deposit unless it shall appear that the bonds would not be validly issued if delivered to the purchaser in the form and manner proposed. In case the purchase price is not so paid, the bonds so sold but not paid for shall be resold by the State Treasurer upon notice as provided in case of original sale.

Temporary or interim bonds, certificates, or receipts of any denomination whatever and with or without coupons attached thereto, to be signed by the State Treasurer, may be issued and

delivered until the definitive bonds are executed and available for delivery. Signature of the State Treasurer may be by signature stamp.

Disposition of interest, etc.

19708. All money deposited in the State School Building Aid Fund under the provisions of Section 19707 which is derived from premium and accrued interest on bonds sold pursuant to said section shall be reserved in said fund and shall be available only for transfer to the General Fund, as provided by Section 19704. When transferred to the General Fund, such money shall be applied as a reimbursement to the General Fund on account of principal and interest due and payable or paid from the General Fund on the particular issue of school building bonds from the sale of which such premium and accrued interest were derived.

Notice of sale

19709. Due notice of the time and place of sale of all bonds shall be given by the State Treasurer by publication in one newspaper published in the City and County of San Francisco, by publication in one newspaper published in the City of Sacramento, and by publication in one newspaper published in the City of Los Angeles pursuant to Section 6066 of the Government Code. In addition to the notice last above provided for, the State Treasurer may give further notice as he may deem advisable, but the expense and cost of such additional notice shall not exceed the sum of five hundred dollars ($500) for each sale so advertised. The proceeds of the sale of such bonds and such amount as may have been paid as accrued interest thereon shall be forthwith paid over by the State Treasurer into the State School Building Aid Fund and must be used exclusively to aid school districts of the State in purchasing and improving school sites, the purchasing of furniture and equipment for schools, and the planning and constructing, reconstructing, repairing, alteration of, and making additions to, school buildings; provided, that the proceeds from the sale of said bonds may be used to pay the debt created by the issuance and sale thereof, the expense of preparing and of advertising the sale or prior redemption of said bonds, and the actual and necessary expenses of the State School Building Finance Committee.

Issuance of bonds

19710. Upon request of the State Allocation Board, supported by a statement of the apportionments made and to be made under Sections 19551 to 19689, inclusive, the State School Building Finance Committee shall determine whether or not it is necessary or desirable to issue any bonds authorized under this chapter (Sections 19701 to 19715, inclusive) in order to make such apportionments, and, if so, the amount of bonds then to be issued and sold. A sufficient number of bonds authorized under this chapter (Sections 19701 to 19715, inclusive) shall be issued and sold so that twenty million dollars ($20,000,000) will be available for apportionment on May 5, 1953, or as soon thereafter as such bonds can be issued and sold, and so that five million dollars ($5,000,000) additional

will become available for apportionment on June 5, 1953 and on the fifth day of each month thereafter until a total amount of one hundred sixty-five million dollars ($165,000,000) has become available for apportionment. The remainder of the bonds, or so many thereof as may be necessary shall be issued and sold as provided in Section 19711. Successive issue of bonds may be authorized and sold to make such apportionments progressively, and it shall not be necessary that all of the bonds herein authorized to be issued shall be sold at any one time.

Same

19711. The Director of Finance shall define and determine the surplus which exists in the General Fund as of June 30, 1953. If the estimated surplus so determined is less than five million dollars ($5,000,000), the School Building Finance Committee shall issue and sell sufficient bonds, in an amount to the nearest one thousand dollars ($1,000) but not in excess of twenty million dollars ($20,000,000), to provide a surplus of five million dollars ($5,000,000) in the General Fund, and the proceeds of the bonds so issued and sold shall be deposited in the General Fund.

Issuance of bonds to repay General Fund

19712. Notwithstanding the provisions of Section 19711, upon order of the Director of Finance, made when in his opinion such action is necessary to meet the needs of the General Fund, the State School Building Finance Committee shall issue and sell bonds in the amount of twenty million dollars ($20,000,000) authorized by Article XVI, Section 16.5 of the Constitution. Proceeds of such bonds shall be used to repay the money appropriated from the General Fund at the 1952 Second Extraordinary Session for state school building aid, and shall be deposited in the General Fund.

The Legislature hereby declares that it has authority by virtue of Section 16.5 of Article XVI of the Constitution to authorize the sale of bonds referred to in the preceding paragraph irrespective of the adoption of the constitutional amendment of the 1958 First Extraordinary Session of the Legislature adding Section 19 to Article XVI of the Constitution, which confirms such authority.

Bonds Issuance, resolution, etc

19713. Whenever the State School Building Finance Committee shall have determined that the sale of all or any part of the bonds authorized to be issued under this chapter (Sections 19701 to 19715, inclusive) is necessary or desirable to make such apportionments, in whole or in part, it shall adopt a resolution to this effect. The said resolution shall authorize and direct the State Treasurer to provide for the preparation of the requisite number of suitable bonds then authorized to be sold and shall specify as to such bonds then to be sold:

1. The aggregate number, aggregate par value, and the date of the bonds to be then sold. The date appearing on said bonds shall be deemed to be the date of issuance for all purposes of this chapter (Sections 19701 to 19715, inclusive), irrespective of the actual date of delivery of such bonds and the payment

of the purchase price thereof. Successive issues of bonds herein authorized shall be identified by the number of the issue, or the entire authorized issue may be divided into series or divisions appropriately identified by letter or number.

2. The date or dates of maturity, and the number and numerical sequence of the bonds maturing at each date of maturity, to be at annual or semiannual intervals.

3. The provisions for the retirement of said bonds at any time or times prior to their maturity, the manner of the call thereof, and the price or prices at which said bonds shall be redeemed.

4. The annual rate, or rates, of interest which the bonds to be issued shall bear, to be in multiples of one-fourth of 1 percent, which rate, or rates, at the discretion of said committee, may be determined by the bidder at the time of sale of said bonds, not to exceed 5 percent.

5. The number, numerical sequence, amount or amounts, and dates of maturity of the interest coupons to be attached to said bonds.

6. The technical form and language of said bonds and of the interest coupons to be attached thereto.

In determining the date or dates of maturity of the said bonds and the amount of bonds maturing at each date of maturity, the State School Building Finance Committee shall be guided by the amounts and dates of maturity of the receipts estimated to accrue to the State School Building Aid Fund from the transactions to be financed by each issue, and shall fix and determine said dates and amounts in such manner that, together with the dates and amounts of interest payments on the said bond issue, they shall coincide, as nearly as practicable, with the dates and amounts of such estimated receipts; provided, the bonds first to mature in each issue shall mature not later than five years and the bonds last to mature in each issue shall mature not later than 45 years from the date of issuance thereof.

The rate of interest to be borne by the bonds need not be uniform for all bonds of the same issue or series or division, and may be determined and fixed by the State School Building Finance Committee by resolution adopted at or after the sale of said bonds, but not exceeding in any case 5 percent per annum payable semiannually. The highest bid received on the sale of the bonds shall be determined by deducting the total amount of the premium bid (if any) from the total amount of interest which the State would be required to pay from the date of sale to the respective maturity dates of the bonds then offered for sale at the coupon rate or rates specified in the bid, and the award shall be made on the basis of the lowest net interest cost to the State. The lowest net interest cost to the State shall be computed between the dates aforesaid according to standard bond interest tables The interest coupons first payable may, if the State School Building Finance Committee

shall so determine and specify, be payable at any time within one year after the date of issuance of said bonds.

Expenses of committee and legislative interim committee

19714 All actual and necessary expenses of the State School Building Finance Committee and the legislative interim committee and of the members thereof incurred in the performance of their duties arising out of the provisions of this chapter (Sections 19701 to 19715, inclusive) shall be paid out of the State School Building Aid Fund, upon approval of the State Board of Control and on Controller's warrant duly drawn for that purpose.

Whenever the State School Building Finance Committee deems that it will increase the salability or the price of the bonds to obtain a legal opinion as to the validity of the bonds, prior to or after sale, from attorneys other than the Attorney General, the committee may authorize the State Treasurer or the Department of Finance or both to obtain such a legal opinion. Payment for such legal services shall be made from the State School Building Aid Fund, upon approval of the State Board of Control and on Controller's warrant duly drawn for that purpose.

Accounts and records

19715. The Controller, the State Treasurer and the State School Building Finance Committee shall keep full and particular account and record of all their proceedings under this chapter (Sections 19701 to 19715, inclusive) and they shall transmit to the Governor an abstract of all such proceedings thereunder, with an annual report, to be by the Governor laid before the Legislature biennially; and all books and papers pertaining to the matter provided for in this chapter (Sections 19701 to 19715, inclusive) shall at all times be open to the inspection of any party interested, or the Governor, or the Attorney General, or a committee of either branch of the Legislature, or a joint committee of both, or any citizen of the State.

CHAPTER 12. STATE SCHOOL BUILDING AID BOND LAW OF 1954

Short title

19751. This act may be cited as the State School Building Aid Bond Law of 1954.

Applicable law

19752. The State General Obligation Bond Law is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this chapter (Sections 19751 to 19764, inclusive), and the provisions of that law are included in this chapter (Sections 19751 to 19764, inclusive) as though set out in full in this chapter (Sections 19751 to 19764, inclusive). All references in this chapter to "herein" shall be deemed to refer both to this chapter (Sections 19751 to 19764, inclusive) and such law.

Definitions

19753. As used in this chapter (Sections 19751 to 19764, inclusive), and for the purposes of this chapter (Sections 19751 to 19764, inclusive) as used in the State General Obliga-

tion Bond Law, the following words shall have the following meanings:

(a) "Committee" means State School Building Finance Committee, created by Section 19510.

(b) "Board" means State Allocation Board.

(c) "Fund" means State School Building Aid Fund.

Bond issue authorization

19754. For the purpose of creating a fund to provide aid to school districts of the State in accordance with the provisions of the State School Building Aid Law of 1952, and of all acts amendatory thereof and supplementary thereto, the committee shall be and is hereby authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of one hundred million dollars ($100,000,000) in the manner provided herein, but not otherwise nor in excess thereof.

General obligations

19755. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof. There is hereby appropriated from the General Fund in the State Treasury such sum annually as will be necesary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this chapter (Sections 19751 to 19764, inclusive), as said principal and interest become due and payable.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the State, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

On the several dates of maturity of said principal and interest in each fiscal year, there shall be transferred to the General Fund in the State Treasury, all of the money in the fund, not in excess of the principal of and interest on the said bonds then due and payable, except as herein provided for the prior redemption of said bonds, and, in the event such money so returned on said dates of maturity is less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State Treasury out of the fund as soon thereafter as it shall become available.

Reimbursement to General Fund

19756. All money deposited in the fund under Section 19611 of this code and Section 16759 of the Government Code shall be available only for transfer to the General Fund, as provided in Section 19755. When transferred to the General Fund such money shall be applied as a reimbursement to the General Fund on account of principal and interest due and

payable or paid from the General Fund on the earliest issue of school building bonds for which the General Fund has not been fully reimbursed by such transfer of funds.

Appropriation Revolving Fund

19757. The sum of seventy-five thousand dollars ($75,000) was appropriated, by Chapter 41 of the Statutes of 1954 (Extraordinary Session) out of the General Fund to be used as a revolving fund to pay the expenses incurred by the State Treasurer in having the bonds prepared and in advertising their sale or their prior redemption, for expenses incurred by the committee pursuant to Government Code Section 16758, and for legal services, upon approval of the State Board of Control, pursuant to Government Code Section 16750. Whenever bonds are sold, out of the first money realized from their sale, there shall be redeposited in the revolving fund such sums as have been expended for the above purposes, which may be used for the same purpose and repaid in the same manner whenever additional sales are made. Whenever all the bonds authorized by this chapter (Sections 19751 to 19764, inclusive) have been sold, the amount of the appropriation made by this section shall revert to the unappropriated surplus in the General Fund.

Withdrawal from General Fund

19758. For the purposes of carrying out the provisions of this chapter (Sections 19751 to 19764, inclusive) the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which the committee has by resolution authorized to be sold for the purpose of carrying out this chapter (Sections 19751 to 19764, inclusive), and the amount necessary to carry out this chapter (Sections 19751 to 19764, inclusive) is hereby appropriated. The appropriation made by this section is made without regard to fiscal years. Any amounts withdrawn shall be deposited in a revolving fund to be allocated by the board in accordance with this chapter (Sections 19751 to 19764, inclusive). Any moneys made available under this section to the board shall be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this chapter (Sections 19751 to 19764, inclusive).

Issuance and sale

19759. Upon request of the board, supported by a statement of the apportionments made and to be made under Sections 19551 to 19689, inclusive, the committee shall determine whether or not it is necessary or desirable to issue any bonds authorized under this chapter (Sections 19751 to 19764, inclusive) in order to make such apportionments, and, if so, the amount of bonds then to be issued and sold. A sufficient number of bonds authorized under this chapter (Sections 19751 to 19764, inclusive) shall be issued and sold so that five million dollars ($5,000,000) will be available for apportionment on November 5, 1955, or as soon thereafter as such bonds can be issued and sold, and so that five million dollars ($5,000,000) additional will become available for apportion-

ment on December 5, 1955, and on the fifth day of each month thereafter until a total amount of one hundred million dollars ($100,000,000) has become available for apportionment. Successive issue of bonds may be authorized and sold to make such apportionments progressively, and it shall not be necessary that all of the bonds herein authorized to be issued shall be sold at any one time.

Optional provisions

19760. In any resolution determining that the sale of all or any part of the bonds herein authorized is necessary or desirable, the committee may in its discretion adopt provisions for the interexchange of bonds of different denominations, the issuance of new bonds of different denominations in lieu of, or in exchange for, bonds of a like aggregate principal amount but of different denominations, and the authentication of any bonds by the State Controller or by any deputy state controller. If authentication is so required, no bond authorized herein shall be valid unless so authenticated in the manner so required.

Net interest cost

19761. In computing the net interest cost under Section 16754 of the Government Code, interest shall be computed from the date of the bonds or the last preceding interest payment date, whichever is latest, to the respective maturity dates of the bonds then offered for sale at the coupon rate or rates specified in the bid, such computation to be made on a 360-day year basis.

Sale

19762. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at such time or times as may be fixed by the State Treasurer, and no direction of the Governor shall be required. The provisions of Sections 16750 and 16754 of the Government Code respecting the direction of the Governor shall not be applicable to such sale.

Disposition of proceeds

19763. All proceeds from the sale of the bonds herein authorized deposited in the fund, as provided in Section 16757 of the Government Code, except those derived from premium and accrued interest, shall be available for the purpose herein provided, but shall not be available for transfer to the General Fund pursuant to Section 19755 to pay principal and interest on bonds other than bonds herein authorized.

Applicable law

19764. With respect to the proceeds of bonds authorized by Section 17, Article XVI of the California Constitution, all the provisions of Sections 19551 to 19689, inclusive, shall apply except:

(a) Any reference in Sections 19551 to 19689, inclusive, to "Section 16.5, Article XVI of the Constitution of this State" shall be deemed a reference to "Section 17, Article XVI of the Constitution of this State."

(b) Any reference in Sections 19551 to 19689, inclusive, to "Section 19704" shall be deemed a reference to "Section 19755."

CHAPTER 13. STATE SCHOOL BUILDING AID BOND LAW OF 1957

Short title

19801. This act may be cited as the State School Building Aid Bond Law of 1957.

Applicable law

19802. The State General Obligation Bond Law is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this chapter (Sections 19801 to 19814, inclusive), and the provisions of that law are included in this chapter (Sections 19801 to 19814, inclusive) as though set out in full in this chapter (Sections 19801 to 19814, inclusive). All references in this chapter (Sections 19801 to 19814, inclusive) to "herein" shall be deemed to refer both to this chapter (Sections 19801 to 19814, inclusive) and such law.

Definitions

19803. As used in this chapter (Sections 19801 to 19814, inclusive), and for the purposes of this chapter (Sections 19801 to 19814, inclusive) as used in the State General Obligation Bond Law, the following words shall have the following meanings:

(a) "Committee" means State School Building Finance Committee, created by Section 19510.

(b) "Board" means State Allocation Board.

(c) "Fund" means State School Building Aid Fund.

Funds

19804. For the purpose of creating a fund to provide aid to school districts of the State in accordance with the provisions of the State School Building Aid Law of 1952, and of all acts amendatory thereof and supplementary thereto, the committee shall be and is hereby authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of one hundred million dollars ($100,000,000) in the manner provided herein, but not otherwise nor in excess thereof.

Bonds

19805. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof. There is hereby appropriated from the General Fund in the State Treasury such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this chapter (Sections 19801 to 19814, inclusive), as said principal and interest become due and payable.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the State, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

On the several dates of maturity of said principal and interest in each fiscal year, there shall be transferred to the General Fund in the State Treasury, all of the money in the fund, not in excess of the principal of and interest on the said bonds then due and payable, except as herein provided for the prior redemption of said bonds, and, in the event such money so returned on said dates of maturity is less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State Treasury out of the fund as soon thereafter as it shall become available.

Transfer of funds

19806. All money deposited in the fund under Section 19611 of this code and Section 16759 of the Government Code shall be available only for transfer to the General Fund, as provided in Section 19805. When transferred to the General Fund such money shall be applied as a reimbursement to the General Fund on account of principal and interest due and payable or paid from the General Fund on the earliest issue of school building bonds for which the General Fund has not been fully reimbursed by such transfer of funds.

Appropriation: Revolving fund

19807. The sum of seventy-five thousand dollars ($75,000) was appropriated, by Chapter 18 of the Statutes of 1957 out of the General Fund to be used as a revolving fund to pay the expenses incurred by the State Treasurer in having the bonds prepared and in advertising their sale or their prior redemption, for expenses incurred by the committee pursuant to Government Code Section 16758, and for legal services, upon approval of the State Board of Control, pursuant to Government Code Section 16750. Whenever bonds are sold, out of the first money realized from their sale, there shall be redeposited in the revolving fund such sums as have been expended for the above purposes, which may be used for the same purpose and repaid in the same manner whenever additional sales are made. Whenever all the bonds authorized by this chapter (Sections 19801 to 19814, inclusive) have been sold, the amount of the appropriation made by this section shall revert to the unappropriated surplus in the General Fund.

Withdrawal from General Fund

19808. For the purposes of carrying out the provisions of this chapter (Sections 19801 to 19814, inclusive) the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which the committee has by resolution authorized to be sold for the purpose of carrying out this chapter (Sections 19801 to 19814, inclusive), and the amount necessary to carry out this chapter (Sections 19801 to 19814, inclusive) is hereby appropriated. The appropriation made by this section is made without regard to fiscal years. Any amounts withdrawn shall be deposited in a revolving fund to be allocated by the board in accordance with this chapter (Sections 19801 to 19814, inclusive). Any moneys made available under this section to the board shall be returned by the board to the General Fund from moneys received from

the sale of bonds sold for the purpose of carrying out this chapter (Sections 19801 to 19814, inclusive).

Issuance and sale

19809. Upon request of the board, supported by a statement of the apportionments made and to be made under Sections 19551 to 19689, inclusive, the committee shall determine whether or not it is necessary or desirable to issue any bonds authorized under this chapter (Sections 19801 to 19814, inclusive) in order to make such apportionments, and, if so, the amount of bonds then to be issued and sold. A sufficient number of bonds authorized under this chapter (Sections 19801 to 19814, inclusive) shall be issued and sold so that fifteen million dollars ($15,000,000) will be available for apportionment on July 5, 1957, or as soon thereafter as such bonds can be issued and sold, and so that five million dollars ($5,000,000) additional will become available for apportionment on August 5, 1957, and on the fifth day of each month thereafter until a total amount of one hundred million dollars ($100,000,000) has become available for apportionment. Successive issue of bonds may be authorized and sold to make such apportionments progressively, and it shall not be necessary that all of the bonds herein authorized to be issued shall be sold at any one time.

Optional provisions

19810. In any resolution determining that the sale of all or any part of the bonds herein authorized is necessary or desirable, the committee may in its discretion adopt provisions for the interexchange of bonds of different denominations, the issuance of new bonds of different denominations in lieu of, or in exchange for, bonds of a like aggregate principal amount but of different denominations, and the authentication of any bonds by the State Controller or by any deputy state controller. If authentication is so required, no bond authorized herein shall be valid unless so authenticated in the manner so required.

Net interest cost

19811. In computing the net interest cost under Section 16754 of the Government Code, interest shall be computed from the date of the bonds or the last preceding interest payment date, whichever is latest, to the respective maturity dates of the bonds then offered for sale at the coupon rate or rates specified in the bid, such computation to be made on a 360-day year basis.

Sale

19812. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at such time or times as may be fixed by the State Treasurer, and no direction of the Governor shall be required. The provisions of Sections 16750 and 16754 of the Government Code respecting the direction of the Governor shall not be applicable to such sale.

Disposition of proceeds

19813. All proceeds from the sale of the bonds herein authorized deposited in the fund, as provided in Section 16757 of the Government Code, except those derived from premium and accrued interest, shall be available for the purpose herein provided, but shall not be available for transfer to the Gen-

eral Fund pursuant to Section 19805 to pay principal and interest on bonds other than bonds herein authorized.

19814. With respect to the proceeds of bonds authorized by Section 18, Article XVI of the California Constitution, all the provisions of Sections 19551 to 19689, inclusive, shall apply except: Applicable law

(a) Any reference in Sections 19551 to 19689, inclusive, to "Section 16 5, Article XVI of the Constitution of this State" shall be deemed a reference to "Section 18, Article XVI of the Constitution of this State."

(b) Any reference in Sections 19551 to 19689, inclusive, to "Section 19704" shall be deemed a reference to "Section 19805."

CHAPTER 14. STATE SCHOOL BUILDING AID BOND LAW OF 1958

19851. This act may be cited as the State School Building Aid Bond Law of 1958. Short title

19852. The State General Obligation Bond Law is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this chapter (Sections 19851 to 19864, inclusive), and the provisions of that law are included in this chapter (Sections 19851 to 19864, inclusive) as though set out in full in this chapter (Sections 19851 to 19864, inclusive). All references in this chapter (Sections 19851 to 19864, inclusive) to "herein" shall be deemed to refer both to this chapter (Sections 19851 to 19864, inclusive) and such law. Applicable law

19853. As used in this chapter (Sections 19851 to 19864, inclusive), and for the purposes of this chapter (Sections 19851 to 19864, inclusive) as used in the State General Obligation Bond Law, the following words shall have the following meanings: Definitions

(a) "Committee" means State School Building Finance Committee, created by Section 19510.

(b) "Board" means State Allocation Board.

(c) "Fund" means State School Building Aid Fund.

19854. For the purpose of creating a fund to provide aid to school districts of the State in accordance with the provisions of Sections 19551 to 19689, inclusive, and of all acts amendatory thereof and supplementary thereto, and to provide funds in the total amount of thirty million dollars ($30,000,000) for transfer to the Investment Fund pursuant to Chapter 15 of the 1958 First Extraordinary Session, the committee shall be and is hereby authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of two hundred twenty million dollars ($220,000,000) in the manner provided herein, but not otherwise nor in excess thereof. Funds

19855. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute Bonds

valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof. There is hereby appropriated from the General Fund in the State Treasury such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this chapter (Sections 19851 to 19864, inclusive), as said principal and interest become due and payable.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the State, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

On the several dates of maturity of said principal and interest in each fiscal year, there shall be transferred to the General Fund in the State Treasury, all of the money in the fund, not in excess of the principal of and interest on the said bonds then due and payable, except as herein provided for the prior redemption of said bonds, and, in the event such money so returned on said dates of maturity is less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State Treasury out of the fund as soon thereafter as it shall become available.

Transfer of funds

19856. All money deposited in the fund under Section 19611 of this code and pursuant to the provisions of Part 2, commencing with Section 16300, of Division 4, Title 2 of the Government Code, shall be available only for transfer to the General Fund, as provided in Section 19855. When transferred to the General Fund such money shall be applied as a reimbursement to the General Fund on account of principal and interest due and payable or paid from the General Fund on the earliest issue of school building bonds for which the General Fund has not been fully reimbursed by such transfer of funds.

Appropriation Revolving fund

19857. The sum of seventy-five thousand dollars ($75,000) was appropriated, by Chapter 98 of the Statutes of 1958 (First Extraordinary Session) out of the General Fund to be used as a revolving fund to pay the expenses incurred by the State Treasurer in having the bonds prepared and in advertising their sale or their prior redemption, for expenses incurred by the committee pursuant to Government Code Section 16758, and for legal services, upon approval of the State Board of Control, pursuant to Government Code Section 16760. Whenever bonds are sold, out of the first money realized from their sale, there shall be redeposited in the revolving fund such sums as have been expended for the above purposes, which may be used for the same purpose and repaid in the

same manner whenever additional sales are made. Whenever all the bonds authorized by this chapter (Sections 19851 to 19864, inclusive) have been sold, the amount of the appropriation made by this section shall revert to the unappropriated surplus in the General Fund.

Withdrawal from General Fund

19858 For the purposes of carrying out the provisions of this chapter (Sections 19851 to 19864, inclusive) the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which the committee has by resolution authorized to be sold for the purpose of carrying out this chapter (Sections 19851 to 19864, inclusive), and the amount necessary to carry out this section is hereby appropriated. The appropriation made by this section is made without regard to fiscal years. Any amounts withdrawn shall be deposited in a revolving fund to be allocated by the board in accordance with this chapter (Sections 19851 to 19864, inclusive). Any moneys made available under this section to the board shall be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this chapter (Sections 19851 to 19864, inclusive).

Issuance and sale

19859. Upon request of the board, supported by a statement of the apportionments made and to be made under Sections 19551 to 19689, inclusive, the committee shall determine whether or not it is necessary or desirable to issue any bonds authorized under this chapter (Sections 19851 to 19864, inclusive) in order to make such apportionments, and, if so, the amount of bonds then to be issued and sold. A sufficient number of bonds authorized under this chapter (Sections 19851 to 19864, inclusive) shall be issued and sold so that in addition to the amount to be transferred to the Investment Fund pursuant to Chapter 15 of the 1958 First Extraordinary Session, the sum of eight million dollars ($8,000,000) will be available for apportionment on January 5, 1959, or as soon thereafter as such bonds can be issued and sold, and so that eight million dollars ($8,000,000) additional will become available for apportionment on February 5, 1959, and on the fifth day of each month thereafter until a total amount of one hundred ninety million dollars ($190,000,000) has become available for apportionment. Successive issue of bonds may be authorized and sold to make such apportionments progressively, and it shall not be necessary that all of the bonds herein authorized to be issued shall be sold at any one time.

Optional provisions

19860. In any resolution determining that the sale of all or any part of the bonds herein authorized is necessary or desirable, the committee may in its discretion adopt provisions for the interexchange of bonds of different denominations, the issuance of new bonds of different denominations in lieu of, or in exchange for, bonds of a like aggregate principal amount but of different denominations, and the authentication of any bonds by the State Controller or by any deputy

state controller. If authentication is so required, no bond authorized herein shall be valid unless so authenticated in the manner so required.

Net interest cost

19861. In computing the net interest cost under Section 16754 of the Government Code, interest shall be computed from the date of the bonds or the last preceding interest payment date, whichever is latest, to the respective maturity dates of the bonds then offered for sale at the coupon rate or rates specified in the bid, such computation to be made on a 360-day year basis.

Sale

19862. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at such time or times as may be fixed by the State Treasurer, and no direction of the Governor shall be required. The provisions of Sections 16750 and 16754 of the Government Code respecting the direction of the Governor shall not be applicable to such sale.

Disposition of proceeds

19863. All proceeds from the sale of the bonds herein authorized deposited in the fund, as provided in Section 16757 of the Government Code, except those derived from premium and accrued interest, shall be available for the purpose herein provided, but shall not be available for transfer to the General Fund pursuant to Section 19855 to pay principal and interest on bonds.

Applicable law

19864. With respect to the proceeds of bonds authorized by Section 19, Article XVI of the California Constitution, all the provisions of Sections 19551 to 19689, inclusive shall apply except:

(a) Any reference in Sections 19551 to 19689, inclusive to "Section 16.5, Article XVI of the Constitution of this State" shall be deemed a reference to "Section 19, Article XVI of the Constitution of this State."

(b) Any reference in Sections 19551 to 19689, inclusive to "Section 19704" shall be deemed a reference to "Section 19855."

DIVISION 15. COUNTY FINANCIAL SUPPORT AND MANAGEMENT

CHAPTER 1. COUNTY SCHOOL FUNDS

Article 1. County School Service Fund

"County school service fund"

20101. There is hereby established in the treasury of each county the "county school service fund."

Meaning

20102. Wherever any of the terms "unapportioned county elementary school fund," "county elementary school supervision fund," or "unapportioned county high school fund" are used in this code or in any other law, said term shall be deemed to refer to and mean the "county school service fund" established by this Chapter 401 of the Statutes of 1947.

20103. Notwithstanding any other provision of law, the county superintendent of schools, with the approval of the county board of education, may at the end of the school year 1946-47 transfer or cause to be transferred any unencumbered balance in the unapportioned county elementary school fund to a fund in the county treasury to be established by the county treasurer, known as the school district emergency aid fund. However, the amount so transferred shall not exceed the amount of the cash balance in the unapportioned county elementary school fund on July 1, 1933, plus any accounts receivable on that date, from unpaid loans and from delinquent county taxes due the fund under the provisions of law in effect on that date. School district emergency aid fund

The school district emergency aid fund shall be used exclusively for the purpose of providing such temporary transfers of funds to school districts as are authorized by Section 31 of Article IV of the State Constitution. All such temporary transfers shall be made in the manner authorized by law on and after June 30, 1947.

Not later than July 1, 1958, the county superintendent of schools shall transfer the entire balance of the school district emergency aid fund, including cash balances and accounts receivable on that date, to the county school service fund.

20104. During July or August of each year the county superintendent of schools shall transfer to the county school service fund 80 percent of any excessive balance or unnecessary surplus in any school fund of any school district. Funds raised by school district taxes shall not be transferred. Surplus funds

20105. The county school service fund shall be employed by the county superintendent of schools to pay such charges against the fund as are provided in this code; and to provide with the approval of the county board of education (a) additional apportionments to any school district under his jurisdiction for current expenses which (1) has levied the maximum district tax specified in Section 20751 and in which the annual average current cost per pupil does not exceed the annual average current cost per pupil for all districts of the same type within the county or under the jurisdiction of the county superintendent of schools, or (2) which needs additional apportionments for current expenses because of temporary emergency conditions, and (b) additional apportionments to any school district under his jurisdiction for the transportation of pupils to and from school to meet temporary emergency conditions. Charges and additional apportionments

20106. The county school service fund shall be employed by the county superintendent of schools to provide, with the approval of the county board of education, for the apportionments to any newly organized school district under his jurisdiction for use by the district during the period from the date the action to form the district was completed and the date the district becomes effective for all purposes. The apportionment shall be approved by the Superintendent of Public Instruction. Apportionment to new school districts

Money apportioned to a district pursuant to this section shall be used only to meet (a) the expenses of office supplies, postage, telephone, and telegraphing; (b) the expenses of necessary elections required by law or authorized by Section 1603 of this code; and (c) the expenses of employing a person to act as an executive officer and necessary clerical help for the governing board.

Excess expenditures

20107. No moneys shall be expended from the county school service fund for any purpose in excess of the total proposed expenditures for such purpose as approved by the Superintendent of Public Instruction under Section 18352 or Section 18352.1, whichever is in effect, and Section 18351, without the approval of the Superintendent of Public Instruction.

It shall be the duty of the county auditor to approve warrants drawn on the county school service fund for expenses approved in the county school service fund budget by the Superintendent of Public Instruction pursuant to Section 18351.

Title and jurisdiction

20108. Neither the county school service fund nor any property leased or purchased with moneys from said fund is subject to the jurisdiction or control of the board of supervisors. The title to all property purchased by the county superintendent of schools from said fund is in the offices of the county superintendent of schools.

Apportionments to school districts

20109. The money credited to the county school service fund of a county pursuant to Section 16417 of the Government Code may be apportioned by the county superintendent of schools, with the approval of the county board of education, to school districts within which there is land which has been acquired by the United States.

Article 2 County School Tuition Fund; Aid for Attendance in Adjoining States

Pupils' attendance in school district of adjoining state

20151. The county superintendent of schools of any county contiguous to an adjoining state may grant permission to pupils residing in the county to attend elementary school or high school in a school district of the adjoining state and may provide for the transportation of the pupils to the school.

Credit for attendance

20152. The average daily attendance of pupils residing in any county of this State and attending an elementary school or high school in an adjoining state shall be credited to the county school tuition fund of said county and reported by the county superintendent of schools in his annual report to the Superintendent of Public Instruction, who shall include such average daily attendance in his report of average daily attendance in all the duly established schools of the State for the last preceding school year certified by him to the State Controller.

Tuition

20153. The county superintendent of schools shall pay for the tuition of pupils residing in his county and attending school in an adjoining state from the county school tuition

fund of his county pursuant to this article (commencing at Section 20151).

Transportation

20154. The county superintendent of schools may provide for the transportation of such pupils to and from their homes and the school in an adjoining state attended by them. For this purpose the county superintendent of schools is authorized to purchase, maintain, and operate one or more school busses and to contract with a responsible party or parties for the providing of such transportation by such party or parties.

In lieu of providing such transportation for any such pupil, the county superintendent of schools may pay the parent or guardian of each such pupil five cents ($0.05) per mile for each mile necessarily traveled by such pupil in going to and from his home and school except that if there is more than one such pupil in the household of the parent or guardian the county superintendent of schools may pay two and one-half cents ($0.025) for each such mile for each additional pupil in the household. The total amount paid to any parent or guardian hereunder shall not in any month exceed the sum of fifty dollars ($50) for the one pupil in the household of such parent or guardian and twenty-five dollars ($25) for each additional pupil in the same household.

Payment of costs

20155. Any costs incurred by the county superintendent of schools for the transportation of pupils to a school in an adjoining state shall be paid by him by requisition drawn against the county school tuition fund.

Certification of attendance

20156. The superintendent of schools of any school district, or the principal of any school, in an adjoining state attended by pupils residing in an adjoining county in this State shall certify to the county superintendent of schools of the county not later than July 2d of each year the average daily attendance of pupils from the county attending the school and the current expenditure, including transportation, incurred for the education of the pupils. Certification shall be made on forms furnished by the Superintendent of Public Instruction.

Certification of money required

20157. The county superintendent of schools shall verify the certificates of attendance and cost of education of pupils attending schools in adjoining states and shall certify to the county auditor and the board of supervisors the amount of money required to be levied as a county school tuition tax. The amount shall not include any costs for the transportation of the pupils in excess of the amounts permitted by this article (commencing at Section 20151). The amount shall be determined by subtracting from the total cost of the tuition and transportation allowed under this article (commencing at Section 20151), the amount to be apportioned by the Superintendent of Public Instruction, and the amount apportioned by the county superintendent of schools pursuant to Section 20251, to the county school tuition fund during the fiscal year.

Tax levy

20158. The board of supervisors shall levy a county school tuition tax upon the taxable property of the county sufficient

to produce the amount required by this article (commencing at Section 20151).

Report

20159. The county auditor shall report to the county superintendent of schools all amounts received from county school tuition taxes.

Payment of costs and tuition

20160. The county superintendent of schools shall pay all costs of transportation and all verified claims for tuition of pupils attending school in adjoining states allowed under this article (commencing at Section 20151), by requisition drawn against the county school tuition fund.

Requisitions

20161. All requisitions drawn by the county superintendent of schools under this article (commencing at Section 20151) shall be approved by the county auditor and paid by the county treasurer.

Surplus

20162. The county superintendent of schools may with the approval of the county auditor transfer any unnecessary surplus in the county school tuition fund to the county school service fund whenever in his judgment the surplus will not be needed for the payment of tuition.

Article 3. Junior College Tuition Fund

Certification of costs of education

20201. Not later than July 20th of each year, the superintendent of schools of each county in which there is not a county junior college shall certify the following items to the board of supervisors and to the county auditor of the county in accordance with the rules and regulations of the Superintendent of Public Instruction, which he is hereby authorized to adopt:

(a) The total current expense of education, exclusive of the expense for transportation of pupils, during the next preceding fiscal year of all junior college pupils in grades 13 and 14 residing in the county and not in any junior college district nor in any high school district maintaining junior college courses, less state and federal apportionments received for such pupils.

(b) The actual expense of transportation of such pupils.

(c) An amount equal to three hundred dollars ($300) per unit of average daily attendance of such pupils during the preceding fiscal year for the use of buildings and equipment.

(d) The estimated amount needed as specified in subdivisions (a), (b), and (c) of this section for the current year.

The Superintendent of Public Instruction shall define, for the purposes of this section, the term "current total expense of education" and the term "actual expense of transportation."

Special tax levy

20202. The board of supervisors with whom the certificate is filed shall at the time of making the tax levy for that year for county purposes, levy a special tax upon all taxable property in the county not situated in any junior college district nor in any high school district maintaining a junior college, sufficient in amount to defray all amounts specified in subdivisions (a), (b), and (c) of Section 20201 for the preceding fiscal year.

20203. If the board of supervisors fails to make the tax levy, the auditor of the county shall make the levy. Failure to levy tax

20204. The tax when collected shall be paid into the county treasury and placed in the junior college tuition fund which fund is continued in existence. Junior college tuition fund

20205. The auditor shall, not later than the last Monday in December and the last Monday in May of each year, notify the superintendent of schools of the amount in the funds. The superintendent of schools shall thereupon apportion the funds to the several junior college districts, and high school districts maintaining junior colleges, in his county or in other counties, in proportion to the amounts specified for subdivisions (a), (b), and (c) of Section 20201 for each of the districts for the preceding school year, and certify the apportionment to the auditor. Apportionment

20206. The amount apportioned to each junior college district or high school district under this article (commencing at Section 20201) shall be paid into the treasury of the county whose superintendent of schools has jurisdiction over the district to the credit of the following funds of the district: Disposition of funds

(a) An amount equal to the amounts specified in subdivisions (a) and (b) of Section 20201 shall be credited to the general fund of the district.

(b) All or any portion of the amount specified in subdivision (c) of Section 20201 upon authorization of the governing board of the district shall be credited to the interest and sinking fund of the district. Any remaining portion shall be credited to the special reserve fund of the district.

20207. The superintendent of schools of a county having junior college pupils attending junior college in another county shall draw his order on the county auditor in favor of the superintendent of schools of the county in which the students attend junior college for any money belonging to any district outside of his county as provided in this article (commencing at Section 20201). Order for payment

20208. The county auditor shall draw his warrant as directed by the superintendent of schools and the county treasurer shall pay it. Warrant

20209. A superintendent of schools in whose favor the order is drawn shall pay the money into the county treasury to the credit of the following funds of the districts educating the students from the county paying the money: Crediting district funds

(a) An amount equal to the amounts specified in subdivisions (a) and (b) of Section 20201 shall be credited to the general fund of the district.

(b) All or any portion of the amount specified in subdivision (c) of Section 20201 upon authorization of the governing board of the district shall be credited to the interest and sinking fund of the district. Any remaining portion shall be credited to the special reserve fund of the district.

Article 4. County Forest Reserve School Fund

County forest reserve school fund

20251. The county auditor of any county, receiving money from the Government of the United States pursuant to any act of Congress providing for the distribution and payment to states and territories of a fixed and definite percentage of the money received by the Government of the United States from the forest reserves established therein, shall apportion 50 percent of the money received to the credit of the forest reserve school fund of the county.

The money credited to the forest reserve school fund shall be apportioned by the county superintendent of schools with approval of the county board of education to school districts of the county lying within or adjacent to the United States forest reserve and to county superintendents of schools of counties lying within or adjacent to such forest reserve.

All of such money placed in the forest reserve school fund shall be apportioned in the manner prescribed prior to the thirtieth day of June of the fiscal year next following the fiscal year in which received.

When a portion of the area of a county is subject to the judisdiction of the county superintendent of schools of another county or counties and such portion lies in or adjacent to the United States forest reserve, no apportionment shall be made from the forest reserve school fund without the approval of the county boards of education of both or all counties. In the event that both or all county boards of education do not concur in the apportionments from the forest reserve school fund prior to the first day of April of any year the county superintendent of schools of both or all counties shall on that date notify the Superintendent of Public Instruction who shall, not later than 60 days following notification, make the apportionments. Apportionments made by the Superintendent of Public Instruction are final.

Money apportioned to a school district pursuant to this section shall be deposited by the county auditor to the credit of the several funds of the district as directed by the county superintendent of schools with the approval of the county board of education. Money apportioned to a county superintendent of schools pursuant to this section may be deposited by the county auditor to the credit of the county school tuition fund of his county.

Article 5. Indian School Reimbursement Fund

County Indian school reimbursement fund

20301. There is in the county treasury of each county receiving federal funds for the education and care of Indian children in accordance with contracts between the State Department of Education and the United States Government a special fund known as the county Indian school reimbursement fund, which fund is continued in existence.

Same

20302. The county superintendent of schools shall credit to the county Indian school reimbursement fund any money

received from the Federal Government or from the State Department of Education under the terms of any contract between the Federal Government and the State Department of Education for the education and care of Indian children.

Temporary transfer of funds

20303. The county superintendent of schools of each county may make temporary transfers from the unapportioned county elementary school fund and from the unapportioned county high school fund of his county in such amounts and at such times as he deems necessary to meet expenses incurred with the approval of the Superintendent of Public Instruction for the education and care of Indian children attending the public schools of the county. The amounts transferred shall be repaid to the unapportioned county school funds from the apportionments of federal funds subsequently received in the county Indian school reimbursement fund.

Expenditure of fund

20304. Such portion of the money received in the county Indian school reimbursement fund as is not required for repayment of temporary transfers made from the unapportioned county school funds may be expended by the county superintendent of schools for the education and care of Indian children attending the public schools of the county in accordance with the provisions of a contract between the State Department of Education and the Federal Government and subject to the approval of the Superintendent of Public Instruction.

Bond

20305 Whenever by the provisions of any agreement entered into between the State or any officer or agency thereof and the Government of the United States or any officer or agency thereof under the authority of any law for the education and welfare of Indian children, a school district or the governing board of a school district is required to execute a bond in favor of the Government of the United States, or any officer or agency thereof, the bond may be executed by the governing board of the district and the cost shall be a proper charge against the funds of the district.

DIVISION 16 LOCAL SCHOOL DISTRICT FINANCIAL SUPPORT AND MANAGEMENT

CHAPTER 1. FINANCIAL STATEMENTS OF SCHOOL DISTRICTS

Annual statement

20501. On or before the first day of August of each year the governing board of each school district shall prepare and keep on file for public inspection a statement of all receipts and expenditures of the district for the preceding fiscal year and a statement of the estimated total expenses for the district for the current fiscal year.

Form

20502. The statement shall be in the form prescribed by the Superintendent of Public Instruction.

Budget

20503. The budget of the governing board for the current fiscal year shall be a part of the statement.

Publication budget

20504. Except in districts where no district tax is levied and in elementary districts employing but one teacher, the publication budget for the ensuing school year to which it is intended to apply, showing the functions and objects of expenditure, cash balances, and all the appropriations from the State as required to be tabulated in Sections 20601-20602 of this code for the ensuing and last preceding fiscal year, and the district tax requirement for the school year to which the publication budget is intended to apply and for the last preceding school year, shall be published by the county superintendent of schools at least once in a newspaper of general circulation published within the district, or if there is no such newspaper, then in the newspaper of general circulation published nearest to the district, prior to its adoption. The cost of the publication shall be a proper and legal charge against the school district or districts for which the publication is made, and shall not exceed the rate fixed by the board of supervisors for official advertising. Publication shall be made during the last week in July of each year, and shall contain a notice that a public hearing will be held before the governing board of the school district, in a schoolhouse in the district, or in some other place conveniently accessible to the residents of the district, during the first week of August, at which any taxpayer in the district may appear and object to the proposed budget or any item of the budget. The hearing may be concluded on such publication budget when there are no requests on file for further hearing. The budget shall not be finally adopted by the governing board of the district until after the public hearing has been held. In the case of a school district or districts in which the average daily attendance of all said districts combined is in excess of 200,000, governed by the same governing board, the public hearing during the first week of August need not be held if there have been at least two public meetings on the publication budget prior to the first week of August, at which public meetings any changes proposed to be made in the publication budget for the final budget shall have been presented.

Violations

20505. Any violation of this chapter (commencing at Section 20501) or a failure to comply with its provisions by the county superintendent of schools or by the governing board of any school district is punishable under Section 1222 of the Government Code.

Pamphlet financial statement

20506. The governing board of any school district may print and distribute in pamphlet form an annual financial statement of the receipts and expenditures of the school district, and may include in the pamphlet a general report concerning the conduct and condition of the schools of the district. Similar information of value to the public regarding the school system may be printed and distributed from time to time, or published not oftener than once a year, in a newspaper of general circulation published within the district.

CHAPTER 2. BUDGET REQUIREMENTS AND BUDGET CALENDAR FOR SCHOOL DISTRICTS

Article 1. Requirements for Tentative Budgets of School Districts

Tentative budget

20601. (a) On or before the first day of July in each year, the governing board of each school district shall file with the county superintendent of schools a tentative budget showing all the purposes for which the school district will need money and the estimated amount of money that will be needed for each purpose for the ensuing fiscal year. These purposes shall be classified to set forth the data by functions and objects of expenditure within the major classifications of administration, instruction, operation of plant, maintenance of plant, auxiliary services, community services, capital outlay, and such additional major classifications as may be prescribed by the Superintendent of Public Instruction and expenditures proposed to be made from bonds or other income not yet authorized. Within the major classifications of administration, instruction, operation of plant, maintenance of plant, auxiliary agencies, and community services there shall be set forth as separate entries the amount of proposed expenditures for salaries and wages and maintenance and operation and such additional intermediate classification as may be prescribed by the Superintendent of Public Instruction. Proposed capital outlay appropriations shall be set forth by land, building, and equipment classifications. Wherever a district has a special reserve fund, as provided in Sections 21401 to 21404, inclusive, the amount in such fund at the end of the last preceding fiscal year, and the amount to be added during the ensuing fiscal year, shall be shown.

(b) The tentative budget shall also contain an amount to be known as the general reserve in such sum as the governing board may deem sufficient, for the next succeeding fiscal year, to meet the cash requirements to which the district's credit may be legally extended for that portion of said next succeeding fiscal year until adequate proceeds of the taxes levied for, or apportionment of state funds made to, the district during such succeeding fiscal year are available to the district.

(c) The tentative budget may also contain an amount to be known as the undistributed reserve The funds in the undistributed reserve shall be available for appropriation by a two-thirds vote of the members of the governing board, to cover expenditures that have not been provided for or that may have been insufficiently provided for, or for unforeseen requirements as they may arise.

Cash balances and estimated expenditures

20602. (a) From the records of the county auditor, the county superintendent of schools shall secure the cash balances of the district or shall make estimates thereof if information on actual cash balances is not available, and shall enter these, as well as the estimated expenditures for the last preceding

fiscal year; these estimated expenditures shall be set forth for comparison with the estimated requirements of the district in the order by functions as prescribed in subdivision (a) of Section 20601. The cash balances shall be segregated to show separately the amounts derived by receipts from bond sales and gifts or donations by reason of bond sales. The tentative budget also shall show estimated apportionments from the State School Fund, and from state and federal sources for vocational education, vocational rehabilitation, or for other purposes for the ensuing fiscal year. The actual income from these sources for the last preceding fiscal year also shall be shown.

(b) In addition to the above information the governing board shall furnish the county superintendent of schools with an estimate of the revenues from sources other than taxes on property anticipated during the year from the secured roll of the equalized assessment roll of the district for the year to which the budget is intended to apply, and the sources whence derived, compared with the estimated receipts from the same sources for the last preceding fiscal year. Should the governing board fail to provide this information, it shall be supplied by the county superintendent of schools from his own records.

(c) The governing board shall compute the income to be derived from property contained in the unsecured roll of the equalized assessment roll of the district for the year as follows:

The board shall deduct an amount not to exceed 10 percent from the unsecured roll of the equalized assessment roll of the district for the year prior to the year for which the budget is to apply, using the tax rate of the district for the year prior to the year for which the budget is to apply.

Kindergarten

20603. The governing board of every school district in which a kindergarten is maintained shall include in the budget required to be submitted to the county superintendent of schools an estimate of the amount of money which will be required for kindergarten maintenance for the ensuing school year.

Form

20604. The budget shall be made in quintuplicate in the form and upon the blanks prescribed by the Superintendent of Public Instruction It shall be the duty of the Superintendent of Public Instruction to prepare standard forms and blanks necessary to show the budgeting items and comparisons required by Sections 20601 and 20602 of this code. Blanks shall be furnished to the school districts by the county superintendent of schools.

Duty of county superintendent of schools

20605. The county superintendent of schools shall examine the tentative budget and after indicating thereon such changes as he deems desirable or necessary, shall return the tentative budget to the governing board on or before the fifteenth day of July, adding such information as is necessary to determine the amounts necessary to be raised by taxes on property for the year to which the budget is intended to apply.

20606. The governing board shall make such changes in the tentative budget as it deems desirable or necessary, and said tentative budget, with such revisions, additions, and changes as have been made therein as provided in Sections 20601 to 20652, inclusive, and Sections 20951 and 20952, shall constitute the publication budget for the period to which it is intended to apply. The publication budget shall be returned to the county superintendent of schools not later than the twentieth day of July. A copy of all publication school budgets shall be sent to the county auditor in such form. Publication budget

Article 2. Requirements for Final Budget of School Districts; Failure to Adopt

20651. (a) On or before the eighth day of August, or on or before the tenth day of August in the case of a school district in which there is an average daily attendance of more than ten thousand, the governing board of each school district in which a public hearing is required in Section 20504 of this code shall finally adopt and file such budget with the county superintendent of schools, the county auditor, the county board of supervisors, and the Superintendent of Public Instruction. In the case of districts which are not required to hold a public hearing, the publication budget as approved by the governing board shall be filed with the county superintendent of schools, the county auditor, the county board of supervisors, and the Superintendent of Public Instruction immediately after its approval. Final adoption

(b) The county superintendent of schools shall approve the adopted budget for each school district as officially adopted and submitted by its governing board and, not later than the fifteenth day of August, shall file one copy of the adopted budget of each school district with the board of supervisors, one copy with the auditor of his county, and one copy with the Superintendent of Public Instruction, together with a statement showing the amount of school district taxes required by each school district of the county.

20652. If the governing board of any school district neglects or refuses to make a school district budget as prescribed by this article (Sections 20601 to 20652, inclusive, and Section 20951 and 20952), the county superintendent of schools shall not make any apportionment of state or county school money for the particular school district for the current school year. Failure to make budget

Chapter 3. Local Taxation by School Districts

Article 1. Determination of Tax Levies Required for School Districts

20701. After approving the budget of a school district, the county superintendent of schools shall determine the amount of money which must be provided by a school district tax. Determination of tax

Method of determination

20702. He shall determine this amount by deducting from the total estimated needs of the school district as shown by its budget the total estimated income of the school district from all sources other than a school district tax for the current school year as estimated in the budget. The remainder, if any, shall be the minimum amount of the school district tax to be levied by the board of supervisors for the particular school district.

Rate of tax

20703. The board of supervisors shall fix such a rate for the district tax as will produce the amount of district tax money requested by the particular district.

Fixing of rate

20704. The board of supervisors shall determine the rate of district tax necessary to be levied as follows:

They shall deduct 10 percent from the equalized value of the secured roll of the last equalized assessment roll for the district. The rate is, the amount required to be raised, divided by the remainder of the assessment roll.

Tax levy

20705. The board of supervisors of each county or city and county shall annually at the time and in the manner of levying county or city and county taxes levy and cause to be collected a district tax for each school district whose budget shows a district tax to be necessary.

Failure of supervisors

20706. If the board of supervisors refuses or neglects to make the tax levy pursuant to Sections 20701 to 20804, inclusive, and Sections 20901 and 21001, the levy shall be made by the county auditor.

Article 2. Maximum Tax Rates Which School Districts May Levy

Maximum rate

20751. Except as otherwise provided in this code, the maximum rate of school district tax which may be levied for all school purposes, exclusive of bond interest and redemption, for any school district in any school year on each one hundred dollars ($100) of assessed valuation within the district shall be as follows:

(a) In any separate elementary school district the boundaries of which are not coterminous with those of a high school district, eighty cents ($0.80) for elementary school purposes, or ninety cents ($0.90) for combined kindergarten and elementary school purposes.

(b) In any separate high school district, the boundaries of which are not coterminous with those of an elementary school district or with those of a junior college district, seventy-five cents ($0 75) for high school purposes, or one dollar and ten cents ($1.10) for combined high school and junior college purposes.

(c) In any separate junior college district, the boundaries of which are not coterminous with those of a high school district, thirty-five cents ($0 35) for junior college purposes.

(d) In any unified school district one dollar and fifty-five cents ($1.55) for combined elementary school and high school

purposes; or one dollar and sixty-five cents ($1.65) for combined kindergarten, elementary school, and high school purposes; or one dollar and ninety cents ($1.90) for combined elementary school, high school, and junior college purposes; or two dollars ($2) for combined kindergarten, elementary school, high school, and junior college purposes.

(e) In any high school and junior college district the boundaries of which are coterminous and which are governed by the same governing board, one dollar and ten cents ($1.10) for combined high school and junior college purposes.

Same Where interdistrict kindergarten attendance

20752. The maximum rate of school district tax which may be levied for all school purposes, exclusive of bond interest and redemption, for any elementary school district or unified school district not maintaining a kindergarten, which has entered into an agreement under Section 10805 for the education of children residing therein and eligible for admission to kindergarten classes, shall be for any school year in which tuition is required to be paid another district under such agreement, increased by such amount as will produce the sum required to pay such tuition, but the maximum rate of school district tax as increased shall not exceed the maximum rate of school district tax which would be fixed by Section 20751 for such district if it maintained a kindergarten.

Article 3. Provisions for Increase and Decrease of Maximum Tax Rates of School Districts

Increase of maximum rate

20801. The maximum rate of school district tax for any school year is hereby increased by such amount as will produce the amount of the proposed expenditures of the school district required or authorized pursuant to Sections 16551 to 16566, inclusive, and Sections 16651 to 16664, inclusive, of this code as shown by the budget of the district for such school year, as finally adopted by the governing board of the district, less any unencumbered balances remaining at the end of the preceding school year derived from the revenue from the increase in the rate of tax provided by this section.

The increase provided by this section shall not exceed five cents ($0.05) per each one hundred dollars ($100) of the assessed value of property within the district, and said increase shall be in addition to any other school district tax authorized by law to be levied.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for the expenditures of the school district during that year required or authorized by Sections 16551 to 16566, inclusive, and Sections 16651 to 16664, inclusive, of this code.

Maximum rate for junior college district

20802. The maximum rate of tax of any junior college district and of any unified school district maintaining a junior college during the first three fiscal years of its existence for

all purposes is hereby increased by such amount as will produce the amount proposed to be expended by the district pursuant to any interdistrict attendance agreement as shown by the budget as finally adopted by the governing board of the district for the current fiscal year, less any unencumbered balances remaining at the end of the preceding fiscal year derived from the increase in the rate of tax provided by this section

The increase provided by this section shall not exceed the rate of tax levied in the county pursuant to Section 20202 during the fiscal year next preceding the formation of the district for all purposes, or ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of the property within the district, whichever is the greater.

If the district is situated in two or more counties, the increase provided by this section shall not exceed the highest rate of tax levied in any of the counties in which the district is situated pursuant to Section 20202 during the fiscal year next preceding the formation of the district for all purposes, or ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of property within the district, whichever is the greater.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for the payment of any obligation incurred under the terms of an interdistrict attendance agreement for such school year.

Any junior college district or unified school district maintaining a junior college which became effective for all purposes on or after July 1, 1956, shall be deemed, for the purposes of this section, to have been effective for all purposes on July 1, 1958.

Increase or decrease of maximum rate

20803. Any maximum rate of tax for any district may be increased and, having been increased, may be decreased by an amount equal to or less than the amount of such increase, by a majority vote of the qualified electors of the school district at an election which may be ordered by the governing board of the school district of its own motion and shall be ordered within 90 days after the filing with the governing board of a petition signed by not less than 10 percent of the registered voters of the district, requesting that an election be ordered, unless the petitioners request that the election be consolidated with the annual election for members of the governing board, or that the election be consolidated with the general election.

Any decrease in an increased maximum tax rate pursuant to this section shall not be in an amount which will reduce the tax rate for the district below the maximum specified in Section 20751. The governing board shall determine whether the increase or decrease shall remain in effect for a specified or unspecified period of time, unless the petition filed by the electors provides for a specified or unspecified period of time.

If a specified period is provided for in the petition or determined upon by the governing board, such period shall be stated on the ballot.

Pursuant to the order of the governing board, the election shall be called, held, and conducted by the county superintendent of schools, in as nearly the same manner as is practicable as are elections for the issuance of school district bonds, except that notices of the election shall be signed by the county superintendent of schools. If there is a newspaper of general circulation published in the county in which any part of the district is situated, the notice shall be published therein pursuant to Section 6063 of the Government Code. In addition, except when the election is completely consolidated with another election in which the electors are notified by mail of their polling place, the time of election, and receive a sample ballot for the election and the governing board of the district in which the election is held orders otherwise, the county clerk, or the registrar of voters if such office has been established, of the county in which the majority of the territory of the district is located, shall, at least 10 days before the day fixed for the election, mail to each registered voter residing within the district, a card designating the polling place and time of the election and stating the purposes of the election. Such statement shall contain only the following:

(a) The amount of the proposed decrease or increase in the maximum tax rate. If the proposed increase is a continuation of a previously authorized tax rate that fact shall be so stated.

(b) A brief summary of the issues involved.

At least 60 days before the date of the election the governing board of the school district shall furnish the county clerk or registrar of voters with a list of precincts established for the election and the polling place in each such precinct, together with a copy of the statement of the purposes of the election in the form in which it is to appear on the card. The same information shall be furnished the county superintendent of schools by the governing board of the district for all maximum tax increase or decrease elections ordered by it.

The costs incurred by the county clerk or registrar of voters and the county superintendent of schools in connection with this section shall be paid out of the funds of the district.

Except as otherwise herein provided, the ballot used in the election shall contain substantially the words "Shall the proposed (increase decrease) in the maximum tax rates from _____ to _____, (such rate to be in effect in the _____ school district for the year (or years) 19___ to 19 __.) be authorized?" Opposite such words, in separate lines, the words "Yes" and "No" shall be printed, with a voting square opposite each such word. If, at any prior election held in the district, the maximum tax rate of the district was increased for a specified period of time, and if the election is called for the purpose of continuing in effect the previously authorized increase in the

maximum tax rate of the district, the words to appear on the ballot shall be "Continuation of existing maximum tax rate of _____ for the years 19___ to 19___, yes" and "Continuation of existing maximum tax rate of _____ for the years 19___ to 19___, no" or words of similar import. Each voter shall stamp or print a cross in the voting square after the answer he desires to give.

Whenever the maximum tax rate of a school district is increased for either a specified or unspecified period of time and during such period an election is called for the purpose of further increasing the maximum tax rate of the district, the ballot used in the election shall show only the authorized maximum tax rate of the district in effect at the time of the election and the proposed maximum tax rate.

If an election for a decrease in an increased maximum tax rate of a district is held in any year prior to or concurrently with the district election for governing board members, any decrease adopted at such election shall become effective on July 1st following the election. If an election for a decrease in an increased tax rate of a district is held in any year after the date of the district election for governing board members, any decrease adopted at such election shall not become effective until July 1st of the next succeeding year.

Effective period

20804. Any such increase in tax rates shall remain in effect only for the period specified on the ballot.

Article 4. Taxes on School Districts Located in Two or More Counties

Assessed valuation

20851. When any school district is situated partly in two or more counties the assessor of each of the counties shall annually certify to the board of supervisors of each of the counties the assessed value of all taxable property in the county situated in the school district as shown by the last assessment roll of his county.

Certificate

20852. The certificate of the assessor shall be made in the same manner and at the same time as is required for school districts located wholly within the boundaries of one county.

Determination of rate

20853. The board of supervisors of each county, after receiving the certificate of the assessor, shall thereupon determine the rate of taxation necessary to be levied upon the property in the school district situated in the county.

Rate

20854. The rate of taxation shall be sufficient to meet the proportion of taxes necessary to be raised in the county for the purpose of paying the principal and interest of the bonds of the district and all other expenses of the district as shown by the estimate of the county superintendent of schools having jurisdiction over the district.

Procedure

20855. The taxes shall be assessed, levied, and collected in the same manner and at the same time as county taxes are assessed, levied, and collected.

20856. The money received shall be deposited in the county treasury of the county whose superintendent of schools has jurisdiction over the school district, and such county treasury shall be the legal depository of the school district. Deposit of money

20857. The money deposited shall be placed in the school fund of the school district to be expended in the same manner as money of other school districts. Expenditure

Article 5. Disputed Revenues of School Districts

20901. The county auditor may impound the disputed revenues of school district taxes, upon secured or unsecured personal property, levied and collected in the 1954-1955 Fiscal Year, and thereafter, whenever, pursuant to Chapter 5, Part 9, Division 1 of the Revenue and Taxation Code, a claim or action is filed for the return of such revenues or the taxes have been paid under protest on the ground that such personal property is exempt from taxation because title thereto is in the United States Government, or an agency thereof. The county auditor may continue to impound such revenues until the final disposition of such claim or action. If, under such final disposition, it is determined that such taxes were properly levied against such personal property, the auditor shall release such revenues to the school district, and he shall thereupon immediately notify, in writing, the Superintendent of Public Instruction and the State Controller of such release. Impounding of disputed revenue

Chapter 4. Expenditures and Appropriations of School District Funds

Article 1. Control of Expenditures by School District Budgets

20951. The total amount budgeted as the proposed expenditure of the school district for each major classification of school district expenditures listed in the school district budget forms prescribed by the Superintendent of Public Instruction shall be the maximum amount which may be expended for that classification of expenditures for the school year. Transfers may be made from the undistributed reserve to any expenditure classification or between expenditure classifications at any time by written resolution of the board of education of any school district governed by a board of education, when filed with the county superintendent of schools and the county auditor, or by written resolution of the board of trustees of any school district not governed by a board of education, when approved by the county superintendent of schools and filed with the county auditor. Nothing in this section shall be construed as affecting the provisions of Sections 20803 and 20804. Limitations on expenditures

Transfer of funds to pay obligations

20952. At the close of any school year the county superintendent of schools may, with the consent of the governing board of a school district previously given, make such transfers between the undistributed reserve and any expenditure classification or classifications or balance any expenditure classifications of the budget of the district for such school year as are necessary to permit the payment of obligations of the district incurred during such school year.

Article 2. Appropriation of Income in Excess of School District Budgets

Excess funds

21001. All income accruing to the school district in excess of the amounts required to finance the total proposed expenditures, including transfers to other school districts and funds, as shown in the budget of the school district shall be added to the general reserve of the school district, and shall not be available for appropriation by the school district for the current fiscal year except by the following procedure. The governing board of the school district shall, by formal action of the board, pass a resolution setting forth the need according to major classification of school district expenditures to be met from any portion of the general reserve derived from assured income in excess of the total amount anticipated in the budget. The resolution shall be submitted to the county superintendent of schools. If the resolution is approved by the county superintendent of schools it shall, if it involves a sum in excess of one thousand dollars ($1,000), be published in the same manner as the budget of the school district concerned is published. Upon the approval of the resolution and, where its publication is required, following its publication, the amount named in the resolution shall be appropriated to the major classification or classifications from the general reserve as set forth in the resolution.

The county superintendent of schools shall approve any resolution for the appropriation of income provided from state or federal sources for emergency needs of the school district to the extent that such income was not anticipated in the budget of the school district. Nothing in this section shall be construed to authorize the appropriation for current year purposes of income which would deplete the general reserve for the next succeeding fiscal year as provided in the budget of the school district.

On the first day of July of each year, the general reserve together with unexpended balances of appropriations and income in excess of anticipated income for the preceding fiscal year shall be placed to the credit of the school district, and the school district shall include all money so credited in the balance shown in the budget for the ensuing fiscal year.

Article 3. Temporary Transfer From County Funds to School District to Finance Expenditures in Excess of District Balances

Transfer

21051. Whenever prior to the receipt by any school district of its state, county, city and county, or district funds, any school district of a county or city and county does not have sufficient money to its credit to meet current expenses of maintenance, the board of supervisors of the county or city and county shall order, and the auditor and treasurer of the county or city and county shall make a temporary transfer from any funds of the county or city and county not immediately needed to pay claims against them to the school fund of the district of the amount needed, not exceeding 85 percent of the amount of money which will accrue to the school district during the fiscal year. Upon the making of the transfer the auditor shall immediately notify the superintendent of schools of the county or city and county of the amount transferred. Each transfer of funds requested under this section shall be granted in order of receipt by the board of supervisors, regardless of whether sufficient county funds are available for transfer to meet pending or anticipated requests of school districts.

The funds transferred under this section to the credit of a school district shall be retransferred by the auditor and treasurer to the fund from which they were taken from the first moneys accruing to the school district and before any other obligation of the school district is paid from the money accruing.

Temporary transfers to school districts from service funds

21052. The county superintendent of schools of each county with the approval of the County Board of Education, may make temporary transfers to any school district which does not have sufficient money to its credit to meet current operating expenses from the county school service fund, in such amounts and at such times as he deems necessary. Such transfers shall not exceed 85 percent of the amount of money accruing to the school district at the time of transfer. The amounts so transferred shall be repaid to the county school service fund prior to June 30 of the current year from any funds subsequently received by the school district.

Loans to school district from service fund

21053. The county superintendent of schools, with the approval of the county board of education, may make an apportionment to a school district from the county school service fund conditional upon the repayment to the fund during the next succeeding fiscal year of the amount apportioned to the district and shall, during the next succeeding fiscal year, transfer the amount of such apportionment from the general fund of the district to the county school service fund.

Article 4. General Provisions Regarding Orders, Requisitions and Warrants of School Districts

Payments

21101. Except as otherwise provided in this code, money shall be paid from the funds of any school district for the

payment of the expenses of the district, only as provided in this article (commencing at Section 21101).

Orders

21102. All payments from the funds of a school district shall be made by written order of the governing board of the district. Orders shall be on forms prescribed by the county superintendent of schools and approved by the Superintendent of Public Instruction. Forms shall be printed and furnished by the board of supervisors.

Signatures

21103. Each order drawn on the funds of a school district shall be signed by at least a majority of the members of the governing board of the district, or by a person or persons authorized by the governing board to sign orders in its name. No person other than an officer or employee of the district shall be authorized to sign orders.

Same

21104. The governing board of each school district shall be responsible for filing or causing to be filed with the county superintendent of schools the verified signature of each person, including members of the governing board, authorized to sign orders in its name. No order on the funds of any school district shall be approved by the county superintendent of schools unless the signatures are on file in his office and he is satisfied that the signatures on the order are those of persons authorized to sign the order.

Contents of orders

21105. Each order drawn against the funds of a school district shall be numbered and shall state: (a) the particular fund or funds of the district against which it is drawn, (b) the purpose and amount of the payment to be made from each fund, and (c) the rate of salary and the period of service of any employee of the district for whom an order is issued for payment of salary or wages. If drawn for any purpose other than the payment of salaries or wages of school district employees, the order shall be accompanied by an itemized bill showing the separate items, and the price of each.

Approval by county superintendents

21106. Each order drawn against the funds of a school district shall be transmitted to the county superintendent of schools, and, if approved and signed by him shall become a requisition on the county auditor.

Same

21107. The county superintendent of schools shall examine each order on school district funds transmitted to him, in the order in which it is received in his office. If it appears that the order is properly drawn for the payment of legally authorized expenses against the proper funds of the district, and that there are sufficient moneys in the fund or funds against which the order is drawn to pay it, he shall indorse upon it "examined and approved," and shall, in attestation thereof. affix his signature and number and date the requisition and transmit it directly to the county auditor, in the order in which the order is received in his office.

Disapproval

21108. If the order is disapproved by the county superintendent of schools, it shall be returned to the governing board of the school district, except as otherwise provided in this code

for the registration of warrants, with a statement of his reasons for disapproving the order.

21109. The county auditor shall examine each order and requisition on school district funds transmitted to him by the county superintendent of schools. If he allows the order and requisition, he shall indorse thereon "examined and allowed," and shall date, number, and sign it, whereupon it shall become a warrant on the county treasurer. The auditor shall detach any bill attached to the requisition, and shall number the bill, giving it the same number which he gives the warrant, and file it in his office. He shall thereupon return the order, requisition, and warrant to the county superintendent of schools who shall transmit it to the governing board of the school district for issuance to the payee or to his order. Approval by auditor

Any requisition of the county superintendent of schools, whether based upon written order of the governing board of a school district or authorized by law, shall constitute full authority for the signature for allowance thereof by the county auditor as a warrant on the county treasurer, and no other authority shall be necessary or required for such action by the county auditor.

"Requisition," as used in this section, includes any order or demand signed by the county superintendent of schools directing the county auditor to draw his warrant on the county treasurer.

21110. In lieu of drawing his warrant as provided in Section 21109, the county auditor may, with the approval of the governing board of the school district, endorse, date, and number the order and requisition and may prepare a separate warrant on the county treasurer for the same amount as the order and requisition. The warrant shall show that it had been drawn on the order of a school district naming the school district and shall show, the payee, date of issue, as well as other information deemed appropriate by the auditor. County warrant in lieu of district order, endorsement

The auditor shall draw such separate warrant by signing it and no other signature shall be required. Thereupon the auditor shall transmit the separate warrant to the county superintendent of schools who shall transmit it to the governing board of the school district for issuance to the payee or to his order, or with the approval of the governing board of the school district, shall transmit it to the payee.

The order and requisition may direct the transfer of the amount of the separate warrant from the funds of the district to a clearing fund in the county treasury (to be known as the schools commercial revolving fund), to the end that separate warrants for all districts may be drawn against a single revolving fund.

21111. The governing board of any school district may, with the approval of the county auditor and county treasurer, in lieu of issuing single orders for the payment of the salary or wages of each employee, issue payroll orders, on forms pre- Payroll orders

scribed by the county superintendent of schools and approved by the Superintendent of Public Instruction, for the payment of the salaries or wages of two or more employees. Payroll orders may be drawn only for the payment of salaries and wages of employees, and shall constitute requisitions on the county auditor and warrants on the county treasurer when approved and signed by the county superintendent of schools and allowed and signed by the county auditor, respectively.

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21112. Each payroll order drawn pursuant to this article (commencing at Section 21101) shall be drawn, approved, and issued in the same manner and shall contain the same minimum content as prescribed for single orders. Each payroll order shall list the names of all employees in whose favor the order is drawn and shall state the amount of money due each. In the case of an attachment of the salary or wages of any employee listed on the order, the attachment shall affect only the salary or wages of the particular employee.

Register of warrants

21113. The superintendent of schools of each county shall keep, open to the inspection of the public, a register of warrants, showing the fund upon which the requisitions have been drawn, the number, in whose favor, and for what purpose they were drawn.

Payment

21114. Orders for the payment of wages and payroll orders for the payment of wages of employees employed full time in positions not requiring certification qualifications shall be drawn twice during each calendar month on days designated in advance by the governing board of each school district to which this section is made applicable. Labor performed between the first and fifteenth days, inclusive, of any calendar month shall be paid for between the sixteenth and twenty-sixth day of the month during which the labor was performed, and labor performed between the sixteenth and the last day inclusive, of any calendar month, shall be paid for between the first and tenth day of the following month.

The governing board of every school district which has an average daily attendance of 5,000, or more, shall make the provisions of this section applicable to the board, whenever a majority of the employees of the district employed full time in positions not requiring certification qualifications petition the board in writing to do so.

The governing board of a district which has an average daily attendance of less than 5,000 may, on the petition in writing of a majority of the employees of the district, employed full time in positions not requiring certification qualifications, make the provisions of this section applicable to the board.

Payroll

21115. In any county, except counties having a population in excess of 1,000,000, the county superintendent of schools, with the approval of the State Superintendent of Public Instruction, the county board of education and the county auditor, may prescribe a payroll procedure, to be followed by

designated districts in the county, under which the school district governing boards, by use of payroll orders, shall authorize and direct the county superintendent of schools and the county auditor to draw separate payroll warrants in the names of the individual district employees for the respective amounts set forth therein to the end that each employee may be furnished with a statement of the amount earned and an itemization of the amounts withheld therefrom under requirements of the law or by direction of the employee.

Such payroll warrants shall show the closing date of the pay period for which issued and the date of issue, the name of the district by which the payee was employed and a statement that it is drawn by order of the governing board of the district and shall bear the signatures of the county superintendent of schools and the county auditor.

The payroll order may direct the transfer from the districts' funds to a clearing fund in the county treasury, to be known as the schools payroll revolving fund, of the total of the amount of the payroll warrants to be issued under the order to the end that payroll warrants for all districts may be drawn against a single revolving fund. The payroll order may further direct the transfer from the districts' funds of the totals of the various deductions set forth therein to the trust funds in the county treasury entitled to receive credit for them and may further direct the proper disbursement of such trust amounts.

Article 5. Void Warrants of School Districts

Failure to present

21151. Any school warrant not presented to the county treasurer within two years after it was issued is void and any order issued by the governing board of a school district, but not approved by the county superintendent of schools for want of funds, is void if not presented to the county superintendent of schools within two years after notice has been given that the order will be approved on presentation. The county auditor shall each month inform the county superintendent of schools of warrants which have become void during the preceding month and the county superintendent of schools shall transmit such information to the governing board of the school district together with information as to orders which have become void.

Same. District retirement system warrants

21152. Any warrant drawn on the funds of a district retirement system and issued to the claimant thereof but not presented for payment to the county treasurer within two years after it was issued is void and the proceeds of such warrants shall revert to and become a part of the contributions of the district and shall be applied to reduce the cost to the taxpayers of the district maintaining the retirement system. The county auditor shall each month inform the county superintendent of schools of warrants which have become void during the preceding month, and the county superintendent

of schools shall transmit such information to the governing board of the school district.

Records

21153. The county superintendent of schools shall keep a record of all orders, or warrants which have become void.

Article 6. Registration of Orders on School District Funds and Issuance of Warrants When Moneys Are Not Available

Lack of funds

21201. When any order against the funds of a school district is presented to the county superintendent of schools, and the order constitutes a valid claim against the funds of the district, and moneys are not available in the funds of the district from which to pay the order, he shall endorse on the order the words "Not approved for want of funds" and shall register the order in the records of his office.

Method of registration

21202. The county superintendent of schools shall number and date the registered order and shall transmit the registered order to the governing board of the school district which drew the order, and it shall deliver the registered order to the payee or his order. From the date of registration the registered order shall bear interest at the rate of 5 percent per annum until the date upon which notice is given, pursuant to this article (commencing at Section 21201), that the county superintendent of schools is ready to approve the registered order.

Notice of availability of funds

21203. Whenever moneys are available for the payment of the registered order the county superintendent of schools shall give notice, in a newspaper published in the county, or if there is no newspaper, by written notice posted at the courthouse, stating that he is ready to approve the order. The notice may list any number of registered orders of one or more districts for the payment of which moneys are available, giving the name or names of the district or districts and listing the registered orders in the order of registration for each district.

Presentation

21204. At the time of giving the notice the county superintendent of schools shall set aside in the funds of each district for a period of 60 days the amount necessary for the payment of the registered orders of the district listed in the notice. If any registered order is not presented to the county superintendent of schools for payment within 60 days after the notice has been given, and moneys are not available to pay the registered order at the time of presentation, it shall not be approved until money becomes available for that purpose and notice is again given that the county superintendent of schools is ready to pay it.

Approval and payment

21205 The county superintendent of schools shall approve the registered orders of each district, and sign them as requisitions on the county auditor, in the order of their presentation. He shall enter on each the amount of interest due and the total amount, including principal and interest, payable. Each approved registered order shall thereupon be governed by the procedure established in this code relative to payments from school district funds.

21206. As an alternative to the method provided in Section 21205, when any corporation, firm, or person presents two or more registered orders for payment at the same time, registered on the same date, and issued against the funds of the same district, the registered orders may be approved, allowed, and consecutively numbered by the county superintendent of schools and the county auditor as requisitions and warrants on the funds of the district, and a special interest requisition may be issued by the county superintendent of schools against the funds of the district for the total amount of the interest payable on the registered orders. Alternative method

21207. The special interest requisition shall bear upon its face substantially the following notation: "In full payment of interest due on warrants numbered _____ to _____, inclusive, of the _____ school district." Special interest requisition

21208. The special interest requisition shall be numbered by the county superintendent of schools and county auditor, being given the number immediately succeeding the number assigned to the last of the requisitions and warrants referred to in Section 21206. Numbering

21209. The county superintendent of schools shall report to the county treasurer and the county auditor within 10 days after the end of each month the amount of the interest computed pursuant to this article (commencing at Section 21201). The report shall show each district for which interest has been computed, the numbers of the registered orders for which the interest is to be paid, and the total amount of the interest charged to each district. He shall also, upon transmitting to the governing board of any school district registered orders which have been approved and allowed as warrants against the funds of the district, report in writing to the clerk or secretary of the district the amount of interest computed on the registered orders and the numbers of the registered orders for which the interest is to be paid. Report of interest

Article 7. Optional Method of Registering Warrants

21251. In lieu of the method provided in Sections 21201 to 21209, inclusive, for the registration of school district orders, the provisions of this article (commencing at Section 21251) may be followed upon resolution adopted by the county board of supervisors of any county. Alternative method of registration

21252. When any order on school district funds is received by the county superintendent of schools and there is insufficient money in the fund or funds against which the order is drawn to pay the order in full, the county superintendent shall endorse on the order "to be registered for lack of sufficient funds," sign, date, and number it as a requisition on the county auditor, and transmit the requisition to the county auditor. The county auditor shall endorse on the order "examined and allowed," sign, date, and number it as a warrant on the county treasurer, and return the warrant to the county Indorsement and approval

superintendent of schools who shall transmit it to the governing board of the school district for issuance to the payee or to his order.

Procedure

21253. When the warrant is presented to the county treasurer for payment, he shall endorse, register, advertise, and pay it, with interest at the rate of 5 percent per annum, in the manner prescribed, as nearly as may be, for county warrants in Sections 29821 to 29824, inclusive, and Sections 29826 and 29827 of the Government Code.

Failure to present

21254. If the warrants are not again presented for payment within 60 days from the time the notice provided for in Section 29823 of the Government Code is given, the fund set aside for the payment of the warrants shall be applied by the treasurer to the payment of unpaid warrants next in order of registry.

Report of interest

21255. Within 10 days after the end of each month, the county auditor shall report to the superintendent of schools the amount of interest added to registered warrants and paid during the preceding month. The report shall show each district to whose registered warrants, paid during the month covered by the report, interest was added and the amount of the interest for the district The superintendent of schools shall immediately report, in writing, to the clerk or secretary of each district for which interest was paid, the amount of the interest paid for the district.

CHAPTER 5. REVOLVING FUNDS OF SCHOOL DISTRICTS

Article 1. Revolving Cash Fund of School Districts

Revolving cash fund

21301. The governing board of any school district, high school, or junior college district may, with the consent of the county superintendent of schools, establish a revolving cash fund for the use of the chief accounting officer of the district, by adopting a resolution setting forth the necessity for the revolving cash fund, the officer for whom and the purposes for which the revolving cash fund shall be available, and the amount of the fund. The amount of the fund shall not be more than 1 percent of the district's estimated expenditures for the current fiscal year and shall not in any event exceed one thousand dollars ($1,000). Two certified copies of the resolution shall be transmitted to the county superintendent of schools. If he approves the establishment of the fund, the county superintendent shall endorse his consent on the resolution and return one copy to the governing body of the district.

Bond of officer

21302. (a) Except as otherwise provided in subdivision (b) of this section, the officer for whose use the revolving cash fund is created shall file with the governing body of the district a bond in favor of the district, executed by him as principal and by a surety company authorized under the laws of the State to execute bonds as surety, in an amount not less

than double the amount of the revolving cash fund. The bond shall be conditioned upon the faithful administration of the revolving cash fund and upon the willingness and ability of the principal to account for and pay over the revolving cash fund at any time upon the demand of the governing board of the district. The premium on the bond shall be a legal charge against the district, payable from the funds of the district.

(b) In lieu of the bond required by subdivision (a) of this section, an officer may be bonded as provided by Section 17207.

Payment

21303. The governing board of the district shall draw an order, on the form and in the manner required by law for order, requisition, and warrant for the payment of school moneys, payable from the county or special fund of the district, in favor of the officer for whose use the revolving cash fund is created, for the amount of the revolving cash fund, and transmit the order to the county superintendent of schools accompanied by the bond and a certified copy of the resolution. Upon his approving the order, the county superintendent of schools shall detach and retain the bond. Upon his allowing and signing the warrant, the county auditor shall detach and retain the certified copy of the resolution and the county treasurer shall pay the warrant.

Use

21304. The person entrusted with the revolving fund shall not be authorized to expend any portion of the fund except for services or material, the securing or purchasing of which is a legal charge against the district, and no expenditure shall be made unless a receipt is obtained therefor setting forth the date and the purpose of the expenditure and the amount expended. A bill shall be presented to the district monthly, or oftener if necessary, for the reimbursement of the fund in the same manner as other bills are presented. Bills shall be supported by the receipts required. All sums received in payment of the bills shall be returned to the revolving cash fund and each person entrusted with the revolving cash fund shall, upon demand of the county superintendent of schools or the county auditor or of the governing board of the district, give an account of the fund.

Reduction and discontinuance

21305. The governing board of the district may at any time reduce or discontinue any revolving cash fund established by its order. Whenever the fund is ordered reduced the person using it shall immediately return to the county treasury the amount necessary to reduce the fund, as ordered by the board. If the fund is discontinued, the person using it shall immediately refund the amount thereof to the county treasurer. In either event a reasonable time shall be allowed the person to reimburse himself by bills presented to the school district for expenditures legally made from the fund.

Emergency cash fund deemed revolving cash fund

21306. The emergency cash fund established by any school district prior to September 22, 1951, shall be deemed to have been established as the revolving cash fund of the district and shall hereafter constitute the revolving cash fund of the district.

Article 2. Revolving Warehouse-stock Funds for School Districts

Establishment

21351. The governing board of any elementary school district, high school district, or junior college district may, if the school district maintains a stock of merchandise for school use, establish a revolving fund for budget control and stock accounting purposes, by adopting a resolution setting forth the necessity for the revolving fund, the purpose for which it shall be used and the amount thereof. Three certified copies of the resolutions shall be submitted to the county superintendent of schools, who, if he approves the establishment of the fund, shall indorse his consent upon the resolution, return one copy to the governing board of the school district and transmit one copy to the county auditor.

Whenever two or more school districts have governing boards of identical personnel, the boards may, if the school districts maintain a stock of merchandise for school use, establish a common revolving fund for budget control and stock accounting purposes, by adopting a resolution of each district setting forth the necessity for the revolving fund, the purpose for which it shall be used and the amount thereof. Three certified copies of the resolutions shall be submitted to the county superintendent of schools, who, if he approves the establishment of the fund, shall indorse his consent upon the resolution, return one copy to the governing board of the school districts and transmit one copy to the county auditor.

Amount

21352. The amount of the revolving fund shall not exceed an amount from the general fund of the district equal to the average daily attendance of the district for the next preceding year multiplied by ten dollars ($10) plus such amounts as the governing board of the district may, in its discretion, appropriate from other funds of the district, including building funds, and shall be determined as follows: The inventory of stores on hand including the cost of receiving and storing such stores of the school district at the time of the establishment of the fund, which stores and costs have been paid for from school district funds and reported to the county superintendent, plus whatever sum the governing board in its discretion may appropriate from the various funds of the district, including building funds, not to exceed an aggregate sum determined as above, including stores on hand, costs of receiving and storing such stores and designated appropriations, shall be the amount to constitute the revolving fund of the district.

Where a common revolving fund is established for two or more school districts governed by governing boards of identical personnel, the amount of the revolving fund shall not exceed an amount from the general funds of the districts equal to the average daily attendance of the districts for the next preceding year multiplied by ten dollars ($10) plus such amounts as the governing boards of the districts, in their discretion,

appropriate from other funds of the districts, including building funds, and shall be determined as follows: The inventory of stores on hand including the cost of receiving and storing such stores of each school district at the time of the establishment of the fund which stores and costs have been paid for from school district funds and reported to the county superintendent, plus whatever sums the governing board of each district in its discretion may appropriate from the various funds of the district, including the building fund, not to exceed an aggregate sum as determined above, including stores on hand, costs of receiving and storing such stores and designated appropriations, shall be the amount to constitute the revolving fund, and each district shall retain its equity in the common fund.

The amount of any revolving fund once established as herein prescribed may be increased to an amount from general funds not in excess of the average daily attendance of the next preceding year multiplied by ten dollars ($10) plus such amounts as the governing board, in its discretion, may appropriate from other funds of the district, including building funds, or decreased, in the discretion of the governing board, as the needs of the district may require, in the same manner and by the same procedure as herein prescribed for establishment of such fund.

Amounts expended from the revolving fund are restored thereto through payments into the revolving fund by warrants drawn on the various funds of the districts, including building funds, for shipments from stores for the use of the districts. The warrants shall be made payable to the "revolving fund of_____

(Here insert name or names of the

_____."

school district or school districts establishing the fund.)

21353. The revolving fund, when established, shall be used for the purchase of stores to be placed in stock and may be used for the payment of costs of receiving, storing, and delivering stores. Purchases shall be made in the manner prescribed by law. Nothing contained in this article (commencing at Section 21351) shall be construed as repealing any other provisions of law relating to school district funds. Use

21354. The revolving fund shall be kept by the county treasurer as a separate fund and shall be subject to such uses only as are provided by law. Custody

21355. The warehouse is a school plant and the costs of maintaining and operating it is a legal charge of the school district, and shall be audited and paid as other claims against the funds of the district. School district charge

Article 3. Special Reserve Fund of School Districts

21401. The governing board of a school district may provide for the accumulation over a period of school years of funds for capital outlay purposes derived from the receipts of Accumulation of funds

taxes levied for the district and from other sources, including balances, and not required to be used for other than capital outlay purposes.

Special reserve funds

21402. Upon the filing of identical copies of a resolution of the governing board with the superintendent of schools, auditor, and treasurer of the county specifying the purpose or purposes of a special reserve fund, the fund shall be established for such purpose or purposes. From time to time thereafter, the governing board may file identical copies of resolutions specifying additional purposes of the fund or withdrawing any purpose previously designated. The auditor and treasurer shall transfer from the general fund to the special reserve fund of the district such amounts as may be specified by the governing board during the fiscal year.

Expenditure

21403. The governing board may expend the money in the fund for the purpose or purposes specified in any resolution filed pursuant to Section 21402 unless the purpose has been withdrawn pursuant to that section.

Transfer

21404. Any moneys remaining in the special reserve fund of the district, except moneys placed in the fund pursuant to subdivision (b) of Section 20206 or subdivision (b) of Section 20209, shall be transferred to the general fund of the district by the auditor and treasurer upon written request to the superintendent of schools, auditor, and treasurer of the county by the governing board of the district, and the auditor and treasurer shall discontinue the special reserve fund.

CHAPTER 6. FINANCING PARENTAL SCHOOLS

Article 1. Funds for Establishing City Parental Schools

Estimates of cost

21451. Whenever any board of education determines that it is necessary or expedient for the city or the city and county to establish and maintain a parental school, the board shall furnish to the city council, or other governing body of the city or city and county all necessary and required information and statistics. If, after consideration, the city council or other governing body grants its consent for the establishment of a parental school, the board of education shall furnish to the authorities whose duty it is to levy taxes in the city or city and county 30 days before the time specified by law for fixing the annual tax rate, an estimate of the cost of purchasing or renting a suitable site, and also an estimate of the cost of renting or erecting a suitable building and equipping it for occupancy as a parental school, and the cost to the city or city and county, other than for salaries of teachers and for school supplies, of conducting the school for the remainder of the current school year.

Tax levy

21452. When the estimates have been made and furnished by the board of education of any city or city and county, the authorities, whose duty it is to levy taxes in the city or city and county at the time of levying the taxes shall levy a special

tax upon all taxable property of the city or city and county sufficient in its judgment to provide the facilities requested by the board of education, and for which the estimates have been furnished.

Article 2. Funds for Maintenance of City Parental Schools

21501. The board of education, yearly, after the provisions of Sections 21451 and 21452 have been complied with, shall present to the authorities of the city or city and county whose duty it is to levy taxes on or before the first Monday in July an estimate of the moneys required for conducting the parental school for the school year, other than that for the salaries of teachers and for school supplies. Annual estimate of expenses

21502. When the estimate has been presented, the authorities of the city or city and county shall levy a special tax upon the taxable property of the city or city and county sufficient to maintain the school for the year, exclusive of salaries of teachers and expenses of school supplies. Tax levy

Article 3. Funds for District Parental Schools

21551. The board of trustees of any school district in which a parental school may be established may raise money for the establishment and maintenance of a parental school for the district, in the manner provided in Sections 21451 to 21502, inclusive. The estimates shall be transmitted to the board of supervisors of the county in which the district lies. Procedure

Article 4. Funds for Joint Parental Schools

21601. The board of trustees of any joint parental school district has the same power and duties in the securing of funds for a joint parental school, and in the management of, and the securing of funds for, the support of a joint parental school as are conferred or imposed upon boards of school trustees, or boards of education of any city or city and county in the management of, and the securing of funds for, a parental school within a city, city and county, or school district. Powers of governing board

21602. In estimating the expense of maintenance of a joint parental school the amount of money needed for the payment of teachers' salaries and for the furnishing of school supplies shall be included in the estimate of expenses. Estimates

21603. The estimates shall be transmitted to the board of supervisors of the county which has jurisdiction over the joint parental school. Transmittal

21604. When the estimates have been transmitted to them, the board of supervisors shall levy a special tax upon the taxable property within the boundaries of the joint parental school district sufficient to provide the facilities requested by the board of trustees of the joint parental school district and for which the estimates have been furnished. Tax levy

Annual estimates and tax levy

21605. The estimates of the total expense of the maintenance of the joint parental school and increased facilities shall be furnished annually to the board of supervisors, who shall levy a special tax sufficient to maintain the school for the year.

Article 5. Parental School Fund

Tax procedure

21651. All taxes provided for in Sections 21451 to 21656, inclusive, shall be computed, entered upon the tax roll, and collected, in the same manner as other taxes are computed, entered, and collected.

"Parental school fund"

21652. The taxes when collected shall be placed in a separate fund known as the "parental school fund," and shall be paid out on the order of the board of education for the purposes set forth in Sections 21451 to 21656, inclusive.

"Parental school building fund"

21653 All money collected for the purchase of sites or buildings, or the erection or equipment of buildings for parental school purposes, shall be placed in a separate fund, known as the "parental school building fund," and shall be used solely for the purpose or purposes for which collected. After the accomplishment of the purpose or purposes, the residue of the fund, if any, may be transferred to the parental school fund.

District parental school fund

21654. The moneys raised under the provisions of Section 21551 shall be paid into the county treasury, and shall constitute "a parental school fund" for the district. The money of the fund shall be used for no other purpose than as is indicated in Section 21551. Money shall be drawn from the fund by the trustees of the district in the same manner as money is drawn from other school funds.

Procedure

21655. All taxes levied pursuant to Sections 21601 to 21605, inclusive, shall be computed and entered upon the tax roll and collected in the manner prescribed for the collection of taxes in this article (commencing at Section 21651).

Apportionment

21656. The taxes provided for in Sections 21601 to 21605, inclusive, shall be collected by the county tax collector and apportioned to the credit of the joint parental school district, and placed in the fund for which they were specifically collected. If the taxes are for sites or buildings, the moneys shall be placed in the joint parental school building fund and shall be used exclusively for the purposes for which they were collected, as provided in Section 21652.

Chapter 7. Bonds of School Districts

Article 1. Purpose for Which School District Bonds May Be Authorized; Authority for Elections

Purposes

21701. Except as otherwise provided by law, the governing board of any school district may, when in its judgment it is advisable, and shall, upon a petition of the majority of the qualified electors residing in the school district, call an elec-

tion and submit to the electors of the district the question whether the bonds of the district shall be issued and sold for the purpose of raising money for the following purposes:

(a) The purchasing of school lots.

(b) The building or purchasing of school buildings.

(c) The making of alterations or additions to the school building or buildings other than such as may be necessary for current maintenance, operation, or repairs.

(d) The repairing, restoring, or rebuilding of any school building damaged, injured, or destroyed by fire or other public calamity.

(e) The supplying of school buildings and grounds with furniture, equipment or necessary apparatus of a permanent nature.

(f) The permanent improvement of the school grounds.

(g) The refunding of any outstanding valid indebtedness of the district, evidenced by bonds, or of state school building aid loans.

(h) The carrying out of the projects or purposes authorized in Section 15811.

Any one or more of the purposes enumerated, except that of refunding any outstanding valid indebtedness of the district evidenced by bonds, may, by order of the governing board entered in its minutes, be united and voted upon as one single proposition.

Article 2. General Provisions for Bond Elections of School Districts

21751. The election shall be called by posting notices, signed by a majority of the governing board of the district in at least three public places in the district, not less than 20 days before the election. If there is a newspaper of general circulation published in any county in which any part of the district is situated, the notice shall be published therein pursuant to Section 6063 of the Government Code. In addition, the county clerk, or the registrar of voters if such office has been established, of the county in which the majority of the territory of the district is located, shall, at least 10 days before the day fixed for the election, mail to each registered voter residing within the district, a card designating the polling place and time of the election and containing a statement of the purposes of the election and the need for the issuance of bonds. Such statement shall contain only the following: Notice

(a) The amount of the proposed bond issue.

(b) A brief statement of the governing board of the need for the issuance of the bonds and of the purposes for which it is intended that the proceeds of the bond issue will be expended.

(c) A statement that "the proceeds of the bond issue may also be expended for any of the purposes specified in Educa-

tion Code Section 21701 which are included in the bond proposition."

At least 60 days before the date of the bond election the governing board of the school district shall furnish the county clerk or registrar of voters with a list of precincts established for the election and the polling place in each such precinct, together with a copy of the statement of the purposes of the election in the form in which it is to appear on the card.

The costs incurred by the county clerk or registar of voters in connection with this section shall be paid out of the funds of the district.

In any district located wholly or partially in a county with a population of less than 60,000, as determined by Government Code Section 28020, the governing board of the school district, rather than the county clerk or registar of voters, shall mail to each registered voter residing in the district the cards designating the polling place and time of election, and stating the purposes of the election and the need for the issuance of bonds, at the time required by this section.

Contents of notice

21752. The notice shall contain:

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

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

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

(d) The purposes for which the bonds are to be issued.

(e) The amount of the bonds.

(f) The maximum rate of interest, not to exceed 5 percent.

(g) The maximum number of years, not exceeding 25, not to exceed which the bonds, or any series thereof, are to run.

If the election is consolidated with any other election, the notice need not set forth the precincts, place or places of holding the election, or the names of the officers appointed to conduct the election, but may instead state that the precincts, place or places of holding the election and officers appointed to conduct the election shall be the same as those provided for such other election within the territory affected by the consolidation and set forth in the ordinance, order, resolution or notice calling, providing for or giving notice of such other election, and reference shall be made to such ordinance, order, resolution or notice by number and title or date of adoption, or by date or proposed date of publication and the name of the newspaper in which publication has been or will be made, or by any other definite description.

Any election called pursuant to Sections 21701 to 21801, inclusive, and Sections 21803 to 22152, inclusive, may be consolidated with any other election pursuant to the provisions of Chapter 4 of Part 2 of Division 11 of the Elections Code. In such event the provisions of law governing such other election with respect to the manner of marking ballots shall also apply to the election called pursuant to Sections 21701 to 21801, inclusive, and Sections 21803 to 22152, inclusive.

21753. The election shall be conducted as elections for school trustees of elementary school districts, except as otherwise provided in Sections 21701 to 21801, inclusive, and Sections 21803 to 22152, inclusive. The election shall be held at the place or places designated by the governing board of the district. The polls shall be kept open only during the hours specified in the notice of the bond election. The polls shall not be opened before 6 o'clock a.m. nor kept open later than 8 o'clock p.m., and shall be kept open for not less than four hours. Conduct of election

21754. The words to appear upon the ballots shall be "Bonds—Yes" and "Bonds—No," or words of similar import. Each elector voting at the election shall mark a cross with a pencil, ink, or rubber stamp after the answer he desires to give. A brief statement of the proposition, setting forth the amount of the bonds to be voted upon, the maximum rate of interest, and the purposes for which the proceeds of the sale of the bonds are to be used, may be printed upon the ballot. No defect in the statement other than in the statement of the amount of the bonds to be authorized shall invalidate the bonds. Method of voting

21755 On the seventh day after the election, if the returns have been made to the governing board of the school district, the board shall meet at its usual meeting place and publicly canvass the returns. If all the returns have not then been received, the board shall adjourn from day to day until the returns are all received, and shall then proceed to canvass them. The canvass may be continued from day to day until completed. Canvass

21756. If it appears that two-thirds of the votes cast on the proposition of issuing bonds of the district are in favor of issuing the bonds, the governing board of the school district shall cause an entry of that fact to be made upon its minutes. The governing board shall then certify to the board of supervisors of the county whose superintendent of schools has jurisdiction over the district, all proceedings had in the premises. Thereupon the board of supervisors shall issue the bonds of the school district in accordance with the proceedings, payable out of the interest and sinking fund of the district, naming the district. The governing board shall certify to the county superintendent of schools the results of the election Approval of bond issue

21757. The proceedings relating to the authorization of bonds of a joint school district of any type need be certified only to the board of supervisors of the county whose superintendent of schools has jurisdiction over the district. Said board of supervisors may issue and sell such bonds and no action of the board of supervisors of any other county in which the district is situated shall be required in connection with such issuance and sale, and such bonds need not be signed by any officer of any such other county. Joint school district bond issues

21758. No error, irregularity, or omission which does not affect the substantial rights of the taxpayers within the dis- Effect of error

trict or the electors voting at any election at which bonds of any district are authorized to be issued shall invalidate the election or any bonds authorized.

Article 3. Issuance and Sale of Bonds of School Districts

Bond limitation

21801 The total amount of bonds issued shall not exceed 5 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located.

Bonds

21802 Any unified school district maintaining a junior college may issue bonds not to exceed 15 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located. Any unified school district not maintaining a junior college may issue bonds not to exceed 10 percent of the taxable property of the district as shown by such equalized assessment.

For the purposes of Sections 19401 to 19486, inclusive, and Sections 19551 to 19689, inclusive, only, any unified school district shall be considered to have a bonding capacity in the amount permitted by law for an elementary school district, a bonding capacity in the amount permitted by law for a high school district, and if the district maintains a junior college, a bonding capacity in the amount permitted by law for a junior college district. Any unified district, if otherwise eligible, may receive an apportionment for elementary school purposes alone, for high school purposes alone, for junior college purposes alone, or for any combination of such purposes.

In computing the outstanding bonded indebtedness of any unified school district for all purposes of this section, any outstanding bonds shall be deemed to have been issued for elementary school purposes, high school purposes and junior college purposes, respectively, in the respective amounts that the proceeds of the sale of such outstanding bonds, excluding any premium and accrued interest received on said sale, were or have been allocated by the governing board of such unified school district to each of said purposes respectively.

Bond limitation computation

21803. In computing the limitation of indebtedness of any school district of any kind or class heretofore or hereafter formed or organized, hereinafter in this section referred to as the "bonding school district," the outstanding indebtedness of any previously existing district all or any part of which forms a component part of such bonding school district and the outstanding indebtedness of any school district for which any territory which has become a part of such bonding school district is liable shall be excluded and shall not be deemed, for the purposes of computing the limitation of indebtedness under Section 21801 or 21802, to constitute outstanding indebtedness of such bonding school district, except to the extent that such outstanding indebtedness has been expressly assumed by such bonding school district by vote of not less than two-thirds of the electors of such bonding school district voting at an elec-

tion at which the proposition of assuming such indebtedness is voted upon. Nothing herein contained shall operate to release any property from liability for taxes to pay the principal and interest of indebtedness incurred by any component district or for which any territory which has become a part of such bonding school district is liable and in which such taxable property is located at the time of the incurring of such indebtedness. It is the intent of the Legislature to provide in this section a special method of computing the limitation of indebtedness of school districts irrespective of liability of the area embraced within such school districts for the payment of any bonded indebtedness.

Same
Exclusion of liability

21804 For the purpose of determining the limitation of indebtedness of a school district of any type or class under Section 21801 or 21802, that portion of the bonded indebtedness of the district for which another school district or territory in another district is liable shall be excluded and shall not be deemed to constitute outstanding bonded indebtedness of the district.

Same
High school district maintaining junior college

21805. Any high school district maintaining a junior college may issue bonds not to exceed 10 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located.

For the purposes of Sections 19401 to 19486, inclusive, and Sections 19551 to 19689, inclusive, only, any high school district maintaining a junior college, shall be considered to have a bonding capacity in the amount permitted by law for a high school district, and a bonding capacity in the amount permitted by law for a junior college district. Any high school district maintaining a junior college if otherwise eligible may receive an apportionment for high school purposes alone, for junior college purposes alone, or for any combination of such purposes.

In computing the outstanding bonded indebtedness of any high school district maintaining a junior college for all purposes of this section, any outstanding bonds shall be deemed to have been issued for high school purposes and junior college purposes, respectively, in the respective amounts that the proceeds of the sale of such outstanding bonds, excluding any premium and accrued interest received on said sale, were or have been allocated by the governing board of such high school district maintaining a junior college to each of said purposes respectively.

Denominations of bonds

21806. The denomination of each of the bonds shall not be less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) except that on issues in which the amounts to be matured annually are scheduled in amounts of five thousand dollars ($5,000) or multiples thereof, the board may provide that the purchaser may, at his option, and at the time of the submission of his bid, request that bonds in the denomination of five thousand dollars ($5,000) or multiples

thereof be issued in lieu of the equivalent amount of bonds of lesser denomination.

Interest rate

21807. The bonds shall not bear a rate of interest greater than 5 percent per annum, payable annually or semiannually.

Term

21808 The number of years the whole or any part of the bonds are to run shall not exceed 25 years, from the date of the bonds or the date of any series thereof.

Form of bonds, etc

21809. The board of supervisors by an order entered upon its minutes shall prescribe the form of the bonds and of the interest coupons attached thereto, if any. Said bonds shall be signed by the chairman of the board of supervisors, or by such other member thereof as the board of supervisors shall, by resolution adopted by a four-fifths vote of all its members, authorize and designate for that purpose, and also signed by the treasurer or auditor of the county, and shall be countersigned by the clerk thereof. The coupons of said bonds shall be signed by the treasurer or auditor. All such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically reproduced. All expense incurred for the preparation, sale, and delivery of the school bonds including the preparation of the certified copy of the transcript for the successful bidder is a legal charge against the funds of the school district issuing the bonds.

Sale

21810. The bonds shall be sold at the times and in the amounts prescribed by the board of supervisors, but for not less than par. The proceeds of the sale of the bonds, exclusive of any premium received, shall be deposited in the county treasury to the credit of the building fund of the school district. The proceeds deposited shall be drawn out as other school moneys are drawn out. The bond proceeds withdrawn shall not be applied to any other purposes than those for which the bonds were issued. Any premium or accrued interest received from the sale of the bonds shall be deposited in the interest and sinking fund of the district.

Bids

21811. Before selling the bonds, or any part of them, the board of supervisors shall advertise for bids at least two weeks in some daily or weekly newspaper of general circulation published in the county whose county superintendent of schools has jurisdiction over the district, or if there is no such newspaper published in the county, in a newspaper published in some other county in the State having a general circulation in the county.

Award or rejection

21812. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder or bidders, and the county clerk shall prepare and certify to all of the proceedings on file in his office relative to the issuance and sale of said bonds, which transcript of proceedings shall be delivered to the successful bidder or bidders without charge. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

21813. Any unsold bonds of the elementary, high school or junior college districts comprising a unified school district and voted at any election held either prior or subsequent to the date upon which the action necessary to the formation of the unified district was completed, may be issued by the board of supervisors in the name of the unified district and the proceeds derived from the sale thereof shall be the funds of the unified district and shall be used only for the purpose or purposes for which said bonds were voted. Unsold bonds

21814. The issuing school district by action of its governing board may prepare, or have prepared, bond brochures to serve as a prospectus for bond buyers to assist in the satisfactory sale of the bonds, the expense of such brochures to be payable out of the funds of the district. Such brochures may be prepared only after the issuance of the bonds to be sold has been approved by the electors of the district pursuant to Sections 21701 to 21757, inclusive. Bond brochures

Article 4. Required Form of Bonds of School Districts

21851. Whenever under the provisions of Sections 21701 to 21801, inclusive, and Sections 21803 to 22152, inclusive, any bonds are issued, the bonds may be issued either in the form of coupon bonds, or in the form of registered bonds, or some in the form of coupon bonds and some in the form of registered bonds, as may be provided in the proceedings for the issuance of the bonds, and notwithstanding any language or provision to the contrary contained in any statute authorizing the issuance of the bonds, or in any other law. Coupon or registered bonds

21852. If any officer whose signature, countersignature, or attestation appears on any school bonds or coupons ceases to be an officer before the delivery of the bonds to the purchaser, the signature, countersignature, or attestation either on the bonds or the coupons, or on both, is nevertheless valid and sufficient for all purposes the same as if the officer had remained in office until the delivery of the bonds, and the signature upon the coupons of the person who is auditor at the date of the bonds, is valid although the bonds themselves may be attested by a different person who is auditor at the time of delivery of the bonds Signatures

21853. Any bonds executed in the manner provided by the board of supervisors shall be valid, notwithstanding any change in the officers who signed the bonds or the coupons, or in the seal of the board of supervisors, occurring after the execution. Effect of change

Article 5. Registration of Bonds of School Districts

21901. Whenever the owner of any coupon bond or of any bond payable to bearer presents the bond to the treasurer or other officer of the county in which the district is located, who by law performs the duties of treasurer, with a request for the Procedure

conversion of the bond into a registered bond, the treasurer or other officer, shall cut off and cancel the coupons of the coupon bond, and shall stamp, print, or write upon the coupon bond or other bond payable to the bearer, either upon its back or upon its face, as may be convenient, a statement to the effect that the bond is registered in the name of the owner and that thereafter the interest and principal of the bond are payable to the registered owner.

Transfer after registration

21902. After registration any bond may be transferred by the registered owner in person, or by attorney duly authorized, on presentation of the bond to the treasurer or other officer performing the duties of treasurer. The bond may be again registered as before, a similar statement being stamped, printed, or written thereon.

Form

21903. The statement stamped, printed, or written upon the bond may be substantially in the following form:

(Date, giving month, day, and year.)

This bond is registered pursuant to the statute in such cases made and provided in the name of (insert name of owner) and the interest and principal thereof are hereafter payable to the owner.

_____

Treasurer (or other officer)

Payment

21904. After any bond has been registered as provided in this article (commencing at Section 21901), the principal and interest of the bond shall be payable to the registered owner.

Register book

21905. The treasurer or other officer shall keep in his office a book or books which shall at all times show what bonds are registered and in whose name respectively.

Article 6. Cancellation of Unsold Bonds of School Districts

Petition

21951. If any bonds authorized under the provisions of Sections 21701 to 21801, inclusive, and Sections 21803 to 22152, inclusive have not been offered for sale for one year from the date of their issuance or remain unsold for a period of six months after having been offered for sale in the manner prescribed by the board of supervisors, the governing board of the district, for which the bonds were issued, may petition the board of supervisors to whom the proceedings were certified to cause the unsold bonds to be canceled.

Notice

21952. Upon receiving the petition, signed by a majority of the members of the governing board, the board of supervisors shall fix a time for hearing it, which shall not be more than 30 days after receipt of the petition, and shall cause a notice stating the time and place of the hearing, and the object of the petition in general terms, to be published for 10 days prior to the hearing, in a newspaper published in the school district, if there is one, and if there is no newspaper published in the school district, in a newspaper published at the county seat of the county.

21953. At the time and place designated in the notice, or at any subsequent time to which the hearing may be postponed, the board of supervisors shall hear any reasons that may be submitted for or against the granting of the petition. Hearing

21954. If the board of supervisors deem it for the best interests of the school district named in the petition that the unsold bonds be canceled, it shall make and enter an order in the minutes of its proceedings that the unsold bonds be canceled. Upon the entry of the order the bonds and the vote by which they were authorized to be issued shall cease to be of any validity. Order

21955. The governing board of any school district may petition the board of supervisors to cancel the remaining authorization of that district to issue and sell bonds resulting from any particular school bond election after the sale of at least ninety percent (90%) of the bonds authorized at such election where the amount of such remaining authorization is not more than twenty-five thousand dollars ($25,000) and in the opinion of the governing board the sale of the remaining bonds would not be economically justified. The provisions of Sections 21952 and 21953 of this article shall be applicable and at or following the hearing therein provided for, the board of supervisors, if it determines that the public interest will be served thereby, may make and enter an order in the minutes of its proceedings that the remaining authorization be canceled. Upon the entry of the order the vote by which the remaining authorization was created shall cease to be of any validity with respect to such remaining authorization. Cancellation of authorization

Article 7. Purchase of Bonds by the Issuing School Districts

22001. The governing board of a school district may purchase in the open market bonds issued by the district. The cost of bonds purchased may be paid out of any funds of the district not required by law to be set aside for teachers' salaries. Purchase by district

22002. When any bonds issued by a district have been purchased by the governing board of the district, the bonds shall be deemed canceled and of no further validity. The governing board of the district shall immediately, after purchasing the bonds, notify the board of supervisors of its action, describing the bonds purchased. At its first meeting thereafter the board of supervisors shall note the purchase and cancellation of the bonds in the minutes of its proceedings. Same

Article 8. Method of Payment of Bonds of School Districts

22051. The board of supervisors by an order entered upon its minutes shall fix the time when the whole or any part of the principal of the bonds shall be payable, which shall not be more than 25 years from the date of the bonds or the date of any series thereof. Order fixing term

Any bonds authorized at an election held after September 15, 1945 may be issued subject to call and redemption before maturity at the option of the governing board of the district. Said governing board, at any time following a bond election and prior to the issuance and sale of the bonds authorized thereat, may by resolution determine that all or any part of such bonds shall be issued subject to call and redemption before maturity and the price or prices at which said bonds shall be redeemed. A certified copy of such resolution shall be filed with the board of supervisors. Thereafter said board of supervisors, in its order fixing the form of the bonds and the maturities thereof, shall provide that the bonds be redeemable at the option of said governing board and at the price or prices fixed in said resolution. Bonds issued subject to call and redemption prior to maturity shall contain a recital to that effect, and no bond shall be subject to call or redemption prior to maturity unless it contains such a recital. The board of supervisors in its order shall fix the method of giving notice of redemption to holders of bonds to be redeemed.

Bond series

22052. The board of supervisors may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series.

Place of payment

22053. The board of supervisors may make the principal and interest of the bonds payable at the office of the treasurer of the county, or at any other place within the United States which the board may designate, or at the office of the county treasurer, or at any other designated place at the option of the bondholder. The place of payment shall be specified in the bonds. The expense of paying the bonds elsewhere than at the office of the treasurer shall be a proper charge against the district to be paid out of the tax levied and collected for the payment of the bonds.

Payment

22054. The principal and interest on the bonds shall be paid by the county treasurer of the county, the superintendent of schools of which has jurisdiction of the district in behalf of which the bonds were issued, at the place required by the terms of the bonds, upon presentation and surrender of warrants drawn by the county auditor in payment thereof, after he has canceled the bonds and coupons, or upon the receipt of the registered owner, if the bonds are registered, after a proper warrant has been drawn by the auditor, out of the fund provided for their payment.

Excess money

22055. Any money remaining in the interest and sinking fund of any district after the payment of all bonds and coupons payable from the fund, or any money in excess of an amount sufficient to pay all unpaid bonds and coupons payable from the fund, shall be transferred to the general fund of the district upon the order of the auditor.

Transfer to special reserve fund

22056. Any money paid into the county treasury of the county and credited to the interest and sinking fund of any district pursuant to subdivision (b) of Section 20206 or sub-

division (b) of Section 20209 remaining after the payment of all bonds and coupons payable from the fund, or which is in excess of an amount sufficient to pay all unpaid bonds and coupons payable from the fund, shall be transferred to the special reserve fund of the district upon the order of the auditor, and may be used only for the purpose specified in Section 21401 and for no other purpose.

Article 9. Tax for Payment of Bonds of School District

Tax levy Outstanding bonds

22101. The board of supervisors of the county, the superintendent of schools of which has jurisdiction over any district, shall annually at the time of making the levy of taxes for county purposes, levy a tax for that year upon the property in the district for the interest and redemption of all outstanding bonds of the district. The tax shall not be less than sufficient to pay the interest on the bonds as it becomes due and to provide a sinking fund for the payment of the principal on or before maturity and may include an allowance for an annual reserve, established for the purpose of avoiding fluctuating tax levies. The tax shall be sufficient to provide funds for the payment of the interest on the bonds as it becomes due and also such part of the principal and interest as is to become due before the proceeds of a tax levied at the time for making the next general tax levy can be made available for the payment of the principal and interest.

Disposition of proceeds

22102. All taxes levied, when collected shall be paid into the county treasury of the county whose superintendent of schools has jurisdiction over the school district in behalf of which the tax was levied, to the credit of the interest and sinking fund of the school district, and shall be used for the payment of the principal and interest of the bonds and for no other purpose.

Tax levy Unused bonds

22103. The board of supervisors of the county, the superintendent of schools of which has jurisdiction over any school district, shall annually at the time of making the levy of taxes for county purposes estimate the amount of money required to meet the payment of the principal and interest on bonds of the district authorized by the electors of the district and not sold, and which the governing board of the district informs the board in their belief will be sold before the next tax levy, and the board of supervisors shall levy a tax sufficient to pay the principal and interest so estimated.

Disposition of proceeds

22104. If the bonds are declared invalid or are not issued for any reason, the tax levied and collected shall, if the school district has other bonds outstanding, be retained in the interest and sinking fund of the district to meet the interest and principal falling due on such bonds If the district has no bonds outstanding the proceeds of the tax levy shall be transferred to the general fund of the district on the order of the auditor.

Article 10. Tax for Payment of Bonds When School District is Located in Two or More Counties

Tax levy

22151. In case of a district lying in two or more counties, the assessor of each of the counties in which the district lies, shall annually as soon as the county assessments have been equalized by the State Board of Equalization, certify to the board of supervisors of each of the counties in which any portion of the district is situated, the assessed value of all taxable property in the county situated in the school district. The tax shall be levied according to the ratio which the assessed value of the property in the school district in any county bears to the total assessed value of the property in the district. Each board of supervisors shall levy upon the property of the district and within its own county such rate of tax as will be sufficient to raise not less than the amount needed to pay the interest and such portion of the principal of the bonds as is to become due during the year.

Collection and deposit

22152. The tax shall be entered upon the assessment roll and collected in the same manner as other school taxes.

The tax when collected shall be paid into the county treasury of the county. The treasurer of any county, other than the one whose superintendent of schools has jurisdiction over the school, shall, upon order of the county auditor, pay the sum collected on account of the tax into the treasury of the county whose superintendent of schools has jurisdiction over the school.

PART 4. EDUCATIONAL INSTITUTIONS, LIBRARIES, AND MISCELLANEOUS PROVISIONS

DIVISION 17. THE UNIVERSITY OF CALIFORNIA

CHAPTER 1. GENERAL PROVISIONS

Article 1. The Name of the University

Prohibited uses of name "University of California"

23001. The name "University of California" is the property of the State. No person shall, without the permission of the Regents of the University of California, use this name, or any abbreviation of it or any name of which these words are a part in any of the following ways:

(1) To designate any business, social, political, religious, or other organization, including but not limited to, any corporation, firm, partnership, association, group, activity or enterprise; or

(2) To imply, indicate or otherwise suggest that any such organization is connected or affiliated with, or is endorsed, favored or supported by, or is opposed by the University of California; or

(3) To display, advertise, or announce this name publicly at or in connection with any meeting, assembly, or demonstration, or any propaganda, advertising or promotional activity of any kind which has for its purpose or any part of its purpose the support, endorsement, advancement, opposition or defeat of any strike, lockout, or boycott or of any political, religious, sociological, or economic movement, activity or program.

Provided, that nothing in this section shall interfere with or restrict the right of any person to make a true and accurate statement of his present or former relationship or connection with, his employment by, or his enrollment in, the University of California in the course of stating his experience or qualifications for any academic, governmental, business, or professional credit or enrollment, or in connection with any academic, governmental, professional or other employment whatsoever.

Every person violating the provisions of this section is guilty of a misdemeanor.

Article 2. Tuition Fees

23051. An admission fee and rate of tuition fixed by the board of regents shall be required of each pupil, except as otherwise provided. Fees

23052 When the income of the university permits, admission and tuition shall be free to all residents of the State. The regents shall so apportion the representation of students according to population that all portions of the State may enjoy equal privileges in the university. Admission

23053. An admission fee and rate of tuition fixed by the Regents of the University of California shall be required of each nonresident student. The regents shall cause to be computed the actual cost to the university of maintaining one student in each of the respective courses of the several colleges for the period of one year. Each nonresident student shall be required to pay as the rate of tuition the sum provided for by the computation for the particular course the student is following, except that the maximum sum to be paid shall not exceed five hundred dollars ($500). The sums may be remitted in whole or in part in the case of graduate students in other than professional colleges and schools. Nonresident student fees

23054. "Nonresident student" means any person who has not been a bona fide resident of the State for more than one year immediately preceding the opening day of a semester during which he proposes to attend the university. "Nonresident student"

23055. The residence of each student shall be determined in accordance with the rules for determining residence prescribed by Sections 243 and 244 of the Government Code, except that for the purpose of this section it shall be deemed that the residence of an unmarried minor who has a parent living cannot be changed by either his own act or that of his guardian. Every alien student is deemed to be a nonresident Determination of residence

student unless he has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States.

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

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

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

Oaths

23056. The attorney for the Regents of the University of California and any person appointed by him for the purpose of ascertaining the residence status of students and prospective students of the university may administer oaths or affirmations in connection with the taking of testimony relative to any residence status.

Persons deemed residents

23057. Notwithstanding any provision to the contrary, any unmarried minor whose parent is in the active military service of the United States of America and is stationed in this State on the opening day of the semester during which the unmarried minor proposes to attend the university shall, for the purposes of this article (commencing at Section 23051), be deemed to be a resident of this State for such semester. Any admission fee or rate of tuition required of such unmarried minor shall not exceed the amount required of a resident student enrolled in the same course as such unmarried minor. Parent, for the purposes of this section, means the natural father during his lifetime and after his death, the natural mother of the unmarried minor, or an adopting parent.

Article 3. Competitive Scholarship

Number and term

23101. The regents may establish four competitive scholarships, each embracing the full term of four years in the university.

23102. One only of the scholarships shall be issued at the beginning of each university year, except to fill vacancies. Issuance

23103. Each scholarship shall be entitled to three hundred dollars ($300) per annum, to be appropriated out of the funds belonging to the university, and shall be applied, under the direction of the proper officer of the faculty, to the education and support of the scholar during his university course. Amount

23104. The competitive examination for scholarships shall be made by the faculty. Competitive examination

23105. The applicants for the examination shall be bona fide residents of the State, and shall have been chiefly educated in any of the schools of the State, and shall, at the time of application, satisfy the regents in respect to character and to the inability of the applicant to provide his own maintenance at the university. Qualifications

23106. The scholarships shall be subject to examination at the close of each university year, and if the student having the benefit of any scholarship is not found by his acquirements, industry, and conduct to deserve the continuance of the scholarship, the president of the university shall report the finding to the regents, who shall declare the scholarship vacant. The scholarship shall thereafter be filled in the same manner as other scholarships are filled. Periodic examination, vacancy

23107. The regents may, upon the recommendation of the faculty, revoke any scholarship for improper conduct or violation of established rules, and may fill all vacancies which occur in scholarships under competitive examination. Revocation

Article 4. Condemnation of Property by the Regents

23151. The Regents of the University of California may condemn any property or interest therein for the public buildings and grounds of the University of California under the provisions of the Code of Civil Procedure relating to eminent domain. The Regents of the University of California shall not commence any such proceeding in eminent domain unless it first adopts a resolution by a two-thirds vote declaring that the public interest and necessity require the acquisition, construction or completion by the Regents of the University of California of the public improvement for which the property or interest therein is required and that the property or interest therein described in such resolution is necessary for the public improvement. Power of regents

23152. The resolution of the Regents of the University of California shall be conclusive evidence: Conclusive evidence

(a) Of the public necessity of such proposed public improvement.

(b) That such property or interest therein is necessary therefor.

(c) That such proposed public improvement is planned or located in a manner which will be most compatible with the greatest public good and the least private injury.

CHAPTER 2. FISCAL PROVISIONS

Article 1. Withdrawal From the State Treasury

Withdrawal of funds by University of California

23201. Any sum of money specifically appropriated to, or for the use of, or expenditure by, the Regents of the University of California, other than money appropriated by a state budget act for the general support of the University of California, may be withdrawn at any time in its entirety from the State Treasury, at the direction of the Regents of the University of California, upon a warrant payable to the treasurer of the Regents of the University of California.

Article 2. Transfer of Lands Acquired by Tax Sales to the University

Mortgage to regents

23251. Whenever the State is the owner of any property sold for taxes and the deed to the State has been filed with the Controller, and there appears of record a mortgage upon the property to the Regents of the University of California, and the mortgage and the debt secured by the mortgage have not been both paid in full and satisfied of record, the Controller, upon receiving proof, by affidavit of the president and secretary, or acting secretary or of the treasurer of the regents, that the debt secured by the mortgage has not been fully paid, shall direct the tax collector of the county or city and county in which the lands are situated, to execute a deed of the lands in the name of the State to the Regents of the University of California.

Notice

23252. The tax collector shall thereupon publish a notice once a week for at least three successive weeks in some newspaper published in the county or city and county in which the lands are situated, or if there is no newspaper published therein, then the tax collector shall post a notice in three conspicuous places in the county or city and county at least three weeks before the day named in the notice.

Contents of notice

23253 The notice shall state that on or after a day mentioned, which shall be not less than four weeks, and not more than eight weeks after the first publication or posting of the notice, the tax collector will execute and deliver to the Regents of the University of California a deed to the property, and shall describe the property and shall state that the deed will be made because of a sale of the property to the State for delinquent taxes, and because the Regents of the University of California are interested in the property. No other matters need be contained in the notice. One or more pieces of land may be described in the affidavit, notice, deed, and report provided for in this article (commencing at Section 23251).

Deed

23254. Unless prior to the day mentioned in the notice, there is paid to the tax collector (a) the full amount for which the property was sold to the State, together with all interest and penalties thereon and all expenses and costs connected

therewith, and (b) all subsequent state and county taxes not theretofore paid in full, and all interest and penalties thereon, and all costs and expenses connected therewith, and also (c) the expense of publishing or posting the notice, as the case may be, the tax collector shall on the day, or within 10 days thereafter, execute, acknowledge, and deliver a deed to the regents without any payment, charge, or fee therefor, and shall within five days thereafter report in writing to the Controller the fact of the execution of the deed.

Expenses

23255. The expense of the publication and posting shall be paid by the Regents of the University of California, unless the expense is paid to the tax collector prior to the day mentioned in the notice.

Separate pieces of land

23256. If the notice describes two or more pieces of land assessed separately and sold separately to the State, and if all the payments are made within the time prescribed in respect to any one of the pieces separately assessed and sold, the piece paid upon shall not be included in the deed, and the fact of the payment and the amount paid shall be stated in the report to the Controller.

Title

23257. The deed shall transfer, grant, convey, and confirm to the Regents of the University of California the entire title to the lands, free and clear of all claims and incumbrances whatsoever. Nothing contained in this article (commencing at Section 23251) shall be held to interfere with the right of the regents to enforce the mortgage or the payment of the debt secured thereby, or to procure a decree of foreclosure and a sale under the decree of all or any of the property described in the mortgage.

Recitals

23258. The deed shall recite the facts provided in this article (commencing at Section 23251) as authorizing its execution and is prima facie evidence of the facts and of all matters therein recited and of the ownership of the lands by the regents.

Recordation

23259. The deed may be recorded in the office of the county recorder of the county or city and county in which the lands are situated, and upon the expiration of two years after it has been recorded, shall, except as against parties deriving title through a sale and purchase under decree of foreclosure of the mortgage, be conclusive evidence that the complete fee simple title to the property therein described vested at the date of the deed in the Regents of the University of California, free and clear of all claims, liens, charges, and incumbrances whatsoever.

Prima facie evidence

23260. In any action commenced against the regents before the expiration of two years to question the title of the regents to the property, the deed is prima facie evidence only.

Sale by State

23261. While any mortgage to the regents appears of record and not satisfied of record, no lands which have been sold to the State for taxes and the deed to which has been filed with the Controller, shall be sold or disposed of, except as provided in this article (commencing at Section 23251).

Article 3. Insurance of Property

Insurance

23301. All property of the University of California held in fee or otherwise for purposes of income may be insured against damage or loss.

Article 4. Federal Funds for Education in Agriculture and Mechanical Arts

Acceptance of grant

23351. The State assents to the provisions of an act passed by Congress, entitled "An act to apply a portion of the proceeds of the Public Lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress, approved July second, Eighteen Hundred and Sixty-two," and approved August 30, 1890.

Same

23352. The State assents to the provisions of an act passed by Congress known as the Smith-Lever Act, and entitled, "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several states receiving the benefits of an act of congress approved July 2, 1862, and of acts supplementary thereto, and the United States department of agriculture," approved May 8, 1914.

The Regents of the University of California are authorized to receive the grants of money appropriated under the act of Congress and to organize and conduct agricultural extension work in accordance with the terms and conditions expressed in the act.

Same

23353. The State assents to the provisions of an act passed by Congress, entitled "An act to authorize a more complete endowment of agricultural experiment stations and for other purposes, approved February 24, 1925."

The Regents of the University of California are authorized to receive grants of money authorized by the act for the benefit of the University of California Agricultural Experiment Station and to use the money in accordance with the terms and conditions expressed in the act of Congress.

Same

23354. The State assents to the provisions of an act passed by Congress known as the Capper-Ketcham Act and entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act, entitled 'An act donating public lands to the several States and territories which may provide colleges for the benefit of agriculture and the mechanical arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," and approved May 22, 1928.

The Regents of the University of California are authorized to receive the grant of money appropriated under the act of Congress, and to organize and conduct extension work in accordance with the terms and conditions expressed in the act.

23355. The State assents to the provisions of an act, passed by Congress and entitled "An act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of co-operative agricultural extension work and the more complete endowment and support of land-grant colleges," approved June 29, 1935, Public—No. 182—74th Congress. Same

The Regents of the University of California are authorized to receive all grants of money appropriated under the act of Congress, and to apply, use, and expend the grants of money for the purposes and in accordance with the terms, conditions, and requirements set forth in the act.

CHAPTER 3. SPECIAL SCHOOLS AND DEPARTMENTS

Article 1. Toland Medical Department

23401. The Medical Department of the University of California shall be known and designated as the Toland Medical Department of the University of California, and all degrees, diplomas, scholarships, and records of the department shall be made out, and all proceedings in connection therewith shall be conducted in and by such name and designation. Designation

Article 2. Hastings College of Law

23451. The law college founded and established by S. C. Hastings shall forever be known and designated as the Hastings College of Law. Designation

23452. The college is affiliated with the University of California, and is the law department thereof. Affiliation

23453. The college shall afford facilities for the acquisition of legal learning in all branches of the law. To this end it shall establish a curriculum of studies and shall matriculate students who reside at the University of California or elsewhere in the State. Curriculum

23454. The faculty of the University of California shall grant, and the president shall sign and issue, diplomas to the students of the college. Diplomas

23455. The business of the college shall be managed by the board of directors. Five directors constitute a quorum for the transaction of all business. The directors shall serve without compensation. Board of directors

23456. The Chief Justice of the Supreme Court of the State is president of the board of directors. President

23457. Vacancies in the board of directors shall be filled by the board from members of the Bar Association of San Francisco or otherwise. Vacancies

23458. The officers of the college are a dean, a registrar, and eight directors. One of the directors shall always be an heir or representative of S. C. Hastings. The dean and registrar shall be appointed by, and may be removed by the board of directors. Officers

Appointment and renewal of officers

23459. The acting officers of the college shall be appointed and may be removed by the directors.

Dean

23460. The dean of the college is ex officio a member of the faculty of the University of California.

Professorships

23461. Professorships may be established in the name of any founder who pays to the directors the sum of thirty thousand dollars ($30,000).

Appropriation

23462. The sum of 7 percent per annum upon one hundred thousand dollars ($100,000) shall be appropriated annually by the State and shall be paid in semiannual payments to the directors of the college.

Failure to appropriate

23463. If the State fails to pay to the directors of the college the sum of seven thousand dollars ($7,000) annually, pursuant to Section 23462, or if the college ceases to exist, the State shall pay to the heirs or legal representatives of S. C. Hastings, the sum of one hundred thousand dollars ($100,000), and all unexpended accumulated interest, unless the failure is caused by mistake or accident, or the omission of the Legislature to make the appropriation at any one session.

Courses conducted at Sacramento

23464. All courses conducted by the college at Sacramento shall be deemed to be given at the site of the college in San Francisco.

Chapter 4. University of California Police

Peace officers

23501. The Regents of the University of California is authorized and empowered to appoint one or more persons to be members of the University of California police department as such police department is constituted on September 19, 1947, or may thereafter be constituted. Persons employed and compensated as members of said police department, when so appointed and duly sworn, are peace officers; provided, that such officers shall not exercise their powers or authority except (a) upon the campuses of the University of California and an area within one mile of the exterior boundaries of each thereof, and (b) in or about other grounds or properties of the University of California.

Badge

23502. Every member of the University of California police department shall be supplied with, and authorized to wear, a badge bearing the words "University of California Police."

DIVISION 18. STATE COLLEGES

Chapter 1. General Provisions

Objects

23601. The primary function of the state colleges is the training of teachers. State colleges also may offer courses appropriate for a general or liberal education and for responsible citizenship; offer training in engineering, science, and mathematics; offer vocational training in such fields as business, industry, public services, homemaking, and social

service; and offer the preprofessional courses needed by students who plan to transfer to universities for advanced professional study. Courses in military science and tactics may be given in conformance with the laws of the United States made and provided with reference to R. O. T. C. units in educational institutions.

Activities

23602. Each state college may engage in such activities for which provision may hereinafter be made.

Administration of colleges

23603. The several state colleges are in charge of the Director of Education for purposes of administration.

Rules

23604. The State Board of Education shall prescribe rules (a) for the government of the state colleges, and (b) for the reports of officers and teachers of the colleges and for visiting other schools and institutions.

Meeting of State Board of Education

23605. A meeting of the State Board of Education shall be held annually at such time as is determined by the rules of the board to consider and act upon matters pertaining to the several state colleges.

Representative of state college

23606. Each state college may send the president of the institution, or a member of the faculty of the institution, or both to the meeting, in order to submit and discuss matters affecting the training and certification of teachers and make recommendations for the control of the training and certification of teachers.

The actual and necessary expenses incurred by officials in attending the meeting may be audited and paid in the same manner as other bills for the maintenance of the institution.

Matters to be considered

23607. At the joint meeting of the State Board of Education and the representatives of the state colleges, matters affecting the colleges may be presented by members of the board, by the Director of Education and his assistants, and by the representatives of the colleges, and, after due presentation and consideration, the board may adopt rules and regulations for the government of state colleges pursuant to Sections 23601 to 23607, inclusive, Sections 23651 to 23958, inclusive, Sections 24051 to 24703, inclusive, and Sections 24951 to 24954, inclusive.

Agreements for clinical experience and facilities

23608. The Director of Education may contract with any public or private hospital or other public or private institution or agency having clinical facilities for furnishing clinical experience and the use of clinical facilities to the State in connection with approved state college programs requiring such facilities and experience.

Right to contract for television broadcasts

23609. Subject to the approval of State Board of Education, the Director of Education, on behalf of any state college, may enter into contracts, either alone or in co-operation with the governing board of any school district, or a county superintendent of schools with the permission of the governing boards and acting on behalf of such school districts, for the purpose of participating in or the procuring of television broadcasts for use in the educational program of the college.

Nothing contained in this section, however, shall be construed as authorizing the Department of Education or a state college to own, lease, or operate a television broadcasting station.

Agreements with federal agencies

23610 The Director of Finance may enter into agreements with any agency of the Federal Government for the construction of housing and other educational facilities for students and faculties of any college under the jurisdiction of the Department of Education if the director determines that the income, rent and charges for the use of the facilities will be sufficient in amount to repay the principal and interest on the amount secured from the Federal Government for the construction of the facilities. Whenever necessary to secure the full benefits of any federal statutes pertaining to loans or grants to educational institutions for housing and other educational facilities, the director may give such security as may be required and may comply with such conditions as may be imposed by the Federal Government.

CHAPTER 2. ADVISORY BOARDS

State college advisory boards

23651. For each state college, except as otherwise provided in this chapter (Sections 23651 to 23658, inclusive), there shall be an advisory board of not less than seven nor more than thirteen members, who shall be appointed by the Director of Education, subject to confirmation by the State Board of Education. Each member of the advisory board of a state college shall reside in the area in which the college is located. No person shall be appointed to serve as a member of an advisory board who at the time holds any salaried educational position.

Terms of office

23652. The terms of office of the members of each board shall be four years, except as otherwise provided, and they shall hold office until the appointment and qualification of their successors. The terms of the first members of each advisory board shall be fixed by the Director of Education and in such manner as will provide for the expiration each year of the terms of, as nearly as may be possible, one-fourth of the members.

Vacancies

23653. A vacancy shall be filled by appointment by the Director of Education, subject to confirmation by the State Board of Education. The appointee shall hold office only for the balance of the unexpired term.

Chairman and executive secretary

23654. The members of each board shall select a chairman from the members of the board The president of the college shall be the executive secretary of the board.

Consultations

23655. Each board shall consult and advise with the president of the college with respect to the improvement and development of the college

Meetings

23656. Each board shall meet at least once each year and shall meet at such other times as the chairman or executive secretary may designate.

23657. The executive secretary of each board shall keep the Director of Education fully informed with respect to the activities of the board and immediately following each meeting thereof shall forward to the director a complete report of the meeting, including all recommendations made by the board. Reports

23658. The provisions of this chapter (Sections 23651 to 23658, inclusive) do not apply to the California State Polytechnic College. Applicability

CHAPTER 3 STUDENTS

Article 1. Admission and Exclusion

23701. The State Board of Education at the joint meeting of the board and the representatives of the state colleges may adopt rules and regulations for the government of the state colleges in prescribing (a) the standards of admission for students entering the state colleges, and (b) the rules for transfer of students from one state college to another. Standards for admission and transfer

23702. A student for good cause may, upon recommendation of the president of the college from which he seeks to be transferred, enter any other state college and without examination be admitted to classes corresponding to those in the college which he has left. Transfer

23703. Students shall be admitted to the state colleges in accordance with the rules and regulations of the State Board of Education pursuant to this article (commencing at Section 23701). Admission of students

23704. No applicant or student shall be required as a condition to admission or attendance to make a declaration that it is his intention to become a teacher or any declaration to like effect. Declaration of student

23705. An applicant for admission, with or without advanced standing, to a state college who also applies for admission to a teacher training curriculum of the college, or who at the time of applying for admission to a state college states his intention to apply for admission to a teacher training curriculum of the college, shall, upon meeting the requirements for admission to such curriculum and if otherwise qualified, be given preference in admission to the college and no such applicant meeting such conditions shall be denied admission. Admission preference

23706. Teachers holding valid certificates to teach in any county in the State, and such other persons as are qualified for admission under the rules and regulations of the State Board of Education may be admitted to any state college. Qualifications

23707. The Director of Education may on recommendation of the faculty and president of a college exclude students who, because of poor scholarship or other evidence of unfitness, are judged incapable of completing the college course or who violate in any substantial manner generally accepted standards of conduct. Exclusion

Article 2. Students Fees

Fees and deposits

23751. With the approval of the Director of Education, tuition fees and deposits may be required of and collected from students enrolled in state colleges. Special fees to cover cost of materials for specific courses in either regular or summer sessions, other fees as may be determined to be necessary to cover cost of accommodation services and other services provided students, and fees for extension and correspondence courses may be collected if authorized by the Director of Education, but such fees shall not be considered as part of the general tuition fee.

Unexpended portion

23752. The unexpended portion of any fee, as determined by regulations prescribed by the Director of Education and approved by the Department of Finance, collected from a student in any state college may be refunded to such person.

Fees for transcripts

23753. With the approval of the Director of Education, fees may be required of and collected from, applicants for admission to state colleges and from former students of state colleges, for the evaluation of transcripts or furnishing of transcripts. The fee for each evaluation of a transcript or for each transcript furnished shall not exceed two dollars ($2).

Placement service and fee

23754. A placement service may be maintained at any state college for the placement of students and former students of the college. A placement service fee in the amount fixed by the Director of Education may be charged former students using such service.

Appropriation of fees

23755. All fees collected from students in any state college and from other persons under Sections 23603 to 23607, inclusive, Sections 23751 to 23803, inclusive, Sections 24051 to 24104, inclusive, Sections 24451 to 24455, inclusive, and Sections 24581, 24582, and 24601 are hereby appropriated for the support of the state college by which collected in addition to such other amounts as may be appropriated therefor by the Legislature. Such fees shall augment such support appropriation of the state college current at the date of issuance of the State Controller's receipt therefor as may be designated by the state college prior to their deposit in the State Treasury.

Tuition fees

23756 Except as otherwise provided, the total tuition fees charged any student in a state college shall not exceed twenty-five dollars ($25) per year or twelve dollars and fifty cents ($12 50) per semester.

Same Nonresident

23757. An admission fee and rate of tuition fixed by the Director of Education shall be required of each nonresident student. The rate of tuition to be paid by each nonresident student shall not be less than one hundred eighty dollars ($180) per year.

Persons deemed residents

23758. Notwithstanding any provision to the contrary, any person whose parent is in the active military service of the United States of America and is stationed in this State on the opening day of the semester during which the

person proposes to attend the state college shall, for the purposes of Sections 23603 to 23607, inclusive, Sections 23751 to 23803, inclusive, Sections 24051 to 24104, inclusive, Sections 24451 to 24455, inclusive, and Sections 24581, 24582, and 24601, be deemed to be a resident of this State for such semester. Any admission fee or rate of tuition required of such person shall not exceed the amount required of a resident student enrolled in the same course as such person.

"Nonresident student"

23759. "Nonresident student" means any person who has not been a bona fide resident of the State for more than one year immediately preceding the opening day of a semester during which he proposes to attend the state college.

Determination of residence

23760. The residence of each student shall be determined in accordance with the rules for determining residence prescribed by Sections 243 and 244 of the Government Code, except that for the purpose of this section it shall be deemed that the residence of an unmarried minor who has a parent living cannot be changed by either his own act or that of his guardian. Every alien student is deemed to be a nonresident student unless he has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States.

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

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

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

Oaths re residence

23761. The Director of Education shall designate a person employed at each state college to administer oaths or affirmations in connection with the taking of testimony relative to any residence status.

Article 3. Student Organization

Establishment of student body organizations

23801. A student body organization may be established at any state college under the supervision of the college officials for the purpose of providing essential activities closely related to, but not normally included as a part of, the regular instructional program of the college. The activities conducted by such an organization shall be designed to contribute to the development of skill and facility in human relations, the development of leadership ability, and the recreational and social needs of students. The activities may include but shall not be limited to the operation of campus publications, musical organizations, speech and dramatics activities, student government activities, intramural and intercollegiate sports, and the sponsorship of clubs and organizations which are designed for students specializing in various major subject matter areas offered by the college Such an organization may also operate a campus store, a cafeteria, and other projects not inconsistent with the purposes of the college.

Notwithstanding any provisions of law to the contrary, if a student body organization is established at any state college and upon the favorable vote of two-thirds of the students voting in an election held for this purpose, in such manner as the Director of Education shall prescribe, and open to all regular students enrolled in such college, the State Director of Education shall fix a membership fee which shall be required of all regular students attending such college. This required fee may be subject to referendum at any time upon the presentation of a petition to the president of the college containing the signatures of 35 percent of the regularly enrolled students at such college. A successful referendum shall take effect with the beginning of the academic year following that in which the election was held. The director may also fix student body organization membership fees for limited and summer session students attending such college. Such fees shall not be charged to students registering solely in extension classes offered by the college. Each state college student shall pay the required membership fee, or at his option shall agree to work off the amount of the fee at the prevailing student rate of the college, as a prerequisite to enrollment in the college. No student shall be required to pay student body membership fees in an aggregate amount exceeding twenty dollars ($20) annually. The provisions of this section shall apply to any vote held during the spring semester of the 1950-51 school year.

Fees

23802. Notwithstanding any provision of law to the contrary, student body organization membership fees authorized under the provisions of Section 23801 hereof shall be collected by the officials of the college, together with all tuition and material and service fees, at the time of registration. Moneys collected on behalf of student body organizations shall be transmitted by the business manager to the student body treasurer and such moneys may be deposited by said treasurer in local

bank accounts under the jurisdiction of the student body organization.

All moneys received by a state college from any agency of the State or Federal Government for the payment of student body organizations membership fees of students attending the college shall be in a like manner transmitted by the business manager to the treasurer of the student body organization and deposited in local bank accounts as provided above.

Use of fees

23803. All moneys collected by a state college on behalf of a student body organization under the provisions of Sections 23603 to 23607, inclusive, Sections 23751 to 23803, inclusive, Sections 24051 to 24104, inclusive, Sections 24451 to 24455, inclusive, and Sections 24581, 24582, and 24601 shall be available for such purposes of the student body organization as are approved by the State Director of Education. These funds may be drawn against by the appropriate officers of the student body organization for expenditures necessary to carry out the purpose of the organization.

Chapter 4. Courses of Study

Length of courses

23851. The courses of instruction in any state college shall be of such length as may be necessary to fulfill the requirements for the various credentials approved for the teacher-training program of that college by the State Board of Education.

Courses of study

23852. The Director of Education shall:

(a) Establish, with the approval of the State Board of Education, courses for training of teachers in any or all of the subjects for which special credentials of the elementary and secondary grade are granted, and upon the satisfactory completion of these courses grant diplomas of graduation therefrom.

(b) Establish, with the approval of the State Board of Education, such additional teacher-training courses as are authorized by law or by the State Board of Education in accordance with law.

(c) When authorized so to do by the State Board of Education, establish and maintain courses of instruction and teacher-training leading to a baccalaureate degree, and grant the degree.

(d) When authorized so to do by the State Board of Education, establish and maintain courses of instruction leading to a master degree, and grant the degree.

(e) Establish and maintain courses of study only in accordance with the rules and regulations prescribed by the State Board of Education.

Rules

23853. The State Board of Education, at the joint meeting of the board and the representatives of the state colleges, may adopt rules and regulations for the government of the state colleges in the following matters:

(a) The standardizing, as far as the board deems wise and necessary, of the courses of instruction offered in the several state colleges for the preparation of teachers for the public schools of the State.

(b) The establishing and conducting in any or all of the state colleges of courses for the training of teachers in any or all of the subjects for which special certificates of the elementary and the secondary grade may by law be granted.

Military science and tactics

23854. The Director of Education, with the approval of the State Board of Education, may establish at any one or more of the state colleges courses in military science and tactics complying with the laws of the United States made and provided with reference to R. O. T. C. units in educational institutions. No student enrolled in any state college shall be required to enroll in any course in military science and tactics.

Bond

23855. The Director of Education is authorized to give in the name of the State of California such bond as may be required by the Federal Government or any officer or agency thereof, for the care, safekeeping, and return of property of the United States issued to any state college for the Reserve Officer Training Corps unit maintained at such state college.

Model and training schools

23856. The Director of Education may establish and maintain model and training schools of the kindergarten, elementary, and intermediate or junior high school grade, and require the students of the state colleges to teach and instruct classes therein.

Alcohol and narcotics

23857. In all teachers' training classes in the state colleges, adequate time and attention shall be given to instruction in the best methods in teaching the nature of alcohol and narcotics and their effects upon the human system.

Agriculture

23858. Such state colleges as are designated by the State Department of Education to do so, shall prepare students to become teachers of elementary agriculture.

The amount of time devoted to such preparation shall be equal to that devoted by the state colleges to preparation for the teaching of any other subject taught in the public elementary schools.

Fire prevention

23859. The State Board of Education in standardizing the courses of instruction offered in the several state colleges shall prescribe a course of fire prevention, and shall make the completion of the course a requirement for graduation.

Physical education

23860. The State Board of Education in standardizing the courses of instruction offered in the several state colleges shall prescribe a course in physical education. The completion of the course shall be a requirement for graduation unless an exemption shall have been granted as herein provided. The president of each state college may grant temporary exemption to students who are ill or injured where a modified program to meet the needs of the students cannot be provided, and to students while enrolled for one-half, or less, of the work normally re-

quired of full-time students. Permanent exemption may be granted a student who has reached his twenty-fifth birthday.

23861. A student enrolled in a course in military science and tactics shall be given the same credit as though enrolled in the course in physical education. The receipt by the student of the same number of credits he would have received had he successfully completed the prescribed course in physical education is deemed to be the equivalent of the completion of the required course in physical education. Credit

23862. The State Board of Education may establish in any one or more of the state colleges courses for the giving of adequate instruction in the best methods of testing sight and hearing of public school pupils. Teaching sight and hearing

23863. The Department of Education may authorize the establishment of a teacher training program for teachers of speech correction, lip reading, the deaf, the blind, spastics, physically handicapped, and mentally retarded at a state college. Training program for teachers of handicapped

23864 A state college may, with the approval of the Director of Education, annually conduct and maintain a summer session. Summer session

23865. Tuition fees adequate, in the long run, to meet the cost of maintaining summer sessions in the state colleges shall be required of, and collected from, students enrolled in each such summer session under and pursuant to rules and regulations prescribed by the Director of Education. Tuition fees

23866. Special fees to cover cost of materials for specific services and other fees to cover the cost of accommodation services and other services provided students, may be collected, if authorized by the Director of Education, from students enrolled in each summer session. Special fees

CHAPTER 5. TEXTBOOKS AND EQUIPMENT

23901. The State Board of Education, at the joint meeting of the board and the representatives of the state colleges, may adopt rules and regulations for the government of the state colleges in prescribing the use, in the grades and classes for which they are adopted, of the state series of textbooks. Textbooks

23902. The Director of Education shall provide for the purchase of apparatus, furniture, equipment, stationery, and textbooks for the use of the students of state colleges. The provisions of Article 1 of Chapter 4 of Division 5 of Title 1 of the Government Code shall not apply to the purchase of musical instruments made pursuant to this section. Purchase

23903. A wind tunnel and necessary appurtenances may be erected and maintained on the campus of the San Diego State College for use in the study of problems relating to aircraft. Wind tunnel

The wind tunnel and appurtenances may be erected and maintained by the Federal Government, or by any agency

thereof, or may be erected and maintained through funds granted to the State, or any agency thereof, by the Federal Government, or any agency thereof. The construction, maintenance, and use thereof shall, in any case, be subject to such terms and conditions as are agreed upon by the Federal Government or any of its agencies and the Director of Education.

The wind tunnel and appurtenances may be leased, in the manner provided by law, to industries engaged in furnishing supplies and materials to the Federal Government, or any agency or agencies thereof, and to educational institutions.

CHAPTER 6. GRADUATION AND DEGREES

Standards

23951. The State Board of Education at the joint meeting of the board and of the representatives of the state colleges may adopt rules and regulations for:

(a) The determination of the time and standards for graduation from the state colleges except that no student who is not a candidate for a teaching credential shall be required as a condition to graduation or otherwise to enroll in more than six units of pedagogy.

No student shall be required as a condition to graduation, or for any other purpose, to enroll in any course in military science and tactics.

(b) The prescribing of standards for the granting of designated baccalaureate and master degrees by the state colleges.

(c) The establishing of standards for the maintenance of collegiate and degree-granting status by any of the state colleges.

(d) The authorizing of any state college, upon its application therefor and upon proper showing that it has met the standards established and prescribed, to grant baccalaureate and master degrees.

Diplomas and master degrees

23952. The Director of Education, upon the recommendation of the faculty, may issue to those students, who worthily complete the full course of study and training prescribed, diplomas of graduation and master degrees from any of the courses of study and training authorized by law.

Board of examiners for vocational teachers

23953. There is hereby created a board of examiners for vocational teachers. The board shall consist of the Commission for Vocational Education, as created and established by the State Board of Education and two other members, selected by the Superintendent of Public Instruction and Director of Education who are presidents of state colleges and who shall hold office at the pleasure of the Superintendent of Public Instruction and Director of Education.

Powers

23954. The board shall set up an examination or shall evaluate the qualifications of vocational teachers desirous of qualifying for the baccalaureate degree. The evaluation shall be based upon the education, completion of approved vocational teacher training, occupational experience, supervisory

experience, and managerial experience of the candidate. The board is authorized to recommend to state colleges the number of units to be allowed towards a baccalaureate degree, but shall not recommend that a candidate be granted more than 40 units for occupational experience, supervisory experience and managerial experience. The evaluation shall be at the discretion of the board.

Recommendation for degree

23955. On the basis of the examination and an evaluation of the candidate's experience and other qualifications made by the board, it shall recommend the granting of a baccalaureate degree in vocational arts by any state college.

Qualifications

23956. Any candidate for a baccalaureate degree shall be a high school graduate, shall have had not less than seven years actual experience in the trade or occupation in which he desires to qualify, and shall have had a minimum of 1,620 hours teaching experience in an approved vocational class, or 1,000 hours teaching experience in an approved trade extension class.

In lieu of the educational qualifications, the board may evaluate and make recommendations concerning such other qualifications as it deems applicable for persons lacking the formal educational qualifications.

Meetings

23957. All meetings of the board shall be open and public.

Records

23958. All records of the board shall be open to inspection by the public during regular office hours.

CHAPTER 7. FINANCE

Article 1. Revenues

Gifts to state colleges

24001. Notwithstanding any other provision of law, the president of a state college may, without the approval of the Director of Finance, accept gifts of money impressed with a condition that the same shall be used as a student loan fund for, or that the same shall be used to provide scholarships for, students attending courses offered by the college. The president shall cause such moneys to be deposited in a trust account in accordance with the provisions of Government Code Sections 16305-16305.7. He may expend, loan, or otherwise administer such moneys in accordance with the terms of the gifts.

Article 2. Expenditures and Control

Expenditure of money

24051. The Director of Education shall control and expend all moneys appropriated for the support and maintenance of the state colleges, and all moneys received as donations.

Accreditation costs

24052. The Director of Education shall, from any moneys appropriated for the support and maintenance of a state college, pay the necessary expenses of individuals assigned by accreditation associations or organizations to investigate and evaluate a college for purposes of accreditation and to pay the

fees required by accreditation associations or organizations for each college accredited by or belonging to each such association or organization.

Rules

24053 The Director of Education shall prescribe rules and regulations subject to the approval of and audit by the Department of Finance covering the collection, custody, and disposition of any and all moneys collected by any state college.

CHAPTER 8. CONTROL OF PROPERTY

Lease of property

24101. The Director of Education, subject to the approval of the Department of Finance, may lease any property of a state college to a nonprofit organization composed exclusively of students of the college or of members of the faculty of the college, or of both, for purposes related to the activities of the college or to activities of organizations of students or members of the faculty.

Same

24102. The Director of Education, with the approval of the Director of Finance, may lease land of a state college to any nonprofit organization, including but not limited to fraternities, sororities, and student clubs, for the purpose of constructing and using thereon buildings as living quarters for students of the state college and buildings as meeting places for organizations composed of students of the state college Such leases shall be for a period of not to exceed 99 years and otherwise upon such terms and conditions as shall be in the best interest of the State.

Same

24103. The president of a state college, with the approval of the Director of Education and Director of Finance, may let any property of the state college for any purpose which will not interfere with the requirements of the state college. The Director of Education and the Director of Finance may each exempt from the requirement of his approval under this section certain types or classes of transactions and authorize the entering into of such transactions without submitting them for his approval.

Any rental received under this section shall be deposited in the State Treasury and credited to the support appropriation or appropriations of the college current during the period of occupancy.

Driver training insurance

24104. The Department of Education may insure the owner of any motor vehicle used in driver training and employees of state colleges and the students instructed by them against any liability, other than a liability which may be insured against under Division 4 of the Labor Code, for injuries or damages resulting from the negligent operation of any motor vehicle while such motor vehicle is operated by the employees or by students in connection with the giving of instruction in the operation of motor vehicles within the curricula of the state college.

CHAPTER 9. EMPLOYEES

Article 1. Faculty

24201. The president of each state college shall be appointed by the Director of Education subject to the approval of the State Board of Education. President

24202. Except as otherwise provided, the members of the teaching staff of each state college and all officers and employees of the college shall be appointed by the Director of Education, subject to the approval of the State Board of Education, only upon the recommendation of the president of the college Temporary appointments may be made by the director to remain in force until the next meeting of the Board of Education. Student assistants, instructors for extension service, and members of the teaching staff of a state college summer session and officers and employees of such session shall be appointed by the Director of Education upon the recommendation of the president of the college. Members of teaching staff

24203 Upon separation from service, without fault on his part, an employee of a state college is entitled to a lump sum payment as of the time of separation for any unused or accumulated vacation or for any time off to which he is entitled by reason of previous overtime work where compensating time off for overtime work is provided for by the appointing power or by rules of the State Personnel Board. Payment upon separation

Such sum shall be computed by projecting the accumulated time on a calendar basis so that the lump sum will equal the amount which the employee would have been paid had he taken the time off but not separated from the service. Persons separated from service through fault of their own are entitled to a lump sum payment for such compensating time off for overtime work, similarly computed, and in addition, such portion, if any, of unused vacation as the Director of Education may determine.

24204 The duties of all presidents, members of teaching staff, officers and employees of state colleges shall be prescribed and fixed by the director, subject to the approval of the State Board of Education. The State Personnel Board shall establish and adjust the salaries of all presidents, members of teaching staff, officers, and employees of state colleges in the same manner and following the same procedures as in the establishment and adjustment of state civil service salaries The State Personnel Board shall establish and adjust the classifications of all presidents, officers, and employees of the state colleges in the same manner and following the same procedures as in the establishment and adjustment of state civil service classifications, except that all positions filled on an academic year employment basis, positions as vocational instructors, and positions as teachers and instructors filled on a fiscal year basis shall be classified by the director. Professors or instructors of military science and tactics courses in charge of any R. O. Duties and salaries

T. C. units which are established in any state college are not, for the purpose of this article (commencing at Section 24201), considered members of a faculty or teaching staff in the state college, but have the status and prerogatives in respect to the respective faculties of the state colleges in which R. O. T. C. units are established, of similar professors or instructors in respect to the faculty of the University of California.

Community relation responsibilities Budget

24205. The president of each state college may budget an amount to be expended in accordance with rules and regulations adopted by the State Board of Control for use in carrying out the community relation responsibilities of his office as defined by the State Board of Education.

Term of appointment

24206. After the president, a member of the faculty, or other employee, has served successfully and acceptably in the college for a period of two years, his appointment thereafter may, at the discretion of the State Board of Education, be made for a term not to exceed four years, unless removed for cause.

Termination of appointment

24207. The employment of any employee of a state college, excepting those employees who on October 1, 1949, were and now are members of the State Teachers' Retirement System, shall terminate on the first day of the calendar month next succeeding that in which he attains age 70, except as follows:

(a) Any person who is employed in a teaching capacity on a semester or school-year basis may elect to continue in active service until the end of the semester or school year during which he attains age 70.

(b) A state college president may elect to continue in active service until the end of the quarter, semester, or academic year during which he attains age 70.

(c) Any person who is an academic teaching and administrative employee, as defined in Section 24301(1)(e), may elect to continue in active service until the end of the quarter, semester, or academic year during which he attains age 70.

Additional compensation

24208. If a member of the faculty of a state college is engaged to instruct in extension work, evening work, special Saturday work, or summer session work, he may receive such additional compensation as is agreed upon by the State Board of Education.

Leaves of absence

24209. The Director of Education, on the recommendation of the president of a state college, may grant a leave of absence without compensation, for not to exceed one year, to any employee of the state college not serving in the state civil service, after he has been employed by the state college for not less than one year.

Extension of leave

24210. A leave of absence granted pursuant to Section 24209 to any person may be extended for not to exceed one year by the Director of Education on the recommendation of the president of the state college in which the employee is employed except that during any national emergency declared by the President of the United States of America, such a leave

of absence may be extended from year to year by the Director of Education on the recommendation of the president of the state college in which such employee is employed.

Reinstatement

24211. Upon the expiration of the leave of absence the person to whom the leave of absence was granted is entitled to reinstatement in the position he held at the time the leave of absence was granted him, if the position is still in existence, or to any other comparable existing vacant position for which he is qualified.

Noncivil service employees in active military service, etc.

24212. Every employee of a state college not serving in the state civil service who has entered or who hereafter enters the active military service of the United States of America or of the State of California, including active service in any uniformed auxiliary of, or to, any branch of such military service created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California, or in the full-time paid service of the American Red Cross, during any period of national emergency declared by the President of the United States of America or during any war in which the United States of America is engaged, shall be deemed to have been entitled or shall be entitled to absent himself from his duties as an employee of the college.

Within six months after such employee honorably leaves such service or has been placed on inactive duty he shall be entitled to return to the position held by him at the time of his entrance into such military service, at the salary to which he would have been entitled had he not absented himself from his duties as an employee of the college under this section.

Article 2. Leaves of Absence

Employees Leaves of absence

24251. The Director of Education may grant an employee of a state college not in state civil service a leave of absence for not to exceed one year for the purpose of permitting study or travel by the employee which will benefit the college and the students thereof.

Requirements

24252. No leave of absence shall be granted to any employee under this article (commencing at Section 24251) who has not been employed in a state college for at least six consecutive years preceding the granting of the leave of absence, and not more than one such leave of absence shall be granted in each six-year period; provided, if any employee is granted a leave of absence without pay the time necessary to qualify for a leave of absence under this article (commencing at Section 24251) shall be extended by the amount of time that such employee is on leave of absence without pay. The Director of Education may, subject to the rules and regulations of the State Board of Education, prescribe the standards of service which shall entitle the employee to the leave of absence.

Limitation on leaves

24253. Not more than 5 percent of the employees of any state college having the rank of assistant professor or higher or the equivalent thereof shall be granted leaves of absence

under this article (commencing at Section 24251) for the same or overlapping periods of time.

Compensation

24254. Except as otherwise provided in Section 24255 every member of the faculty of a state college granted a leave of absence under this article (commencing at Section 24251) may be required to perform such services during the leave of absence as the State Director of Education, with the approval of the State Director of Finance, and the faculty member may agree upon in writing and the faculty member shall receive as compensation for such services the difference between his salary and the salary of the person employed to fill the position held by him prior to the granting of the leave of absence

Same

24255 A member of the faculty of a state college having a rank not lower than that of assistant professor or the equivalent thereof in the case of a state college not ranking the members of its faculty on a professorial scale or ranking members of its faculty on both a professorial and equivalent instructor scale and vocational instructor scale, and eligible for a leave of absence under this article (commencing at Section 24251), may be granted a leave of absence for six months with full pay or a leave of absence for one year with one-half pay for the purpose of such study as the Director of Education shall approve.

No leave of absence shall be granted to any faculty member under this section who has not been employed full time for at least six consecutive years in a state college, and not more than one such leave of absence shall be granted in each six-year period. Not more than 5 percent of the eligible faculty of any state college as defined in this section shall be granted leaves of absence in any one year; provided, however, a minimum of one faculty member of each college shall be eligible for a leave of absence. Whenever the 5 percent computation results in a fraction of 50 percent or more of a faculty member being eligible a faculty member shall be eligible for such fraction. The computation of the total number eligible for leave of absence under this article (commencing at Section 24251) for any academic year shall be made on March 1st of the preceding academic year.

Payment

24256. Compensation granted an employee on leave of absence under this article (commencing at Section 24251) may be paid in two equal annual installments during the first two years of service rendered in the employ of the state college, following the return of the employee from the leave of absence The compensation shall be paid the employee while on the leave of absence in the same manner as if the employee were serving in the college, upon the furnishing by the employee of a suitable bond indemnifying the State of California against loss in the event the employee fails to render at least two years' service in the college, following the return of the employee from the leave of absence. The bond shall be exonerated in the event the failure of the employee to return, and render two years of service is caused by the death or physical or mental

disability of the employee. If the State Board of Education finds and by resolution declares that the interests of the State of California will be protected by the written agreement of the employee to return to the service of the college and render at least two years' service therein following his return from the leave of absence, the State Board of Education, in its discretion may waive the furnishing of the bond and order payment of the employee on leave of absence in the same manner as though a bond is furnished.

If the Director of Education determines that the best interests of the State will be so served, he may grant to such employee one leave of absence without pay, not to exceed one year, at any time following the completion of a leave of absence with pay pursuant to this article (commencing at Section 24251). Time spent on such leave of absence without pay shall not be credited toward the two years' service required by this section following a leave of absence with pay.

Reinstatement in position

24257. At the expiration of the leave of absence of the employee, he shall, unless he otherwise agrees, be reinstated in the position held by him at the time of the granting of the leave of absence.

Liability of State, etc.

24258. The State of California and the officers and employees thereof shall be freed from any liability for the payment of any compensation or damages provided by law for the death or injury of any employee of the state college when the death or injury occurs while the employee is on leave of absence granted under the provisions of this article (commencing at Section 24251).

Credit toward retirement

24259. The time during which an employee of a state college is on leave of absence shall not be credited toward retirement under any retirement system of the State except that if such employee receives compensation during such leave of absence as provided in this article (commencing at Section 24251) the time for which he receives such compensation shall be credited toward retirement. In no event shall the period of any leave of absence granted under this article (commencing at Section 24251) be construed as a break in the continuity of service required toward retirement.

Article 3. Appointment, Tenure, Layoff and Dismissal of Employees Not in State Civil Service

Definitions

24301. (1) Unless context otherwise requires, the definitions hereinafter set forth shall govern the construction of this article (commencing at Section 24301).

(a) Director. Director means the State Director of Education.

(b) President. President means the president of each state college.

(c) College. College means each state college.

(d) Employee. Employee means any employee of a state college not serving in state civil service.

(e) Academic Teaching and Administrative Employee. Academic teaching and administrative employee means an employee of the rank of professor or lower, department heads and division heads whose principal duty is teaching at the state college and an employee whose principal duty is connected with the administration of the teaching program or related service, and includes, but is not limited to deans, business managers, admission officer, registrar, placement officer and professional librarians.

(f) Nonacademic Employee. Nonacademic employee means all employees not serving in state civil service who are not classed as academic teaching and administrative employees, including, but not limited to maintenance men, craftsmen, stenographic and clerical employees.

(g) Dismissal. Dismissal means dismissal for cause.

(h) Layoff. Layoff means separation from a position for lack of funds or lack of work.

(i) Probation. Probation is the period an employee must serve before becoming entitled to permanent employment.

(j) Permanent. Permanent means that the employee has a right to continued employment at the particular college unless dismissed or laid off.

(2) This article (commencing at Section 24301) does not apply to employees serving in state civil service.

(3) This article (commencing at Section 24301) does not apply to state college presidents.

(4) This article (commencing at Section 24301) does not apply to employees of the California State Polytechnic College

(5) This article (commencing at Section 24301) does not apply to student assistants.

Appointment

24302. Except as otherwise provided, every employee of the state college shall be appointed by the director, subject to the approval of the State Board of Education, only upon the recommendation of the president of the college.

(a) Every academic teaching and administrative employee so appointed shall be appointed for an academic year. Temporary academic employees may be appointed for a shorter period but all such temporary appointments shall terminate not later than the close of the academic year in which appointed If an academic teaching or administrative employee serves full time for three successive academic years at the state college and is reappointed for a fourth successive academic year, the said employee shall thereupon become a permanent academic teaching and administrative employee at the same level and salary step or higher.

(b) Every nonacademic employee so appointed shall be appointed for one year which is a probationary period. On reappointment for the second year, the said employee shall be permanent at the same level and salary step or higher salary step as at completion of the said probationary year.

Same: Preference

24303. All vacant positions at each state college shall, as far as practicable and consistent with the best interest of the

college be filled from qualified employees serving in lower positions in the same or related series.

24304. (a) An academic teaching and administrative employee shall be required to serve only one probationary period during employment at the college. Promotions or demotions within this academic group at the college shall not require any probationary period. When an academic teaching or administrative employee who has completed his probationary period is promoted, he shall be deemed to have all rights provided by this article (commencing at Section 24301) in the higher academic rank. In the event an academic employee is promoted to a higher academic rank during his probationary period, such promotion shall not extend the probationary period. The employee will receive his rights under this article (commencing at Section 24301) upon completion of three continuous years of service as an academic employee. Probationary period

(b) Any nonacademic employee shall be required to serve only one probationary period to gain permanent status in a position or in a substantially similar position at the state college; however, in the event such an employee is promoted to a position with substantially different duties or to a position that requires additional duties and abilities, the said employee shall serve a probationary period; provided that, if the said employee does not become permanent in the new position, the employee shall have the right to return to any class at the college in which the employee was permanent.

24305. The Director of Education shall adopt rules prescribing the form, time and method of notice of rejection at any time during probationary period to any probationary nonacademic employee, or notice of intention not to recommend reappointment of an academic teaching and administrative employee for the succeeding year to any such employee not having permanent status. Notice of rejection

24306. A permanent or probationary academic teaching and administrative employee may be dismissed or demoted and nonacademic employees may be dismissed, demoted or suspended for the following causes: Dismissal or demotion

(a) Immoral or unprofessional conduct.

(b) Dishonesty.

(c) Incompetency.

(d) Physical or mental unfitness for position occupied.

(e) Failure or refusal to perform the normal and reasonable duties of the position.

(f) Conviction of a felony or any crime involving moral turpitude.

24307. "Unprofessional conduct" as used in Section 24306 includes, but is not limited to: "Unprofessional conduct"

(a) Membership in, or active support of, a "communist front," a "communist action" organization, or a communist organization, as those terms are now defined in the act of the Congress of the United States designated as "Internal Security Act of 1950."

(b) Persistent active participation in public meetings conducted or sponsored by an organization mentioned in subdivision (a) of this section.

(c) Wilful advocacy of the overthrow of the Government of the United States or of the State, by force, violence or other unlawful means, either on or off the campus.

(d) Wilful advocacy of communism, either on or off the campus, for the purpose of undermining the patriotism of pupils, or with the intent to indoctrinate any pupil with communism or inculcate a preference for communism in the mind of any pupil.

Notice of dismissal or demotion

24308. Notice of dismissal, demotion or suspension for cause shall be in writing, signed by the director and be served on the employee, setting forth a statement of causes, the events or transactions upon which the causes are based, the nature of the penalty and the effective date, and a statement of the employee's right to answer within 30 days and request a hearing before the State Personnel Board.

Hearing

24309. Any employee dismissed, suspended, or demoted for cause may request a hearing by the State Personnel Board by filing such a request, in writing, with the board within 30 days of being served with the notice. The request may be on the grounds that the required procedure was not followed; that there is no ground for dismissal, suspension, or demotion; that the penalty is excessive, unreasonable, or discriminatory; or that the employee did not do the acts or omissions alleged as the events or transactions upon which the causes are based; that the acts or omissions alleged as the events or transactions upon which the causes are based were justified. The State Personnel Board shall hold a hearing, following the same procedure as in state civil service proceedings and shall render a decision affirming, modifying or revoking the action taken. In a hearing the burden of proof shall be on the party taking the dismissal action.

Restoration to position

24310. In the event the dismissal, suspension or demotion is revoked or modified by the State Personnel Board, the employee shall be restored to his position in accord with the said decision, and shall be paid back salary equal to that which the employee would have earned if continuously employed in accord with the decision.

Absence without leave

24311. Absence without leave, whether voluntary or involuntary, for five consecutive working days is an automatic resignation from state service, as of the last date on which the employee worked.

A permanent or probationary employee may within 90 days of the effective date of such separation file a written request with the State Personnel Board for reinstatement; provided, that if the appointing authority has notified the employee of his automatic resignation, any request for reinstatement must be in writing and filed within 15 days of the service of notice of separation. Notice may be personally served or it may be served by mail to the last known residence or business address of the addressee and is complete on mailing. Proof of service,

either personal or by mail, shall be made by affidavit. Reinstatement may be granted only if the employee makes a satisfactory explanation to the board as to the cause of his absence and his failure to obtain leave therefor, and the board finds that he is ready, able, and willing to resume the discharge of the duties of his position or, if not, that he has obtained the consent of his appointing power to a leave of absence to commence upon reinstatement.

An employee so reinstated shall not be paid salary for the period of his absence or separation or for any portion thereof.

Regulations re layoffs

24312. The director shall adopt regulations for determination of the order in which employees shall be laid off for lack of funds or because of lack of work. To the extent the director shall deem practical such regulations shall provide for layoff in the inverse order of employment.

The director shall adopt rules governing the re-employment of employees laid off, pursuant to this section To the extent the director deems practical, such regulations shall include provision that for a period of five years following layoff, an employee shall have a preferential right to re-employment in the same or a comparable position at the college, in the event of a vacancy. This preferential right shall give the employee laid off the right to re-employment in a position comparable to that from which he was laid off over any person not employed at the college at the time the particular employee was laid off.

The director, in adopting regulations under this section shall proceed in accord with the provisions of Chapter 4, Part 1, Division 3, Title 2 of the Government Code.

Part-time employment

24313. A permanent employee may, with his consent and the approval of the president of the college and the director, be employed at less than full time and retain permanent status; provided, seniority credit and any other credit shall be gained only in the proportion the actual time employed is to full-time employment in the position.

Permanent employment

24314. Those employees now having rights to automatic reappointment from year to year shall, on September 9, 1953, be permanent employees in appropriate groups, pursuant to this article (commencing at Section 24301). Employees not having an automatic right to reappointment shall be affected as follows:

(a) Academic teaching and administrative employees shall receive credit toward permanent employment for all full time thus far served.

(b) Nonacademic employees who have served less than one year shall become permanent on completion of one year of service from date of appointment, but in no case at an earlier date than 60 days after September 9, 1953. Nonacademic employees who have served more than one year, but less than three years, shall become permanent if retained in employment for 60 days following September 9, 1953. During the sixty (60) day period employment may be terminated by giving written notice thereof.

Temporary appointments

24315. Nothing in this article (commencing at Section 24301) shall be deemed to preclude the employment of an employee on a temporary, full- or part-time basis for a period of less than one year, or appointment of student assistants, instructors for extension service, and members of the teaching staff of a state college summer session and officers and employees of each such session who shall be appointed by the Director of Education upon the recommendation of the president of the college; providing, however, that a nonacademic employee given temporary appointment and who serves more than one year shall be considered, for the purposes of this article (commencing at Section 24301), a permanent employee.

Rights upon transfer to new state college

24316. Whenever a new state college is established and an employee is transferred from an existing college to the newly established college before or during the first academic year of the newly established college, each employee so transferred shall be entitled to retain all sickness and injury, sabbatical and other leave rights and all seniority and tenure rights accumulated as an employee of the existing college as though the rights had been accumulated as an employee of the newly established college.

CHAPTER 10. EDUCATIONAL ACTIVITIES

Attendance at institutes

24351. The Director of Education may authorize the president of any college, or any member of the faculty of his college designated by him, to attend any county institute as a lecturer or instructor, or to attend other educational meetings and conferences.

Education of veterans

24352. The Director of Education is authorized to do any and all things required or authorized to be done by him or by any school or college under the jurisdiction of the Department of Education under any agreement entered into by him under Sections 6301 to 6306, inclusive, of this code including, but not limited to, the purchase of books, supplies and equipment for veterans educated in such school or college under such agreement.

Extension and field services

24353. The Director of Education shall authorize the president of any state college to establish extension and field services, including extension courses, workshops, conferences, and institutes.

Laboratory demonstration elementary school

24354. The Director of Education, with the approval of the Director of Finance, and the governing board of any school district within which a state college is located, may enter into an agreement providing for the leasing by the State of a school building of the school district for use by the state college as a laboratory demonstration elementary school on such terms and conditions as may be agreed upon by the Director of Education and the governing board of the elementary school district except as otherwise herein provided.

Lease of school building

24355. The lease may be for a period of not to exceed 20 years and shall in addition to any other terms and con-

ditions set forth therein (a) require the school district to maintain the building at its own expense, (b) require the state college to maintain a school therein open to pupils of the school district residing in the attendance district for the school as established by the governing board of the district, and (c) require the school district to pay annually to the State on or before the end of each fiscal year an amount determined by computing the current expenditures per pupil in the elementary schools of the district for the fiscal year and multiplying the amount so computed by the average daily attendance for the fiscal year in the school in excess of 400.

Average daily attendance Crediting

24356. Only the average daily attendance in the school in excess of 400 shall be credited to the school district.

Same Computation

24357. The average daily attendance of pupils in the school shall be computed separately in the same manner as the average daily attendance in other schools of the same grade maintained by the school district.

CHAPTER 11. HOUSING AND AUXILIARY SERVICES

Article 1. Housing—General

Student housing facilities

24451. Student housing facilities may be established and maintained at any state college for the accommodation of students of the college.

Same Unmarried minors

24452. The president of a state college, with the approval of the Director of Education, may require unmarried minor students of the state college, not living with a parent or guardian, to reside in private homes or other dwellings approved by the college, or to occupy student housing facilities provided at the college by the State.

Rents, etc.

24453. The Director of Education, with the approval of the Director of Finance, shall fix the rents, charges, and fees to be required of students utilizing student housing facilities operated by a state college, but such rents, charges, and fees shall be fixed to yield not less than the annual revenue required to meet annual operating and maintenance expenses, including repairs and the replacement of equipment.

All rents, charges, and fees collected by any state college pursuant to this section shall be paid into a working capital revolving fund in the State Treasury, to be designated the College Auxiliary Enterprise Fund, which fund is hereby created.

All money in the College Auxiliary Enterprise Fund is hereby appropriated to the department for the maintenance, repair, and operation of student housing facilities established under the provisions of this section and for the construction, including repayment of loans or advances for initial costs, improvement, and equipment of such student housing facilities pursuant to the provisions of this section, and for the payment of refunds of rents, charges, and fees to any person

entitled thereto, as determined by the department in accordance with law.

Refunds

24454. Rents, charges, and fees collected in error may be refunded by the Department of Education in accordance with regulations prescribed by the Director of Education and approved by the Department of Finance.

Refunds of rents, charges, and fees collected for facilities requested by students and not utilized by them may be made for good cause by the Department of Education in such amounts and under such conditions as may be prescribed by regulations adopted by the Director of Education and approved by the Director of Finance.

Applicability

24455. The provisions of Sections 24453 and 24454 shall not apply to student housing facilities provided for by Sections 24501 to 24567, inclusive, or to student housing facilities at the California State Polytechnic College until the time that student housing facilities funded by the Budget Act of 1957 are available for occupancy.

Article 2. The State College Revenue Bond Act of 1947

Short title

24501 This article may be cited as "The State College Revenue Bond Act of 1947."

Definitions

24502. The following terms wherever used or referred to in this article (commencing at Section 24501), or in any indenture entered into pursuant hereto, shall have the following meanings, respectively, unless a different meaning appears from the context:

(a) "Board" means the State Board of Education of the State of California.

(b) "State college" means a state college maintained under the authority of this code.

(c) The term "project" means any one or more dormitories or other housing facilities or boarding facilities owned or operated or authorized to be acquired, constructed, furnished, equipped and operated by the board for use by students, faculty members or other employees of any one or more state colleges, or a combination of such facilities, which may include facilities already completed and facilities authorized for future completion, designated by the board as a project in providing for the issuance of revenue bonds.

(d) The term "bonds" or "revenue bonds" means the written evidence of any obligation issued by the board with the approval of the State Board of Control, payment of which is secured by a pledge of revenues or any part of revenues, as provided in this article (commencing at Section 24501), in order to obtain funds with which to carry out the purposes of this article (commencing at Section 24501), irrespective of the form of such obligations.

(e) The term "revenues" means and includes any and all fees, rates, rentals and other charges received or receivable in connection with, and any and all other incomes and receipts

of whatever kind and character derived by, the board from the operation of or arising from a project, including any such revenue as may have been or may be impounded or deposited in any fund in the State Treasury created by this article for the security of any revenue bonds issued hereunder, or for the purpose of providing for the payment thereof or the interest thereon.

(f) The "holder of bonds" or "bondholder" or any similar terms shall mean any person who shall be the bearer of any outstanding revenue bond or bond registered to bearer or not registered or the registered owner of any such outstanding revenue bond or bond which shall at the time be registered other than to bearer.

(g) The term "indenture" means an agreement entered into by the board pursuant to which revenue bonds are issued, regardless of whether such agreement is expressed in the form of a resolution of the board or by other instrument

(h) The term "person" includes any individual, firm, corporation, association, copartnership, trust, business trust or receiver or trustee or conservator for any thereof, but does not include this State or any public corporation, political subdivision, city, county, district or any agency thereof or of this State.

(i) (a) The present tense includes the past and future tenses; and the future, the present.

(b) The masculine gender includes the feminine and neuter.

(c) The singular number includes the plural, and the plural the singular.

(d) "Shall" is mandatory and "may" is permissive.

Powers of State Board of Education

24503 The board, for the purposes of this article (commencing at Section 24501), has power and is hereby authorized, in addition to and amplification of all other powers conferred upon said board by the Constitution of the State of California or by any statute of the State of California:

(a) To acquire subject to the Property Acquisition Law, Part 11 of Division 3 of Title 2 of the Government Code, by grant, purchase, gift, devise, lease, or by the exercise of the right of eminent domain, and to hold and use any real or personal property necessary or convenient or useful for the carrying on of any of its powers pursuant to the provisions of this article (commencing at Section 24501).

(b) To construct, operate and control any project.

(c) To fix rates, rents or other charges for the use of any project acquired, constructed, equipped, furnished, operated or maintained by the board, or for services rendered in connection therewith, and to alter, change or modify the same at its pleasure, subject to any contractual obligation which may be entered into by the board with respect to the fixing of such rates, rents or charges.

(d) To enter into covenants to increase rates or charges from time to time as may be necessary pursuant to any such

contract or agreement with the holders of any bonds of the board.

(e) At any time and from time to time, with the approval of the State Board of Control, to issue revenue bonds in order to raise funds for the purpose of establishing any project or of acquiring lands for any project, or of acquiring, constructing, improving, equipping or furnishing any project, or of refinancing any project, or for any combination of such purposes, which bonds may be secured as hereinafter provided.

(f) To exercise, subject to the Property Acquisition Law, Part 11 of Division 3 of Title 2 of the Government Code, the right of eminent domain for the condemnation of private property or any right or interest therein.

(g) To adopt such rules and regulations as may be necessary to enable the board to exercise the powers and to perform the duties conferred or imposed upon the board by this article (commencing at Section 24501).

(h) Nothing contained in this section or elsewhere in this article shall be construed directly or by implication to be in anywise in derogation of or in limitation of powers conferred upon or existing in the board by virtue of provisions of the Constitution or statutes of this State.

Validity of revenue bonds

24504. The validity of the authorization and issuance of any revenue bonds by the board, with the approval of the State Board of Control, is not dependent on nor affected in any way by:

(a) Proceedings taken by the board for the acquisition, construction or completion of any project or any part thereof.

(b) Any contracts made by the board in connection with the acquisition, construction or completion of any project.

(c) The failure to complete any project for which bonds are authorized to be issued.

Obligations of revenue bonds

24505. The board, with the approval of the State Board of Control, shall issue revenue bonds in its name and as its obligation, but no bond issued or sold pursuant to this act shall be or become a lien, charge or liability against the State of California or against the board or against the property or funds of either, except to the extent of the pledge of revenues or part of revenues of the project, as may be provided by the indenture pursuant to which revenue bonds are issued, and every such bond issued by the board shall contain a recital on the face thereof, stating that neither the payment of the principal nor any part thereof, nor any interest thereon, constitutes a debt, liability or obligation of the State of California.

Time, etc., of bond insurance

24506. The board, with the approval of the State Board of Control, shall determine the time, form and manner of the issuance of revenue bonds.

Indentures. Terms and conditions

24507. The board, with the approval of the State Board of Control, may enter into indentures providing for the aggregate principal amount, date or dates, maturities, interest rates, denominations, form, registration, transfer and interchange of

any revenue bonds and coupons issued pursuant to this article (commencing at Section 24501), and the terms and conditions on which the same shall be executed, issued, secured, sold, paid, redeemed, funded and refunded. Reference on the face of the bonds to such indenture by its date of adoption, or the apparent date on the face thereof, is sufficient to incorporate all of the provisions thereof and of this article (commencing at Section 24501) into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this article (commencing at Section 24501), and is bound thereby.

Same Covenants and agreements

24508. An indenture pursuant to which bonds are issued may, with the approval of the State Board of Control, include any and all such covenants and agreements on the part of the board as the board deems necessary or advisable for the better security of the bonds issued thereunder.

Security

24509. An indenture may provide that payments of principal and interest of bonds shall be secured by all or by part of revenues.

Payment of principal and interest

24510. An indenture may include a clause relating to the bonds issued thereunder requiring the board to pay or cause to be paid punctually the principal of all such bonds and the interest thereon on the date or dates, or at the place or places, and in the manner mentioned in such bonds and in the coupons appertaining thereto in accordance with such indenture.

Operation of project

24511 An indenture may include a clause relating to the bonds issued thereunder, requiring the board to operate the project continuously, to the extent practicable under conditions as they may from time to time exist, in an efficient and economical manner.

Repairs etc

24512 An indenture may include a clause relating to the bonds issued thereunder requiring the board to make all necessary repairs, renewals and replacements to any project, and to keep the project at all times in good repair, working order and condition.

Rights of bondholders

24513. An indenture may include a clause relating to the bonds issued thereunder requiring the board to preserve and protect the security of the bonds and the rights of the holders thereof and to warrant and defend such rights.

Claims for labor, materials, etc

24514 An indenture may include a clause relating to the bonds issued thereunder requiring the board to pay and discharge or cause to be paid and discharged all lawful claims for labor, materials and supplies or other charges which, if unpaid, might become a lien or charge upon the revenues, or any part thereof, of any project acquired, constructed or completed from the proceeds of the sale of the bonds, or upon any physical properties, or which might impair the security of the bonds.

Limitations

24515. An indenture may include a clause relating to the bonds issued thereunder which limits, restricts, or prohibits any right, power or privilege of the board to mortgage or other-

wise encumber, sell, lease or dispose of any improvements constructed from the proceeds of the bonds, or to enter into any lease or agreement which impairs or impedes the operation of a project, or any part thereof, necessary to secure adequate revenues or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues.

Rentals, etc.

24516. An indenture may include a clause relating to the bonds issued thereunder requiring the board to fix, prescribe and collect rates, rentals or other charges in connection with the services and facilities furnished from the project acquired, constructed or purchased from part or all of the proceeds of the bonds, sufficient to pay the principal of and interest on the bonds as they become due and payable, together with such additional sums as may be required for any fund created by this article (commencing at Section 24501), for the further security of such bonds or as a depreciation charge or other charge in connection with such project.

Revenues to be held in trust

24517. An indenture may include a clause relating to the bonds issued thereunder requiring the board to hold or cause to be held in trust the revenues or any part of revenues pledged to the payment of such bonds and the interest thereon, or to any reserve or other fund created by this article (commencing at Section 24501) for the further protection of the bonds, and to apply such revenues or any part of revenues or cause them to be applied only as provided in the indenture.

Use of proceeds from bond sale

24518. An indenture may include a clause defining the power of the board in applying the proceedings of the sale of any issue of bonds for the acquiring, constructing, or completing of any project or any part thereof.

Additional bonds

24519. An indenture may include a clause limiting the power of the board to issue additional bonds for the purpose of acquiring, constructing or completing any project or any part thereof.

Insurance

24520. An indenture may include a clause requiring, specifying or limiting the kind, amount and character of insurance to be maintained by the board on any project, or any part thereof, and the use and disposition of the proceeds of any such insurance thereafter collected.

Default

24521. An indenture may include a clause providing the events of default and the terms and conditions upon which any or all of the bonds of the board then or thereafter issued may become or be declared due and payable prior to maturity, and the terms and conditions upon which such declaration and its consequences may be waived.

Breach of covenants, etc.

24522. An indenture may include a clause designating the rights, limitations, powers and duties arising upon breach by the board of any of the covenants, conditions, or obligations contained in any indenture.

Amendments, etc

24523. An indenture may include a clause prescribing a procedure by which the terms and conditions of the indenture may be subsequently amended or modified with the consent of the board, subject to the approval of the State Board of Con-

trol, and the vote or written assent of the holders of a specified principal amount or specified proportion of the bonds issued and outstanding. Such clause may provide for meetings of bondholders and for the manner in which the consent of the bondholders may be given. The clause shall specifically state the effect of such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto, whether attached thereto or detached therefrom.

With respect to any clause providing for the modification or amendment of an indenture, the board, with the approval of the State Board of Control may agree that bonds held by the State Treasurer, the United States or any instrumentality thereof, or the State of California or any political subdivision thereof (including every municipal corporation, district, public corporation, board or agency of any kind or class) shall not be counted as outstanding bonds, or be entitled to vote or assent, but shall, nevertheless, be subject to any such modification or amendment.

Increasing security

24524. An indenture may include a clause or clauses providing for such other acts and matters as may be necessary or convenient or desirable in order better to secure the bonds or to make the bonds more marketable.

State Treasurer as trustee

24525. The State Treasurer shall act as trustee for the board and the holders of bonds issued hereunder, and the board may authorize the trustee to act on behalf of the holders of the bonds, or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders. The board may provide in the indenture for the deposit of all revenues received from the project with such trustee to be held in a separate account in the State College Dormitory Revenue Fund created by this article (commencing at Section 24501). The money in such fund shall be disbursed only as provided in the indenture.

Duties and powers of trustee

24526. The board, with the approval of the State Board of Control, shall prescribe the duties and powers of any such trustee with respect to the issuance, authentication, sale and delivery of the bonds and the payment of principal and interest thereof, the redemption of the bonds, the registration and discharge from registration of the bonds, and the management of any sinking fund or other funds provided as security for the bonds.

Series, maturities, etc

24527. With the approval of the State Board of Control, the board may provide for one or several issues of bonds and may issue bonds in series or may divide any issue into one or more divisions and fix different maturities or dates of such bonds, different rates of interest, or prescribe different terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof shall in each

case be provided for by the board, with the approval of the State Board of Control, at or prior to the issue thereof.

Coupon or registered bonds

24528. Bonds may be issued as coupon bonds or as registered bonds. With the approval of the State Board of Control, the board may provide for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds, and may provide that the bonds shall be registered as to principal only, or as to both principal and interest, or otherwise as the board may determine.

Maximum interest rate

24529. Bonds shall bear interest at a rate of not to exceed six (6) percent per annum, payable annually or semiannually or in part annually and in part semiannually.

Calling bonds

24530. Bonds may be callable upon such terms, conditions, and upon such notice as the board, with the approval of the State Board of Control, may determine, and upon the payment of such premium as may be fixed by the board, with the approval of the State Board of Control, in the proceedings for the issuance of the bonds. No bond is subject to call or redemption prior to its fixed maturity date unless the right to exercise such call is expressly stated on the face of the bond.

Place of payment

24531. The board, with the approval of the State Board of Control, may provide for the payment of the principal and interest of bonds at any place within or without the State of California, and in specified coin or currency of the United States.

Execution of bonds

24532. The board, with the approval of the State Board of Control, may provide for the execution and authentication of bonds by the manual, lithographed or printed facsimile signature of officers of the board and by additional authentication by the State Treasurer as trustee. If any of the officers whose signatures or countersignatures appear upon the bonds or coupons cease to be officers before the delivery of the bonds or coupons, their signatures or countersignatures are nevertheless valid and of the same force and effect as if the officers had remained in office until the delivery of the bonds and coupons

Serial or sinking fund Maturities

24533. Bonds shall bear dates prescribed by the board, with the approval of the State Board of Control. Bonds may be serial bonds or sinking fund bonds with such maturities as the board, with the approval of the State Board of Control, may determine. No bond by its terms shall mature in more than 50 years from its own date and, in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

Preparation of bonds

24534. Immediately after the adoption of a resolution by the board and its approval by the State Board of Control, directing the preparation of any bonds authorized under this article (commencing at Section 24501), the State Treasurer shall prepare the requisite number of suitable bonds of the

denominations, and in accordance with the specifications contained in such resolution.

Sale of bonds

24535. When the bonds authorized to be issued under this article (commencing at Section 24501) shall be duly executed, they shall be sold by the State Treasurer, for cash, in such parcels and numbers as the said Treasurer shall be directed by the Governor of the State, under seal thereof, after a resolution requesting such sale shall have been adopted by the board and approved by the State Board of Control. Before offering any of said bonds for sale, the said Treasurer shall detach therefrom all coupons, if any, which have matured or will mature before the day fixed for such sale.

Public or private sale

24536. Bonds may be sold at either public or private sale. The board, with the approval of the State Board of Control, may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The State Treasurer, when authorized by resolution of the board approved by the State Board of Control, may sell bonds at less than their par or face value, but no bond may be sold at a price below the par or face value thereof which would result in a sale price yielding to the purchaser an average of more than six (6) percent per annum, payable semiannually, according to standard tables of bond values.

Security of bonds

24537. The board may provide for the security of bonds. The board may use and expend all or any part of any funds or proceeds of any property owned by it, whether received by gift, appropriation or otherwise, if not restricted as to the use of such funds or proceeds of property by the terms of any gift or trust or provision of law for the redemption of bonds issued pursuant to the provisions of this article (commencing at Section 24501) and the payment of interest due thereon.

Costs and expenses

24538. All costs and expenses incident to the issuance and sale of bonds may be paid out of the proceeds of the sale of the bonds. Interest on bonds may be paid out of the proceeds of the sale of the bonds during the actual construction of any project for the acquisition, construction or completion of which the bonds have been issued, and for a period of not to exceed two (2) years thereafter as provided for in the indenture.

Lien upon revenues of project

24539. The board, with the approval of the State Board of Control, may provide that the bonds and the interest thereon shall be secured by all or by part of revenues of a project upon the basis of which revenue bonds are issued or authorized to be issued, and shall constitute such lien upon the revenues of such project as may be provided for in the indenture.

Temporary or interim bonds

24540. Pending the actual issuance or delivery of revenue bonds, the board, with the approval of the State Board of Control, may issue temporary or interim bonds, certificates or receipts of any denomination whatsoever, and with or without coupons, to be exchanged for definitive bonds when ready for delivery.

Replacement of bonds lost, etc.

24541. The board, with the approval of the State Board of Control, may provide for the replacement of lost, destroyed or mutilated bonds, or coupons.

Tax exemptions

24542. Bonds issued pursuant to the provisions of this article (commencing at Section 24501) and the interest or income therefrom are exempt from all taxation in this State other than gift, inheritance and estate taxes.

Legal investment for trust funds, etc

24543. Notwithstanding any other provision of law, all bonds hereafter sold and delivered pursuant to the provisions of this article (commencing at Section 24501) are legal investments for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, trust companies, the state school funds, and any public or private funds which may be invested in county, municipal or school district bonds, and may be deposited as security for the performance of any act whenever the bonds of any county, municipality or school district may be so deposited, and may also be used as security for the deposit of public moneys in banks in this State.

Refunding bonds

24544. The board, with the approval of the State Board of Control, may provide for the issuance, sale, or exchange of refunding bonds for the purpose of redeeming or retiring any revenue bonds issued under the provisions of this article (commencing at Section 24501). All provisions of this article (commencing at Section 24501) applicable to the issuance of revenue bonds are applicable to the funding or refunding bonds and to the issuance, sale or exchange thereof.

Funding or refunding bonds

24545. Funding or refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be funded or refunded thereby, and in addition for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds, and the issuance of such funding or refunding bonds. These expenses include the difference in amount between the par value of the funding or refunding bonds and any amount less than par for which the funding or refunding bonds are sold, any amount necessary to be made available for the payment of interest upon such funding or refunding bonds from the date of sale thereof to the date of payment of the bonds to be funded or refunded or to the date upon which the bonds to be funded or refunded will be paid pursuant to the call thereof or agreement with the holders thereof, and the premium, if any, necessary to be paid in order to call or retire the outstanding bonds and the interest accruing thereon to the date of the call or retirement.

Negotiable or registered

24546. All bonds issued under the provisions of this article (commencing at Section 24501) are negotiable instruments, except when registered in the name of a registered owner.

Purpose of proceeds

24547. Before issuing any bond or bonds pursuant to the provisions of this article (commencing at Section 24501), the board shall by resolution, approved by the State Board of Control, declare the purpose for which the proceeds of the bonds proposed to be issued shall be expended and shall specify the maximum amount of bonds to be issued or sold for such

purpose, and bonds shall not be issued or sold for such purpose in an amount exceeding such specified maximum except with the consent of bondholders, pursuant to amendment or modification of an indenture, as provided in Section 24523 of this article. Nothing in this section contained shall be construed to prevent the board, with the approval of the State Board of Control, from amending any such resolution prior to the issuance of bonds authorized thereby to increase or decrease the maximum amount of bonds to be issued or sold. The issuance of bonds for one or more projects may be included in a single resolution of authorization.

Board in charge of project

24548. The board has full charge of the acquisition, construction and completion of all projects authorized by them and may proceed with such work forthwith.

Terms and conditions of construction

24549. The board may construct any project and acquire all property necessary therefor on such terms and conditions as it may deem advisable. When any part of the work is to be done or performed by any public body or by the United States jointly or in conjunction with the board, the portion of the cost thereof to be borne by the board may be turned over to the Government of the United States or to any other public body to be expended by it in the acquisition, construction or completion of the project.

Title of property

24550. Title to all property acquired by the board and the revenues and income therefrom is in the State of California. The title to any moneys, revenues, sinking funds, reserve funds and other funds created by this article (commencing at Section 24501) and the income thereof pledged to the payment of the principal or interest or any bonds issued thereunder is subject to trusts declared in favor of the bondholders. All such property, and the income therefrom, are exempt from all taxation by the State of California or by any county, city and county, city, district, political subdivision or public corporation thereof.

Powers of board

24551. At all times the operation, maintenance, control, repair, construction, reconstruction, alteration and improvement of any project are vested in the board subject to such authorized leases as may be permitted by any indenture.

Use of other funds

24552. The board may use for the payment of the costs of acquisition, construction or completion of any project any funds made available to the board by the State of California or any other funds provided by the board from any source, to be expended for the accomplishing of the purposes set forth in this article (commencing at Section 24501), together with the proceeds of revenue bonds issued and sold by the board.

Insurance Loss of revenue

24553. The board may insure against loss of revenues from any cause whatsoever and the proceeds of any such insurance shall be used solely for the payment of bonds and the interest thereon.

Public liability, etc.

24554. The board may insure against public liability or property damage. The board may, with the approval of the

State Board of Control, provide in an indenture for the carrying of such or any other insurance in such amount and of such character as it shall determine, and for the payment of the premiums thereon.

Printing and engrossing

24555. When authorized by resolution of the board, as provided in this article (commencing at Section 24501), the State Treasurer shall prepare and procure the printing or engrossing of bonds, coupons, indenture or other instruments and contracts or agreements of every kind required or convenient for or pertaining to the issuance or sale of bonds.

Rents, etc., for projects

24556. The board shall fix rents, charges and fees for all projects acquired, constructed or completed under the terms of this article (commencing at Section 24501) for the use thereof by any persons utilizing the facilities thereof, subject to such contractual obligations as may be entered into by the board and the holders of bonds issued under this article (commencing at Section 24501). The board is authorized to change rents, charges and fees from time to time, as conditions warrant. All rents, charges and fees shall at all times be fixed to yield annual revenue equal to annual operating and maintenance expenses, including repairs and insurance costs and all redemption payments and interest charges and reserve fund requirements on revenue bonds at any time issued and outstanding hereunder, as the same become due.

Competitive projects

24557. The board, with the approval of the State Board of Control, may include in an indenture such limitations as to competitive projects, both as to location and comparative rentals, as may be deemed necessary or desirable for the security of revenue bonds issued pursuant to this article (commencing at Section 24501).

Charge for use of projects and facilities

24558. The board, with the approval of the State Board of Control, may also include in an indenture a covenant that no project acquired, constructed or completed from the proceeds of revenue bonds issued under the provisions of this article (commencing at Section 24501) shall be used without charge therefor or any facilities thereof be furnished free of charge to any person.

Rights of bondholders

24559. The holder of any bond issued pursuant to this article (commencing at Section 24501) may by mandamus or other appropriate proceeding require and compel the performance of any of the duties imposed upon the board or upon any official or employee or assumed by any thereof, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction or insurance of any project, or the collection, deposit, investment, application and disbursement of rents, rates, charges, fees and all other revenues derived from the operation and use of any project or in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds under this article (commencing at Section 24501). The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any

other rights or remedies available to the holders of bonds issued pursuant to this article (commencing at Section 24501).

State College Dormitory Construction Fund

24560. The proceeds from the sale of all bonds authorized under the provisions of this article (commencing at Section 24501) shall be deposited forthwith by the State Treasurer, on order of the State Controller, in the State Treasury to the credit of a fund to be designated as the State College Dormitory Construction Fund, which fund is hereby created. The money in such construction fund shall be expended, pursuant to claims filed by the board with the State Controller, for the purposes authorized by this article (commencing at Section 24501), or as provided in the indenture, and for such other purposes, subject to the restrictions provided by law or by the indenture, as may be authorized by resolution of the board approved by the State Board of Control Moneys required to meet the costs of acquisition or construction and all expenses and costs incidental to the acquisition, construction, furnishing and equipping of any project authorized by this article (commencing at Section 24501) shall be paid from the said construction fund as herein provided upon claim filed by the board and after audit by the State Controller in the manner provided by law and upon warrants drawn by the Controller.

Disposition of revenues

24561. All revenues received from the operation of any project acquired or constructed by the board under the provisions of this article (commencing at Section 24501) shall be transmitted by the board at least once in every calendar month, to the State Treasurer. On order of the State Controller, the said Treasurer shall deposit such revenues in the State Treasury to the credit of the State College Dormitory Revenue Fund, which fund is hereby created. The moneys remaining in such revenue fund, after providing the amount required for interest and redemption of bonds as provided in this article (commencing at Section 24501), shall be expended for the payment of the costs of operation and maintenance of the projects authorized by this article (commencing at Section 24501), including any purposes, as may be provided in the indenture, and, subject to the restrictions provided by law or the indenture, for such purposes as may be authorized by resolution of the board approved by the State Board of Control

Fund for payment of principal and interest

24562. For the payment of the principal and interest of the bonds authorized to be issued under this article (commencing at Section 24501), an interest and redemption fund in the State Treasury is hereby created, to be designated the State College Dormitory Interest and Redemption Fund. From the money deposited in the State College Dormitory Construction Fund, the State Treasurer, on order of the State Controller, shall transfer to the State College Dormitory Interest and Redemption Fund such sums as may be required to pay the interest as it becomes due on all bonds sold and

outstanding for the construction or acquisition of a particular project authorized under this article (commencing at Section 24501) during the period of actual construction or acquisition thereof and during such period thereafter as may be provided in the indenture or authorized by resolution of the board approved by the State Board of Control. The State Treasurer, on order of the State Controller, shall thereafter transfer from the State College Dormitory Revenue Fund to the State College Dormitory Interest and Redemption Fund such sums as may be required to pay the interest on said bonds and redeem the principal thereof as such interest payments and bond redemptions fall due for all bonds issued under the provisions of this article (commencing at Section 24501).

Use of balance of funds

24563. Any balance remaining in any of the funds created by this article (commencing at Section 24501) after payment of all costs, expenses, and charges authorized to be expended therefrom, may be allocated and used for such other purposes incidental to the acquisition, construction, furnishing, equipping, operation and maintenance of such projects authorized under the provisions of this article (commencing at Section 24501) as the board, with the approval of the State Board of Control, may determine.

Investment of money in fund

24564. Moneys in the State College Dormitory Construction Fund may be invested by the board, with the approval of the State Board of Control, subject only to such limitations as may be provided in an indenture providing for the issuance of revenue bonds. All securities or other investments made under the provisions of this article (commencing at Section 24501) shall be held by the State Treasurer as custodian thereof. All interest or other earnings received pursuant to such investments shall be collected by the State Treasurer, and, on order of the State Controller, shall be deposited in the State Treasury to the credit of the fund from which such interest or other earnings are derived.

Use of surplus moneys

24565. After all of the revenue bonds shall have been fully paid and discharged, or provision for their payment and discharge irrevocably made, any surplus moneys in the State College Dormitory Construction Fund shall, subject to the limitations and restrictions in any indenture providing for the issuance of the revenue bonds, remain available for the acquisition of sites for, and for the construction, equipping and furnishing of, buildings for state colleges.

Appropriation

24566. All money in the funds created by the provisions of this article (commencing at Section 24501) is hereby appropriated for expenditure in carrying out the purposes herein provided.

Construction

24567. The article (commencing at Section 25401) shall be liberally construed to carry out the objects and purposes and the declared policy of the State of California as in this article (commencing at Section 25401) set forth.

Article 3. Cafeterias

24581. The Director of Education may authorize an organization maintaining a co-operative store on the campus of a state college pursuant to Sections 23603 to 23607, inclusive, Sections 23751 to 23803, inclusive, Sections 24051 to 24104, inclusive, Sections 24451 to 24455, inclusive, and Sections 24581, 24582, and 24601 to establish and maintain a cafeteria in connection with the store. Cafeterias

24582. The Director of Education may provide for the establishment and maintenance of cafeterias in the state colleges whenever in his judgment it is desirable to do so. The food served shall be sold to the patrons of the cafeterias at such price as will pay the cost of operating and maintaining the cafeterias. Same

Article 4. Bookstores

24601. The Director of Education may rent, in the name of the State, any space in the buildings of any state college not needed for other authorized purposes to any organization composed entirely of students attending the college or members of the faculty, or both, for the purpose of establishing and maintaining co-operative stores on the campus of the colleges for the sale of materials and supplies required by students in the classes of the college and such activities of the college as are approved by the Director of Education, after a survey of the conditions, and a public hearing in the community where it is proposed to locate the store. The Director of Education shall fix a reasonable rental Co-operative stores

The rental fixed by the Director of Education shall be transmitted monthly to the State Treasurer to be placed to the credit of the General Fund.

Chapter 12. State College Police

24651. The Department of Education may appoint one or more persons to constitute a security patrol for each state college Persons employed and compensated as members of a security patrol, when so appointed and duly sworn, are peace officers only upon the campus of the state college and other grounds or properties of the state college. Security patrol

24652. Every member of a state college police department shall be supplied with, and authorized to wear, a badge bearing the words "State College Police." Badges

Chapter 13. Specific Provisions Relating to Particular Colleges and Schools

Article 1. Fresno Summer School of Music

24701. The Fresno State College may establish a summer school of music at or near Huntington Lake, California. The Rules

Fresno State College, with the approval of the Director of Education, shall make rules and regulations for the operation and maintenance of the summer school of music.

Fees

24702. Only such fees as are authorized by the Director of Education, with the approval of the Department of Finance, may be charged in connection with the operation of the school.

Summer school of music

24703. All tuition and other fees received in conducting and operating the school shall be paid into the State Treasury to the credit of the "Summer School of Music Fund" which fund is continued in existence. All money in the fund is appropriated for the maintenance, operation, and support of the school and for construction of necessary housing and other facilities at the school. No money shall ever be paid from the General Fund in the State Treasury for any purpose in connection with the summer school of music.

All funds expended from the summer school of music fund shall be approved by the Director of Education.

Article 2. California Polytechnic School

Name and purpose

24751. The California Polytechnic School, heretofore established, shall hereafter be known as the California State Polytechnic College. The term "California Polytechnic School" as used in this code or in any other law means the California State Polytechnic College. The purpose of the college is to furnish to young people of both sexes mental and manual training in the arts and sciences, including agriculture, mechanics, engineering, business methods, domestic economy, and such other branches as will fit the students for the nonprofessional walks of life. This article (commencing at Section 24751) shall be liberally construed, to the end that the college may at all times contribute to the industrial and agricultural welfare of the State.

Agricultural project revolving fund

24752. The California Polytechnic School agricultural project revolving fund in the sum of ten thousand dollars ($10,000) is continued in existence. The fund shall be used for loans to needy and deserving students for the purchase of livestock, poultry, seed, feed, and such other materials as are necessary for the conducting of projects by students under supervision of instructors in the school. All sums borrowed shall be returned to the revolving fund as soon as projects are completed.

Disposal of property

24753. The Director of Education, with the consent of the Director of Finance, may sell or trade such of the property belonging to the State and used for the California Polytechnic School as may in his judgment be disposed of advantageously. The proceeds of the sale shall be used for the purchase of such other land for the use of the California Polytechnic School as the Director of Education and the Director of Finance may deem necessary.

24754. The Director of Education, with the consent of the Director of Finance, may purchase such additional land as the Director of Education and the Director of Finance may deem necessary and may expend for such purpose any money donated or the proceeds from the sale of real or personal property acquired as gifts by the California Polytechnic School or which is otherwise made available for the use and benefit of the California Polytechnic School. Additional land

24755. The California Polytechnic School shall be governed by the laws governing and regulating the state colleges insofar as such laws are applicable to the school. Law applicable

Article 3. Long Beach State College

24801. There is in the area consisting of Orange County and the southeastern part of Los Angeles County, outside the City of Los Angeles, the Long Beach State College. Long Beach State College

24802. The provisions of Sections 23601 to 23607, inclusive, Sections 23651 to 23958, inclusive, Sections 24051 to 24703, inclusive, and Sections 24951 to 24954, inclusive, and all other laws relating to state colleges are applicable to the Long Beach State College. Law applicable

Article 4. Los Angeles State College of Applied Arts and Sciences

24851. There is in the City of Los Angeles the Los Angeles State College of Applied Arts and Sciences. Los Angeles State College of Applied Arts and Sciences

24852. The purposes and functions of the college are those which serve the needs of the community and of the State and primarily include, but not limited to, the training of students for gainful occupations in the arts and sciences as related to business and industry, and in furtherance of such purposes, the college shall initiate the establishment of co-operative relationships with industry and business looking toward the development of programs of training which will relate practical experience with classroom instruction. Purposes and functions

24853. The Director of Education and the Board of Education of the City of Los Angeles are directed to enter into an agreement for the use of physical facilities at the Los Angeles Junior College, also known as Los Angeles City College, necessary for the conduct and maintenance at the Los Angeles State College of Applied Arts and Sciences of courses of instruction. In order to insure desirable integration and continuity of administration and educational program between said state college and said Los Angeles Junior College located on the same site, the Director of Education and the Board of Education of the City of Los Angeles are directed to enter into an agreement for the joint use of such services, faculty, and administrative officers (including the president) as may be mutually agreed upon. The Director of Education, subject to Agreement for joint usage with Los Angeles Junior College

the approval of the State Board of Education, and of the advisory board, shall appoint a president for said college.

Same Effectiveness

24854. Section 24853 shall remain in effect only until the Los Angeles State College of Applied Arts and Sciences is removed, and such action is hereby authorized, by the State from the site of the Los Angeles Junior College, also known as the Los Angeles City College, and is housed on a campus or other quarters provided for it by the State.

All agreements between the Director of Education and Board of Education of the City of Los Angeles entered into pursuant to Section 24853 and in effect on the date said section ceases to be effective shall terminate and be of no further force and effect from and after said date, except that all amounts owed by either party to the other under any of said agreements as of the date said agreements are terminated hereunder shall be paid by the party owing such amounts.

Law applicable

24855. The provisions of Sections 23601 to 23607, inclusive, Sections 23651 to 23958, inclusive, Sections 24051 to 24703, inclusive, and Sections 24951 to 24954, inclusive, and all other laws relating to state colleges are applicable to the Los Angeles State College of Applied Arts and Sciences insofar as said laws are not inconsistent with this article (commencing at Section 24851).

Article 5. Sacramento State College

Sacramento State College

24901. There is in the County of Sacramento and within five miles of the State Capitol the Sacramento State College.

Law applicable

24902. The provisions of Sections 23601 to 23607, inclusive, Sections 23651 to 23958, inclusive, Sections 24051 to 24703, inclusive, and Sections 24951 to 24954, inclusive, and all other laws relating to state colleges are applicable to the Sacramento State College.

Article 6. San Francisco State College Child Care Center

Child care center

24951. The San Francisco State College may maintain a child care center as an integral part of the college. The center shall be used for observation, demonstration, study, student experience, and student teaching.

Fees

24952. The Department of Education shall determine the fee which the college shall charge the parents or guardian of any child admitted to the center. All fees shall be used to reimburse the college for the cost of operating and maintaining the center.

Admission requirement.

24953. No child shall be admitted to the center unless he meets the requirements for admittance to a child care center to which Sections 16601 to 16640, inclusive, apply.

Budget

24954. The budget for the center may be prepared and submitted to the Department of Education with the budget of the state college.

Article 7. State College for Alameda

25001. There is hereby established a state college, to be located in the southern portion of Alameda County, to be known as the State College for Alameda County. State College of Alameda County

25002. The provisions of Sections 23601 to 23607, inclusive, Sections 23651 to 23958, inclusive, Sections 24051 to 24703, inclusive, and Sections 24951 to 24954, inclusive, and all other laws relating to state colleges are applicable to the State College for Alameda County. Applicable law

Article 8. San Fernando Valley State College

25051. There is in the San Fernando Valley, County of Los Angeles, the San Fernando Valley State College. San Fernando Valley State College

25052. The provisions of Sections 23601 to 23607, inclusive, Sections 23651 to 23958, inclusive, Sections 24051 to 24703, inclusive, and Sections 24951 to 24954, inclusive, and all other laws relating to state colleges are applicable to the San Fernando Valley State College. Applicable law

25053. All property, both real and personal, of the San Fernando campus of the Los Angeles State College of Applied Arts and Sciences is hereby assigned to the San Fernando Valley State College. Assignment of property

25054. Each employee of the Los Angeles State College of Applied Arts and Sciences who is transferred to the San Fernando Valley State College on or before the beginning date of the academic school year 1958-59 shall be entitled to retain all sickness and injury, sabbatical and other leave rights and all seniority and tenure rights accumulated as an employee of the Los Angeles State College of Applied Arts and Sciences as fully as though there had been no change in the name or operation of the college. Employees

25055. Appointments of employees from the Los Angeles State College of Applied Arts and Sciences to the San Fernando Valley State College subsequent to the beginning date of the academic school year 1958-59 shall be made in the same manner and under the same conditions as appointments of employees who were formerly employees of any other California state college. Same Appointments

Article 9. Orange County State College

25101. There is hereby established a state college, to be located in Orange County, to be known as the Orange County State College. Orange County State College

25102. The provisions of Sections 23601 to 23607, inclusive, Sections 23651 to 23958, inclusive, Sections 24051 to 24703, inclusive, and Sections 24951 to 24954, inclusive, and all other laws relating to state colleges are applicable to the Orange County State College. Applicable laws

DIVISION 19. SPECIAL SCHOOLS UNDER THE JURISDICTION OF THE STATE DEPARTMENT OF EDUCATION

CHAPTER 1. CALIFORNIA SCHOOL FOR THE DEAF

Article 1. Administration

California School for the Deaf

25551. There is in Berkeley, Alameda County, a state school for the deaf, known and designated as the California School for the Deaf, Berkeley. There is in Riverside, Riverside County, a state school for the deaf, known and designated as the California School for the Deaf, Riverside. The term "California School for the Deaf" shall refer to both schools unless the context otherwise requires.

Purpose

25552 The California School for the Deaf is a part of the school system of the State except that it derives no revenue from the Public School Fund, and has for its object the education of the deaf who, by reason of their infirmity, cannot be taught in the public schools.

Administration

25553. The school is under the administration of the State Department of Education.

Duties of Department of Education

25554. The State Department of Education in relation to the California School for the Deaf shall:

(a) Prescribe rules for the government of the school.

(b) Appoint the superintendent and other officers and employees.

(c) Remove for cause any officer, teacher, or employee.

(d) Fix the compensation of officers, teachers, and employees.

Superintendent

25555. The superintendent of the school shall have had not less than three years' experience in the art of teaching the deaf and shall hold a credential issued by the State Board of Education authorizing him to teach in secondary schools of this State.

Powers and duties

25556. The powers and duties of the superintendent are such as are assigned to him by the State Director of Education.

Teacher training courses

25557 The Director of Education may authorize the California School for the Deaf to establish and maintain teacher training courses designed to prepare teachers of the public schools and such other persons holding a credential issued by the State Board of Education as are recommended by the president of a state college, to give instruction to the deaf and the hard of hearing. The Director of Education shall prescribe standards for the admission of persons to the courses, and for the content of the courses.

Article 2. Pupils

Qualifications

25601. Every deaf person resident of this State, of suitable age and capacity, is entitled to an education in the California School for the Deaf free of charge.

25602. If the parent or guardian of any pupil in the school is unable either himself or from the estate of the child to clothe the child, or pay for its transportation to and from school, or for necessary dental work, eye care, operations, and hospitalization of the child while at the school, or is unable either himself or from the estate of the child to reimburse the State Department of Education for expenses incurred by it in providing dental work, eye care, operations, or hospitalization for the child in an emergency, the parent or guardian may apply for a certificate to that effect to the superior court of the county of which the parent or guardian of the child is a resident. If the court is satisfied that the parent or guardian either himself or from the estate of the child is unable to pay for any such service, it shall issue a certificate to that effect. The application for the certificate may also be made to the court by the superintendent of the school. Payment of expenses

25603 If it appears to the satisfaction of the court that the parent or guardian has sufficient pecuniary ability or that there are sufficient funds in the estate of the child to provide the service for the child or to reimburse the State Department of Education for expenses incurred by it in providing the service for the child in an emergency, the court shall not issue the certificate, but shall, according to the nature of the application before it, either order the superintendent to provide the child with the service or order the parent or guardian either himself or from the estate of the child, as the court determines, to reimburse the State Department of Education for expenses incurred by it in providing the service for the child in an emergency. Order of court

25604. If the State Department of Education is not reimbursed by the parent or guardian personally or from the estate of the child for expenditures made by the superintendent under the order of the court or if the parent or guardian does not comply with an order of the court to reimburse the State Department of Education either personally or from the estate of the child for expenses incurred by it in providing the service for the child in an emergency, the superintendent may sue the parent or guardian, in the name of the State, to recover any money paid out by order of the court or due the State Department of Education as reimbursement under an order of the court. Actions

25605. All money expended under the authority of any such certificate for clothing and transportation, necessary dental work, eye care, operations, and hospitalization, and all money expended by the State Department of Education for expenses incurred by it in providing dental work, eye care, operations, or hospitalization for the child in an emergency for which the State Department of Education cannot be reimbursed by the parent or guardian of the child as shown by the certificate, constitutes a legal charge against the county from which the certificate is issued. Expenditures for clothing County charge

and transportation shall not exceed the sum of two hundred dollars ($200) a year.

Payment of expenses

25606. The certificate shall be presented to the superintendent of the school. When the certificate shows that the parent or guardian of the child is unable either himself or from the estate of the child to clothe the child, or pay for his transportation to and from school, or for necessary dental work, eye care, operations, and hospitalization of the child while in school, the superintendent shall clothe the child and provide the transportation, necessary dental work, eye care, operations, and hospitalization. The expense of the services, or any of them, shall be advanced by the State Department of Education out of money appropriated for the support of the school.

Audit and credit

25607. Upon presentation to the board of supervisors of the county in which the certificate is issued, of an itemized claim, duly sworn to by the superintendent of the school before an officer authorized to administer oaths, for the expense for clothing, transportation, and other items provided and furnished under the authority of the certificate, or for the reimbursement of the State Department of Education, the board of supervisors shall audit and approve the claim. The county auditor of the county shall thereupon include the amount thereof in his state settlement report prescribed in Section 30104 of the Government Code. The amount of the settlement and all reimbursements of the State Department of Education under this section shall be credited by the State Controller to the current appropriation for the support and maintenance of the school.

State expense

25608. All pupils in the school shall be maintained except as provided in Sections 25602 to 25607, inclusive, at the expense of the State.

Nonresidents

25609. Deaf persons not residents of this State may be admitted to the benefits of the school upon paying to the State Department of Education the school year cost for the maintenance, care, and instruction of persons at the school, payable quarterly in advance. The cost of the care, maintenance, and instruction shall be determined by the Department of Education with the approval of the Department of Finance.

Attendance at Gallaudet College

25610. The Department of Education is authorized to pay, from funds made available for such purpose, expenses of any deaf student attending Gallaudet College at Washington, D. C., on a scholarship from such college, who is a graduate of the California School for the Deaf, Berkeley, the California School for the Deaf, Riverside, or a high school in California or who has been a resident of California for at least two years and has been enrolled in or is attending a public or private college or university in California.

Article 3. Services

25651. The State Department of Education, in connection with the California School for the Deaf, may establish and maintain a preschool and kindergarten service for the care and teaching of children under school age. The department shall prescribe the rules and regulations which shall govern the conduct of the preschool and kindergarten service, appoint such teachers as it determines necessary, and fix their salaries. Preschool and kindergarten service

25652. The State Department of Education, in connection with the California School for the Deaf, may offer courses of instruction to parents of a deaf child to assist and instruct the parents in the early care and training of such child, to train the child in play, and to do everything which will assure the child's physical, mental and social adjustment to its environment Courses for parents

25653. The Director of Education may authorize the California School for the Deaf to establish and maintain a testing center for deaf and hard of hearing minors. It shall be the purpose of this center to test hearing acuity and to give such other tests as may be necessary for advising parents and school authorities concerning an appropriate educational program for the child. Testing center

25654. Nothing in this article (commencing at Section 25651) and no rule or regulation established thereunder shall authorize the compulsory physical examination or medical treatment of any child or minor if the parent or guardian objects on the ground that such examination or treatment is contrary to the religious beliefs of such parent or guardian Scope

CHAPTER 2. CALIFORNIA SCHOOL FOR THE BLIND

Article 1. Administration

25751. There is in Berkeley, Alameda County, the state school for the blind, known and designated as the California School for the Blind. California School for the Blind

25752. The California School for the Blind is a part of the school system of the State except that it derives no revenue from the Public School Fund, and has for its object the education of the blind, who, by reason of their infirmity, cannot be taught in the public schools. Purpose

25753. The school is under the administration of the State Department of Education. Administration

25754. The State Department of Education in relation to the California School for the Blind shall: Duties of Department of Education

(a) Prescribe rules for the government of the school.

(b) Appoint the superintendent and other officers and employees.

(c) Remove for cause any officer, teacher, or employee.

(d) Fix the compensation of officers, teachers, and employees.

Article 2. Teaching Force

Superintendent

25801. The superintendent of the school shall have had not less than three years' experience in the art of teaching the blind and shall hold a credential issued by the State Board of Education authorizing him to teach in secondary schools of this State.

Powers and duties

25802. The powers and duties of the superintendent are such as are assigned to him by the State Director of Education.

Field worker

25803. There is hereby created at the California School for the Blind the position of field worker to be appointed by the superintendent of the school with the approval of the Superintendent of Public Instruction and the State Director of Education. The field worker shall be a member of the teaching staff of the California School for the Blind and shall receive a salary fixed and payable in accordance with law.

The field worker shall visit graduates and former pupils of the school in their homes to advise them regarding the extension and continuance of their education, to assist them in securing remunerative employment, to improve their economic condition in all possible ways, and to provide them with preparatory instruction found necessary for a selected occupation. The field worker shall be a person who has had special training for such work. Blindness shall not be grounds to disqualify a person for this position.

Article 3. Pupils

Qualifications

25851. Every blind person resident of this State, of suitable age and capacity, is entitled to an education in the California School for the Blind free of charge.

State expense

25852. All pupils in the school shall be maintained, except as provided in Sections 25853 to 25856, inclusive, at the expense of the State

Payment of expenses

25853. If the parent or guardian of any pupil in the school is unable either himself or from the estate of the child to clothe the child, or pay for its transportation to and from school, or for necessary dental work, eye care, operations, and hospitalization of the child while at the school, or is unable either himself or from the estate of the child to reimburse the State Department of Education for expenses incurred by it in providing dental work, eye care, operations, or hospitalization for the child in an emergency, the parent or guardian may apply for a certificate to that effect to the superior court of the county of which the parent or guardian of the child is resident. If the court is satisfied that the parent or guardian either himself or from the estate of the child is unable to pay for any such service, it shall issue a certificate to that effect. The application for the certificate may also be made to the court by the superintendent of the school.

25854. The certificate shall be presented to the superintendent of the school and the superintendent when the certificate shows the parent or guardian of the child is unable either himself or from the estate of the child to clothe the child, or pay for his transportation to and from school, or for necessary dental work, eye care, operations, and hospitalization of the child while in school, shall clothe the child and provide the transportation, dental work, eye care, operations, and hospitalization. The expense of the services, or any of them, shall be advanced by the State Department of Education out of money appropriated for the support of the school. Same

25855. All money expended under the authority of any such certificate for clothing and transportation, necessary dental work, eye care, operations and hospitalization, and all money expended by the Department of Education for expenses incurred by it in providing dental work, eye care, operations, or hospitalization for the child in an emergency for which the State Department of Education cannot be reimbursed by the parent or guardian of the child as shown by the certificate, constitute a legal charge against the county from which the certificate is issued. Expenditures for clothing and transportation shall not exceed the sum of two hundred dollars ($200) a year. County charge

25856. Upon presentation to the board of supervisors of the county in which the certificate is issued, of an itemized claim, duly sworn to by the superintendent of the school before an officer authorized to administer oaths, for the expense for clothing, transportation, and other items provided and furnished under the authority of the certificate, or for the reimbursement of the State Department of Education, the board of supervisors shall audit and approve the claim, and the county auditor of the county shall thereupon include the amount thereof in his state settlement report, prescribed in Section 30104 of the Government Code. The amount of the settlement and all reimbursements of the State Department of Education under this section shall be credited by the State Controller to the current appropriation for the support and maintenance of the school. Claim

25857. If it appears to the satisfaction of the court that the parent or guardian has sufficient pecuniary ability or that there are sufficient funds in the estate of the child to provide the service for the child or to reimburse the State Department of Education for expenses incurred by it on providing the service for the child in an emergency, the court shall not issue the certification, but shall according to the nature of the application before it, either order the superintendent to provide the child with the service, or order the parent or guardian either himself or from the estate of the child, as the court determines, to reimburse the State Department of Education for expenses incurred by it in providing the service for the child in an emergency. Order of court

Suit for reimbursement

25858. If the State Department of Education is not reimbursed by the parent or guardian personally or from the estate of the child for expenditures made by the superintendent under the order of the court or if the parent or guardian does not comply with an order of the court to reimburse the State Department of Education either personally or from the estate of the child for expenses incurred by it in providing the service for the child in an emergency the superintendent may sue the parent or guardian, in the name of the State, to recover any money paid out by order of the court or due the State Department of Education as reimbursement under an order of the court.

Nonresidents

25859. Blind persons not residents of this State may be admitted to the benefits of the school upon paying to the State Department of Education the sum of the school year cost for the maintenance, care, and instruction of persons at the school, payable quarterly in advance. The cost of the care, maintenance, and instruction shall be determined by the Department of Education with the approval of the Department of Finance.

Article 4. Services and Courses

Kindergarten

25901. The State Department of Education, in connection with the California School for the Blind, shall establish and maintain a kindergarten service for the care and teaching of children under school age. The department shall prescribe the rules and regulations which shall govern the conduct of the kindergarten service, appoint such teachers as it determines necessary, and fix their salaries.

Visiting teachers

25902. The State Department of Education in connection with the California School for the Blind shall create the position of visiting teacher to blind children of preschool age. With the consent of the parents of any blind child of preschool age it shall be the duties of such visiting teacher to assist and instruct the parents in the early care and training of said child, to train the child in play, and to do everything which will assure the child's physical, mental and social adjustment to its environment.

Vocational training

25903. The State Department of Education, in addition to the teaching and education of the blind of suitable age, shall adopt measures and prescribe rules for the giving of vocational training to the pupils at the school, in order that they may be equipped upon their graduation to engage in occupations or industries by which they may become self-supporting. The board shall determine the nature and scope of the vocational training, with the view of best adapting the blind to follow useful and productive pursuits, after the completion of their education.

Social work instruction

25904. In order to prepare blind residents of California to do social work among the blind, the California School for the Blind may give special courses of instruction to blind residents of California who have received collegiate training in social

service and issue a special social service certificate to those students who complete the courses satisfactorily.

25905. The Director of Education may authorize the California School for the Blind to establish and maintain, either independently or in co-operation with the University of California or a state college, teacher training courses for teachers of the blind. The Director of Education shall establish standards for the admission of persons to the courses, and for the content thereof. Teacher training

CHAPTER 3. CALIFORNIA MARITIME ACADEMY

Article 1. The School

25951. A state nautical school shall be maintained at the Port of San Francisco, for the purpose of giving instruction in the science and practice of navigation, seamanship, steam, diesel, and electrical engineering to male pupils from the several counties of the State, who have the qualifications of good moral character, education, and physical fitness, required by the board of governors of the school. Purposes

25952. "Port of San Francisco" as used in Sections 25951 to 26157, inclusive, includes all of San Francisco, San Pablo, and Suisun Bays, and all rivers flowing into the bays or the straits connecting them. "Port of San Francisco"

25953. The nautical school may be known as the California State Nautical School, the California State Maritime School, or by such other name as the board of governors determines. The terms "college" or "university" shall not be used in any such designation. Name

Article 2. Organization of Board of Governors

26001. There is in the Department of Education a board of governors of a state nautical school consisting of five members. The State Director of Education is the executive member. The other four members are appointed by the Governor. Members

26002. The term of office of the appointive members of the board is four years and they shall hold office until the appointment and qualification of their successors. The terms of the appointive members of the board in office when this section takes effect shall expire as follows: one member, January 15, 1960; one member, January 15, 1961; one member, January 15, 1962; one member, January 15, 1963. The terms shall expire in the same relative order as to each appointive member as the term for which he holds office before this section takes effect. Vacancies shall be filled by appointment for the unexpired term Terms

26003. The members of the board of governors shall serve without pay, but each shall be allowed his actual expenses incurred in attending any regular or called meeting of the board of governors, or in performing any service for the board of Compensation and expenses

governors at the direction of the board, or in attending the session of any duly appointed subcommittee of the board or in performing any service for the subcommittee at the direction of the chairman thereof. The expenses shall be paid from any appropriations which are provided for the purposes of the nautical school.

Chairman

26004. The board of governors shall elect one of its members as chairman. The chairman has such general supervision and control of the school and of all its property and has such general direction of its work and that of the instructors and others engaged in the school as the board provides or authorizes in its regulations. The chairman shall serve for one year, or until his successor is elected. The successor to the chairman shall be elected by vote of the members of the board at a regular meeting thereof after one month's notice that the chairman is to be elected at the meeting. The chairman of the board, as well as the members of the board, before entering upon their duties as such, respectively, shall take the oath of office prescribed by law for state officers.

Secretary

26005. The board may appoint a secretary of the board, determine his duties, and fix his compensation. He shall hold office at the pleasure of the board.

Director of Education

26006. If the Director of Education is unable to attend a meeting of the board of governors, he may designate a member of the staff of the State Department of Education to represent him at the meeting. The representative of the Director of Education shall, as to the meeting, have the status of a member of the board of governors.

Article 3. Administration and Degrees

Duty of Board of Governors

26051. The board of governors shall provide, maintain, manage, and control a state nautical school pursuant to Sections 25951 to 26157, inclusive.

Same

26052. The board shall:

(a) Appoint, and may remove, a superintendent of the school and all necessary instructors and other employees.

(b) Determine the powers, duties, and compensation of the superintendent, instructors, and employees.

(c) Fix the terms upon which students shall be received and instructed in the school, and suspended, discharged, or graduated therefrom.

(d) Make all regulations necessary for the procurement or purchase of supplies and materials for any vessel while she is cruising and for her management and control.

(e) Provide from time to time for cruises in and from San Francisco Harbor.

Quarters

26053. The board may secure in the City and County of San Francisco suitable rooms and accommodations necessary for carrying on the work of the board.

Books, etc

26054. The board shall provide all necessary books, charts, instruments, apparatus, and supplies required in the work of

the school and for the proper accommodation, comfort, recreation, and keep of the superintendent, instructors, crew, and pupils.

Assistance from Federal Government

26055. The board may receive from the Federal Government or from other sources and use for the accommodation of the school, a vessel or vessels detailed or furnished by the Federal Government or from other sources with all apparel, charts, books, and instruments of navigation, and a reservation or reservations with all buildings and equipment thereon.

Application

26056. The Governor may make application in writing to the Federal Government to furnish a suitable vessel with all her apparel, charts, books, and instruments of navigation and a reservation or reservations with all buildings and equipment thereon to be used for the benefit of the school.

Gifts

26057. The board of governors may with the approval of the Director of Finance accept on behalf of, and in the name of, the State, such gifts, donations, bequests, and devises as are made to the school, by whatever name the school is known, which in the judgment of the board will be of benefit to the State and to the school. The gifts, donations, bequests, and devises may be made subject to such conditions or restrictions as the board of governors deems advisable.

Expenditures

26058. The board may annually expend for the purposes of the school any funds which the Legislature appropriates, and also any funds which are received from the Federal Government for the purpose of aiding in the maintenance of the school. All such money shall be expended according to law on vouchers, certified by the superintendent or in his absence from the State, by the chairman of the board of governors and approved by the executive member of the board, or by an assistant director of education designated by the executive member and approved by the board of governors. The board shall cause to be kept full and detailed accounts of all such expenditures and shall make a complete report thereof, with a list of all the work of the school annually to the Governor.

Superintendent and instructors

26059. The board may appoint as superintendent and as instructors of the school such officer or officers as are designated for that purpose by the Secretary of the Navy.

Salaries

26060. The State Personnel Board shall establish and adjust the salaries of the superintendent, members of the teaching staff, officers and employees of the California Maritime Academy in the same manner and following the same procedures as in the establishment and adjustment of state civil service salaries.

Superintendent

26061. The superintendent of the school is also the commander of the school. He has, subject to the regulations of the board, the direct control, supervision, and management of the school and of all the property of the school, and has such additional powers and duties as are provided by the regulations of the board.

Budget

26062. The board shall, before each regular session of the Legislature, prepare and submit to the Governor a budget or estimate of the sum required for the maintenance and support of the school and its cruises for the ensuing biennium.

Degrees

26063. The board of governors may confer any appropriate degree, including the degree of Bachelor of Nautical Science, upon the students who successfully complete the requirements therefor established by the board of governors.

Article 4. Revolving Funds

Cruise expenses

26101. The board may, out of any appropriation made for the support of the school, without at the time furnishing vouchers and itemized statements, withdraw a sum or sums not to exceed thirty thousand dollars ($30,000) to be paid to the commanding officer of the vessel used by the school to provide for the payment of expenses of cruises. The sum or sums so drawn for any cruise or cruises shall, not later than two months following the termination of the cruise or cruises, be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the State Controller. Any unexpended balance of the sum or sums so withdrawn shall be returned to the appropriation from which originally withdrawn.

Accounting

26102. The commanding officer, in such manner as the board by regulations provides, shall account for the advances by proper vouchers, filed with the board within 30 days after the termination of the cruise. Any unexpended balance of the advances after the termination of the cruise, shall be returned by the commanding officer to the board for credit to the appropriation from which the sums were originally withdrawn.

Bond of commanding officer

26103. The commanding officer shall give a bond in the sum of thirty thousand dollars ($30,000), with a surety or sureties approved by the board for the proper disbursement of and accounting for the advances.

"Clothing and small stores fund"

26104. The board of governors, or any person authorized by the board of governors, may withdraw, without at the time furnishing vouchers and itemized statements, from any appropriation made for the support of the school a sum not to exceed two thousand dollars ($2,000), as a revolving fund known as the "Clothing and small stores fund" which fund is continued in existence. The fund shall be used to purchase clothing, textbooks, and other equipment required of students of the school, not furnished by the school, for the purpose of resale to the students of the school. Receipts from the sale of the clothing, textbooks, and other equipment shall be credited to the fund. The receipts from sales together with the purchase price of materials unsold shall at all times be not less than equivalent in value to the principal amount of the fund.

Article 5. Students

26151. Any male resident of the State who has the required qualifications may be admitted to the school as a student. Each such student shall pay the tuition fee fixed by the board of governors but such fee shall not be fixed at less than one hundred thirty-five dollars ($135) a trimester. Admission

26152. The tuition fee required of a pupil under Section 26151 may be reduced by the board of governors, with the approval of the Department of Education and the Department of Finance, in the amount received by the State on account of such student from the Federal Government or other governmental agency. Money received from such payments shall be transmitted to the State Treasury as credit to the academy's support appropriation current at the date of issuance of the State Controller's receipt therefor as may be designated by the academy prior to its deposit in the State Treasury. Such moneys so credited are hereby appropriated for the support of the academy. Tuition

26153. Nonresident students may be admitted to the school when vacancies occur, subject to the payment of a tuition fee in such amount as the board of governors may fix but such fee shall not be fixed at less than two hundred twenty-five dollars ($225) a trimester. Nonresidents

26154. The board of governors may provide for the payment of fees charged students by installments payable at such intervals as the board from time to time determines. Payment of fees

26155. All fees collected shall be reported to the State Controller at the end of each month and at the same time shall be remitted to the State Treasurer for deposit in the General Fund All fees collected and deposited are appropriated for the support of the school in addition to such other funds as are appropriated therefor by the Legislature. Use of fee

26156. Under rules and regulations established by the board with approval of the Director of Education, refunds of any fees paid by any student or a part thereof, may be made to a student withdrawing from the school or ceasing to be a pupil for causes beyond the control of the student. Any student who upon enrollment does not qualify for financial assistance from the Federal Government or other governmental agency but is subsequently found to qualify for such assistance shall for the perioid for which he qualifies for financial assistance from the Federal Government receive a refund in the amount of the difference between the tuition paid by him and the tuition required of students qualified to receive such assistance. Any refunds shall be approved by the Department of Finance. Refunds

26157. No person shall be sentenced to or received at the school as a punishment or in commutation of a punishment for crime. Punishment for crime

CHAPTER 4. CALIFORNIA ACADEMIES

Article 1. Administration

"California Academies Act"

26201. This chapter (Sections 26201 to 26356, inclusive) may be known and may be cited as the "California Academies Act."

Establishment

26202. There are hereby established the following schools:

One school to be located in the northern part of the State, and to be known as the "California Academy at _____" (adding to the name of the school the name of the city nearest its location, the city so honored to be selected by the State Department of Education).

One school to be located in the southern part of the State, and to be known as the "California Academy at _____" (adding to the name of the school the name of the city nearest its location, the city so honored to be selected by the State Department of Education).

One school to be located in the central part of the State, and to be known as the "California Academy at _____" (adding to the name of the school the name of the city nearest its location, the city so honored to be selected by the State Department of Education).

Nature of the schools

26203. Each school is a residential school to which through the procedure provided for herein, minors between the ages of nine (9) and seventeen (17), both inclusive, may be voluntarily admitted as students therein. In no case shall a child guilty of juvenile delinquency be admitted to either of such schools.

Pupils of the California Academies shall be selected from the dependent, neglected, homeless, and deserving children of the State who obviously are in need of the facilities of such academies, as may be determined by the county selective committee, as provided in Section 26301.

Duties of school

26204. Each school shall provide supervision, discipline, and training and the residence for the children therein shall be as nearly homelike as practicable. Cottage-type residences equipped to accommodate from twelve (12) to fourteen (14) children and a cottage mother shall be deemed to be as nearly homelike as practicable for the purposes of this section.

Administration

26205. Each school is under the administration of the State Department of Education.

Director and superintendents

26206. The Director of Education shall appoint, and fix the salary of, a full-time director over all such schools under jurisdiction, who shall have had broad experience in directing schools of the character provided for in this act and such other qualifications as the Director of Education may determine. The Director of Education shall also appoint and fix the salary of, subject to the State Civil Service Act, a superintendent for each of the schools established, who shall have had similar experience and qualifications.

26207. The Director of Education shall: Duties of Director of Education

a. Prescribe rules for the government of the school.

b. Appoint all employees required or needed for the operation of each school.

26208. The Director of Education shall prescribe rules and regulations for the government of the schools and shall determine, subject to the State Civil Service Act, the number and qualifications of all personnel of the schools, appoint the same, and fix their compensation. Teachers and instructors shall be selected from the standpoint of efficiency in the particular line or subject to be covered by them. Personnel

The instructors and teachers of vocational education and academic subjects shall possess the same qualifications as are on September 19, 1947, or may thereafter be, required by any law of this State for instructors and teachers of vocational and academic subjects in the public schools of the State and they shall be certificated as on September 19, 1947, or thereafter may be, required by the provisions of the Education Code.

In the academic field as to subjects to be taught and the qualifications of teachers and instructors for all grades and departments, the rules and regulations shall conform as nearly as practicable to the provisions of the Education Code covering similar subjects so as to provide the said California Academies academic departments and to give to the students thereof educational advantages similar in character to those of the public schools of the State.

The religious faith of any child shall be respected and upheld in the administration of the academies, and a child shall not be required to have medical or psychiatric treatment if his parent, guardian, or person standing in loco parentis, in good faith is providing treatment in accordance with the religious tenets of any church, as authorized under Chapter 5 of Division 2 of the Business and Professions Code of California.

Teachers and instructors in the California Academies shall be entitled to all the rights and benefits of the State Teachers' Retirement System.

Article 2. Instruction

26251. Each academy shall include within its curriculum academic subjects, vocational training, physical culture, home economics and such other subjects of training as may be determined to be proper and suitable. Curriculum

26252. There shall be provided in each school facilities, equipment and instructors for sports, including football, baseball, handball, tennis, swimming, and such other sports as may be deemed proper by the superintendent. Facilities, etc

26253. Each school shall be nonsectarian, but there shall be provided for the conduct of religious services by which pupils may be instructed in their respective faiths. Religious services

Article 3. Admission

County selective committee

26301. A committee known as the county selective committee for the California Academies, composed of the county superintendent of schools, as chairman, director of county welfare department of the county, and five citizens appointed jointly by the county superintendent of schools and the county welfare director, shall pass on the eligibility for admission. Preference shall be given to orphaned children. If either the county superintendent of schools or the county welfare director is unable to attend a meeting thereof he may designate a substitute to act in his stead at such meeting. The county superintendent of schools, or his substitute, the county welfare director, or his substitute, and two lay members of the committee shall constitute a quorum for the transaction of business.

The terms of office of such appointed members shall be four years except that the terms of three of the first appointed members shall be two years, and they shall hold office until appointment and qualification of their successors.

Petition for admission

26302. Any parent or guardian, the welfare director of the county, the person in charge of a state licensed child placing agency in the county, may petition the committee to recommend the admission of any child between the ages of 9 and 17 years as a pupil of the California Academies.

Superintendent's action on applications

26303. The superintendent of such California Academy may pass on the eligibility of all applications for admittance of students to such school presented by the county selective committees and determine their fitness and acceptability as students in such California Academy.

Juvenile court judges are hereby empowered to refer from their courts to the county selective committee of the county for study as to qualifications for admittance as a student in the California Academies any child brought before them between the ages of nine (9) and seventeen (17) years who in their opinion can properly qualify for admission, and upon determination of the committee that such child is otherwise qualified for admission, the juvenile judge shall enter an order waiving jurisdiction of such child for the purpose of allowing the child to attend such academy.

Release from academy

26304. When, in the opinion of the superintendent of such academy, it is for the best interest of any child to leave the academy, either temporarily or permanently, it shall be the duty of the county selective committee through the county welfare department, the public school department, or the county probation department, to assist the parent or guardian in making suitable arrangements for the child's return to the community and to see that adequate supervision is provided for at least one year thereafter.

If a child has been previously made a ward of the court the county selective committee may at any time study the qualifications of such child for admission as a student in one of the

California Academies and if by said committee found eligible the said county selective committee shall proceed in the manner hereinbefore provided to have the child admitted as a student in one of such schools and upon final admission of such child to the school, petition the court to set aside the order making such child a ward of the juvenile court and dismiss the proceedings against such child in said court.

Parent, if any, or guardian, or some responsible and proper person approved by the superintendent shall accompany the child to and from a California Academy and pay for transportation expenses; provided, however, that in no case shall a child be accompanied to the school by any probation officer or peace officer or any person directly connected with a penal, correctional, or detention institution either state, county, or municipal, nor shall any person holding any such position or connected therewith, be appointed guardian of any child subject to this act. When parents or guardians are unable to meet the expense for such transportation the cost of transportation shall be paid from the support funds of the California Academies.

Article 4. Support

26351. The Director of Education shall establish a uniform charge for the maintenance, clothing, and care of pupils to be paid by a parent or parents or by the guardian where the ward has an estate from which the same may be paid. When, however, the parent or guardian of the child is unable to pay the full amount of the charge, the Director of Education may reduce the charge in whole or in part as the case requires

Charge for service

When the parent legally responsible for the support of the child fails to pay, or does not pay, the full amount of the charge, or the sum to which said charge has been reduced by the Director of Education if any reduction has been made, the juvenile court of the county of residence of said child at time of his admission to the school may, upon the application of the superintendent of the school, examine the parent or parents and determine the amount of such charge which such parent or parents may reasonably be required to pay and make an order directing such parent or parents to make such payment, and upon the affidavit of the superintendent that any such payment is due and has not been made, execution in favor of the Director of Education may issue for such payment upon the order and at the discretion of the court.

26352. There shall be transferred during each fiscal year to the California Academies Fund from the State General Fund by the State Controller one hundred twenty dollars ($120) for each unit of average daily attendance in each school during the preceding fiscal year. Units of average daily attendance shall be calculated for each school in exactly the same manner as units of average daily attendance are calculated for elementary school districts under the provisions of the Education Code.

Transfer of funds

Status of academy

26353. Each academy is, in addition to being a public school, an institution within the meaning of Chapter 1 of Part 2 of Division 2 of the Welfare and Institutions Code, and the Director of Education may make application for and receive aid pursuant to said chapter. Aid for needy children maintained at or by any of the academies shall be paid to the California Academies Fund to the same full extent in every respect as is aid payable, under the provisions of said chapter, to any other institution that maintains needy children.

Federal aid

26354. The Director of Education shall upon establishment of such schools make, or cause to be made, through the proper agencies, application or applications to the Government of the United States for federal aid for such schools and each thereof.

Payments by counties to State

26355. For each child admitted to such academies the county of the residence of such child shall pay the State at the rate and in the manner provided in this section for the time such child so admitted remains in such academy; provided, however, that if the parent or guardian of such child pays the full amount of the uniform charge so fixed by the Director of Education the county shall be relieved of the payment for such child; and provided further, that if the charge is reduced in a particular case by the Director of Education pursuant to Section 26351, and the parent or guardian of such child pays such reduced amount, then the county shall only be required to pay the difference between the amount paid by the parent or guardian and the uniform charge fixed by the director, but not to exceed the amount otherwise required to be paid by the county. Payments by the counties shall be made in the same manner and in the same amounts as payments made by the county pursuant to county ordinance or regulation or any amendment thereto which relates to the payment by the county for boarding children in boarding homes, camps or foster homes and which is in effect when the payments required by this section are made by the county.

California Academies Fund

26356. All amounts provided for by this article (commencing at Section 26351) shall be collected and deposited in the State Treasury in the California Academies Fund, hereby created. The Controller shall maintain a separate account in such fund covering the sources from which any moneys are received. None of the moneys in said fund shall be available for expenditure in carrying out the provisions of this chapter (Sections 26201 to 26356, inclusive) except such amounts thereof as are, after September 19, 1947, appropriated by the Legislature for specified purposes.

Broad powers shall be granted the Director of Education in the securing of special sites, buildings, either by purchase or lease or through gifts to establish the California academies. The academies shall be built up by careful selection of staff and through adoption of sound administrative and educational policies, calling for a gradual development rather than speedy growth.

CHAPTER 5. SCHOOLS FOR CEREBRAL PALSIED CHILDREN

Article 1. Administration

26401. There are two schools for cerebral palsied and other similarly handicapped children known and designated as School for Cerebral Palsied Children, Northern California, and School for Cerebral Palsied Children, Southern California. Number and designation

26402. The schools for cerebral palsied and other similarly handicapped children are a part of the school system of the State, except that they derive no revenue from the Public School Fund, and have for their object diagnosis, and the determination of the treatment, and educational program of children crippled by cerebral palsy or other similar handicaps. These schools provide temporary residence for children, who, by reason of their handicaps, cannot be taught in regular public school classes. Status and purpose

26403. The schools are under the administration of the Director of Education. Administration

26404. The Director of Education in relation to the schools for cerebral palsied and other similarly handicapped children shall: Duties of Director of Education

(a) Prescribe rules for the government of the schools.

(b) Appoint the superintendents and other officers and employees.

(c) Remove for cause any officer, teacher or employee.

(d) Fix the compensation of teachers.

(e) Determine the length of, and the time for, vacations of teachers.

(f) Contract with the University of California or with other public or private hospitals or schools of medicine for the establishment and maintenance of two or more diagnostic and treatment centers for cerebral palsied and other similarly handicapped children.

Article 2. Teaching Force

26451. The powers and duties of the superintendents of the schools are such as are assigned to them by the State Director of Education. Superintendents

26452. The Director of Education may authorize the California schools for cerebral palsied and other similarly handicapped children to establish and maintain teacher training courses designed to prepare teachers of college or university students to teach children orthopedically handicapped in special classes in the Public School System. The Director of Education shall prescribe standards for the admission of persons to the courses, and for the contents of the courses. Teacher training courses

Article 3. Pupils

Entrance qualifications and charges

26501. Every resident minor of California, of suitable age and capacity, as determined by means of diagnosis at the diagnostic and treatment centers for cerebral palsied and other similarly handicapped children, is entitled to enrollment in a school for cerebral palsied children, free of charge.

Children crippled by cerebral palsy, not residents of California, may be admitted to the benefits of the schools upon paying to the State Department of Education, quarterly in advance, the actual support cost at the average cost of maintaining pupils in the school for the period in question. This cost shall be determined by the Department of Education with the approval of the Department of Finance.

DIVISION 20. LIBRARIES

CHAPTER 1. STATE LIBRARY

Article 1. Division of Libraries in Department of Education

Division of Libraries

27001. There is in the Department of Education the Division of Libraries.

"State Librarian"

27002. The division shall be in charge of a chief who shall be a technically trained librarian and shall be known as the "State Librarian."

Appointment, salary, and bond

27003. The State Librarian shall be appointed by and hold office at the pleasure of the Governor. He shall receive an annual salary as provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code, and before entering upon the duties of his office shall execute an official bond to the State in the penal sum of three thousand dollars ($3,000).

Duties

27004. The State Librarian shall administer the State Library in accordance with law and such regulations as may be adopted by the State Board of Education, which board shall determine all policies for the conduct of the State Library.

Same

27005. The State Librarian shall be in attendance at the library during office hours.

Assistant

27006. The State Librarian may appoint an assistant who shall be a civil executive officer.

Article 2. Powers and Duties

Department of Education's duties

27051. The Department of Education shall:

(a) Make rules and regulations, not inconsistent with law, for its government and for the government of the State Library.

(b) Authorize the librarian to appoint such other assistants as are necessary.

(c) Sell or exchange duplicate copies of books.

(d) Keep in order and repair the books and property in the library.

(e) Prescribe rules and regulations permitting persons other than Members of the Legislature and other state officers to have the use of books from the library.

(f) Collect and preserve statistics and other information pertaining to libraries, which shall be available to other libraries within the State applying for the information.

(g) Establish, in its discretion, deposit stations in various parts of the State, under the control of an officer or employee of the State Library. No book shall be kept permanently away from the main library, which may be required for official use.

Same

27052. The Department of Education shall also:

(a) Purchase books, maps, engravings, paintings, and furniture for the library.

(b) Number and stamp all books and maps belonging to the library, and keep a catalog thereof.

(c) Have bound all books and papers that require binding

(d) Keep a register of all books and property added to the library, and of the cost thereof.

(e) Keep a register of all books taken from the library.

Federal aid to public libraries

27053 The State Department of Education is hereby named and designated as the proper state agency to accept, receive and administer any and all funds, moneys or library materials, granted, furnished, provided, appropriated, dedicated or made available by the United States or any of its departments, commissions, boards, bureaus or agencies for the purpose of giving aid to public libraries in the State of California.

Powers

27054. The Department of Education may:

(a) Contract with counties, cities, or districts within this State, agencies of the State, and agencies of the United States Government for the purpose of providing library services.

(b) Establish and operate library service centers.

Article 3. Books

Withdrawal from library

27101. Books may be taken from the library by the Members of the Legislature and by other state officers at any time.

Failure to return

27102. The Controller, when notified by the Department of Education that any officer or employee of the State for whom he draws a warrant for salary has failed to return any book taken by him, or for which he has given an order, within the time prescribed by the rules, or the time within which it was agreed to be returned, and which notice shall give the value of the book, shall, after first informing the officer or employee of the notice, upon failure by him to return the book, deduct from the warrant for the salary of the officer or employee, twice the value of the book, and place the amount deducted in the General Fund.

Purchase of duplicate

27103. In case of the neglect or refusal on the part of any officer or employee of the State to return a book for which he has given an order or a receipt or has in his possession, the

Department of Education may purchase for the library a duplicate of the book, and notify the Controller of the purchase, together with the cost of the book. Upon the receipt of the notice from the department, the Controller shall deduct twice the cost of the duplicate book from the warrant for the salary of the officer or employee, and place the amount deducted in the General Fund.

Legal actions

27104. The Department of Education may bring suit in its official capacity for the recovery of any book, or for three times the value thereof, together with costs of suit, against any person who has the book in his possession or who is responsible therefor. If the department has purchased a duplicate of any book, it may bring suit for three times the amount expended for the duplicate, together with costs of suit.

Liability of borrower

27105. Every person who injures or fails to return any book taken is liable in three times its value.

CHAPTER 2. COUNTY FREE LIBRARIES

Article 1. Establishment

County free libraries

27151. The boards of supervisors of the several counties may establish and maintain, within their respective counties, county free libraries pursuant to this chapter (commencing at Section 27151).

Establishment

27152. The board of supervisors of any county may establish at the county seat or elsewhere in the county, a county free library for that part of the county lying outside of cities maintaining free public libraries, and outside of library districts maintaining district libraries, and for all such additional portions of the county as may elect to become a part of, or to participate in, the county free library system as provided in this chapter (commencing at Section 27151).

Notice

27153. At least once a week for two successive weeks prior to taking any action, the board of supervisors shall publish, in a newspaper designated by it and published in the county, notice of the contemplated action, giving the date of the meeting at which the action is proposed to be taken.

Participation by city libraries

27154. After the establishment of a county free library, the board of trustees, common council, or other legislative body of any city in the county maintaining a free public library, or the board of trustees of any library district maintaining a district library, may notify the board of supervisors that the city or library district desires to become a part of the county free library system. Thereafter the city or library district shall be a part of the system and its inhabitants shall be entitled to the benefits of the county free library, and the property within the city or library district shall be liable to taxes levied for county free library purposes.

Withdrawal

27155. The board of trustees, common council, or other legislative body of any city or the board of trustees of any library district may on or before February 1st of any year,

notify the board of supervisors that the city or library district no longer desires to be a part of the county free library system. Thereafter the city or library district shall cease to participate in the benefits of the county free library, and the property situated in the city or library district shall not be liable to taxes for county free library purposes.

Effective date of withdrawal

27156. If the notice is given after February 1st of any year, the property situated in the city or library district shall be liable to taxes for county free library purposes during the immediately succeeding year, and the notice shall not be effective until the next succeeding year, and library service shall be rendered in the city or library district during the year for which taxes are levied for library purposes in the city or library district.

Notice

27157. Before any board of trustees, common council, or other legislative body of any city, or the board of trustees of any library district gives notice that the city or library district desires to become a part of the county free library system, or gives notice of withdrawal from the system, the board of trustees, common council, or other legislative body of the city or the board of trustees of the library district shall publish at least once a week for two successive weeks prior to the giving of either notice, in a newspaper designated by the board of trustees, common council, or other legislative body of the city or the board of library trustees of the library district, and circulating throughout the city or library district, notice of the contemplated action, giving the date and the place of the meeting at which the contemplated action is proposed to be taken.

Contracts with cities

27158. The board of supervisors of any county in which a county free library has been established may enter into contracts with any city maintaining a free public library, and any such city, through its board of trustees or other legislative body, may enter into contracts with the county to secure to the residents of the city the same privileges of the county free library as are granted to, or enjoyed by, the residents of the county outside of the city, or such privileges as are agreed upon in the contract, upon such consideration named in the contract as is agreed upon, to be paid into the county free library fund. Thereupon the residents of the city shall have the same privileges with regard to the county free library as the residents of the county outside of the city, or such privileges as are agreed upon by the contract.

Contracts with other counties

27159. The board of supervisors of any county in which a county free library has been established may enter into a contract with the board of supervisors of any other county to secure to the residents of the other county such privileges of the county free library as are agreed upon by the contract and upon such consideration as are agreed upon in the contract to be paid into the county free library fund. Thereupon the inhabitants of the other county shall have such privileges of the county free library as are agreed upon by the contract.

Library tax

27160. The board of supervisors of any county may enter into a contract with the board of supervisors of another county in which a county free library has been established, and may levy a library tax, for the purpose of carrying out the contract.

County librarian

27161. The board of supervisors of any county may contract with the board of supervisors of any other county or two or more other counties to provide for the services of a single qualified librarian to serve simultaneously as the county librarian of each county.

When so appointed the county librarian shall be required to establish a residence in but one of the counties in which he is appointed.

Termination of contract

27162. The making of the contract shall not bar the board of supervisors of the county during the continuance of the contract from establishing a county free library under the provisions of this chapter (commencing at Section 27151), if none is already established. Upon the establishment of any county free library, the contract may be terminated upon such terms as may be agreed upon by the parties thereto, or may continue for the term thereof.

Contract with city library

27163. Instead of establishing a separate county free library, the board of supervisors may enter into a contract with the board of library trustees or other authority in charge of the free public library of any city and the board of library trustees, or other authority in charge of the free public library, may make such a contract. The contract may provide that the free public library of the city shall assume the functions of a county free library within the county with which the contract is made, including cities in the county. The board of supervisors may agree to pay annually into the library fund of the city such sum as may be agreed upon. Either party to the contract may terminate the contract by giving six months' notice of intention to do so.

Disestablishment

27164. After a county free library has been established, it may be disestablished in the same manner as it was established At least once a week for two successive weeks prior to taking any action, the board of supervisors shall publish, in a newspaper designated by them, and published in the county, notice of the contemplated action, giving therein the date of the meeting at which the contemplated action is proposed to be taken.

Annexation of territory

27165. Whenever any of the territory being served by a county free library is annexed to, or otherwise included within, any municipal corporation not served by the county free library, the board of supervisors of the county shall order the county free library to continue to serve the territory annexed to, or otherwise included within the municipality, until the end of the fiscal year or years for which a tax has been levied upon the property of the annexed territory for the support of the county free library.

Article 2. The County Librarian

27201. Upon the establishment of a county free library, the board of supervisors shall appoint a county librarian, who shall hold office for the term of four years, subject to prior removal for cause, after a hearing, by the board. County librarian

27202. No person is eligible to the office of county librarian unless prior to his appointment, he has received from the board of library examiners a certificate of qualification for the office. Certificate

27203. At the time of his appointment, the county librarian need not be a resident of the county nor a citizen of the State of California. Residence

27204. Persons of either sex are eligible to certification for the office of county librarian. Sex

27205. The county librarian shall, prior to entering upon the duties of his office, file with the county clerk the usual oath of office and a bond, conditioned upon the faithful performance of his duties, with sufficient sureties approved by a judge of the superior court in the county of which the librarian is to be the county librarian, in such sum as is determined by the board of supervisors Oath and bond

27206. The county librarian shall, subject to the general rules adopted by the board of supervisors, build up and manage, according to accepted principles of library management, a library for the use of the people of the county, and shall determine what books and other library equipment shall be purchased Duties

27207. The salary of the county librarians shall be paid by each of the counties in equal monthly installments, at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid. Salary

27208. The county librarian and his assistant shall be allowed actual and necessary traveling expenses incurred on the business of the office. Traveling expenses

27209. Except when the county librarian is temporarily absent, no person shall serve in the position of county librarian under the title of acting county librarian, or assistant librarian in charge, or any other such title, unless the person has received from the Board of Library Examiners a certificate of qualification for the position of county librarian. Qualification certificate

In the event qualified candidates for the position of the county librarian cannot be found, the county supervisors shall secure a written permission from the Board of Library Examiners to appoint an unqualified person to the position. This written permission may be granted by the library examiners for a period of time up to but not exceeding one year. The examiners may from time to time in their discretion renew the permit.

The provisions of this section shall not apply to the present appointment or reappointment of any person serving on Sep-

tember 11, 1957, in any position which is in lieu of the position of county librarian.

Article 3. Government—State Board of Library Examiners

Board of Library Examiners

27251. There is in the State Government a commission known as the Board of Library Examiners, consisting of the State Librarian, who is ex officio chairman of the board, the librarian of the public library of the City and County of San Francisco, and the librarian of the Los Angeles Public Library. The members of the board shall receive no compensation for their services, except their actual and necessary traveling expenses, to be paid out of the moneys appropriated for the support of the Division of Libraries.

Duties

27252. The board shall pass upon the qualifications of all persons desiring to become county librarians, and may, in writing, adopt rules and regulations not inconsistent with law for its own government, and for carrying out the purposes of this chapter (commencing at Section 27151).

Duties of board of supervisors

27253. The county free library is under the general supervision of the board of supervisors, which may:

(a) Make general rules and regulations regarding the policy of the county free library.

(b) Establish, upon the recommendation of the county librarian, branches and stations throughout the county and may locate the branches and stations in cities wherever deemed advisable.

(c) Determine the number and kind of employees of the library.

(d) Appoint and dismiss the employees upon the recommendation of the county librarian.

Removal of employees

27254. No employee shall be removed except for cause.

Reinstatement

27255. If any removal is made upon the ground that the services of the employee are no longer required, the removed employee shall have the first right to be restored to the employment when his services are again required.

Employment for definite term

27256. The board of supervisors may, at the time of appointing any employee, and upon the recommendation of the county librarian, enter into an agreement that the employee is employed for a definite time only.

Grades of employees

27257. All employees of the county free library whose duties require special training in library work shall be graded in grades established by the county librarian, with the advice and approval of the State Librarian, according to the duties required of them, experience in library work and other qualifications for the service required.

Examinations

27258. Before appointment to a position in the graded service, the candidate shall pass an examination appropriate to the position sought, satisfactory to the county librarian, and show a satisfactory experience in library work. Work in approved library schools or libraries, or certificates issued by

the Board of Library Examiners, may be accepted by the county librarian in lieu of such examination.

Apprentices

27259. The county librarian may accept as apprentices, without compensation, candidates possessing personal qualifications satisfactory to him and may dismiss them at any time if in his judgment their work is not satisfactory to him.

Supervision by State Librarian

27260. The county free libraries are under the general supervision of the State Librarian, who shall from time to time, either personally or by one of his assistants, visit the county free libraries and inquire into their condition. The actual and necessary expenses of the visits shall be paid out of the moneys appropriated for the support of the Division of Libraries.

Annual convention

27261. The State Librarian shall annually call a convention of county librarians, to assemble at such time and place as he deems most convenient, for the discussion of questions pertaining to the supervision and administration of the county free libraries, the laws relating thereto, and such other subjects affecting the welfare and interest of the county free libraries as are properly brought before it. All county librarians shall attend and take part in the proceedings of the convention. The actual and necessary expenses of the county librarians attending the convention shall be paid out of the county free library fund.

Report

27262. The county librarian shall, on or before August 31st, in each year, report to the board of supervisors and to the State Librarian on the condition of the county free library, for the year ending June 30th preceding. The reports shall, in addition to other matters deemed expedient by the county librarian, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several county librarians instructions or question blanks so as to obtain the material for a comparative study of library conditions in the State.

Tax

27263. The board of supervisors, after a county free library has been established, shall annually levy, in the same manner and at the same time as other county taxes are levied, and in addition to all other taxes, a tax not to exceed three mills ($0.003) on the dollar ($1) of assessed valuation upon all property in the county outside of cities maintaining free public libraries, union high school library districts maintaining district free public libraries, and outside of library districts maintaining district libraries, and upon all property within cities and library districts, which have elected to become a part of any county free library system, for the purpose of purchasing property for, establishing, and maintaining the county free library.

Same

27264. In counties wherein a union high school library district, maintaining a district free public library was established prior to June 30, 1912, and such district has not elected to become a part of the county free library system, the board

of supervisors may levy a tax in such amount as may be necessary upon all the property in the county outside of cities maintaining free public libraries, union high school library districts maintaining district free public libraries and outside of library districts maintaining district libraries, and upon all property within cities and library districts, which have elected to become a part of any county free library system, for the purpose of acquiring sites for, and constructing, leasing, building, rebuilding, furnishing, refurnishing, or repairing county free library buildings. In all other counties, county bonds may be issued, in the manner prescribed in Article 1, Chapter 6, Division 3, Title 3 of the Government Code, for the erection and equipment of county free library buildings and the purchase of land therefor.

Gifts

27265. The board of supervisors may receive, on behalf of the county, any gift, bequest, or devise for the county free library, or for any branch or subdivision of the library.

Property and funds

27266. The title to all property belonging to the county free library is vested in the county. All laws applicable to the collection of county taxes shall apply to the collection of the taxes provided in Sections 27263 and 27264. All funds of the county free library, whether derived from taxation or otherwise, shall be in the custody of the county treasurer. They shall constitute a separate fund, called the county free library fund, and shall not be used for any purposes except those of the county free library.

Claims

27267. Each claim against the county free library fund shall be authorized and approved by the county librarian, or in his absence from the county by his assistant. It shall then be acted upon in the same manner as other claims against the county.

Contracts with county law libraries

27268. In any county of this State where a law library exists under the provisions of Chapter 5 of Division 3 of the Business and Professions Code, the board of supervisors of the county may enter into contracts, or agreements with the board of law library trustees of the law library for the co-operation of the law library and the county free library, and, in that connection, may contract or agree with the board of law library trustees of the law library that the county librarian and other employees of the county free library perform the duties required to be done or performed by the officers and employees of the law library for a compensation to be named in the contract or agreement, and to be paid into the county free library fund.

School and teachers' libraries

27269. The board of supervisors may accept on behalf of the county free library, all books and other property of school libraries and of the teachers' library, and may manage and maintain them as a part of the county free library.

Continued existence

27270. Any county library which was established and existed on April 26, 1911, under the provisions of an act entitled "An act to provide county library systems," approved April 12, 1909, is continued under the provisions of this chap-

ter (commencing at Section 27151), and shall be considered the same as if established under the provisions of this chapter (commencing at Section 27151). If a contract has been entered into between any county board of supervisors and any city pursuant to this article (commencing at Section 27151), the contract shall continue in force, and the provisions of Section 27163 shall be applicable thereto, until the establishment and equipment of a county free library under the provisions of this chapter (commencing at Section 27151), unless sooner terminated.

CHAPTER 3. MUNICIPAL LIBRARIES

Article 1. Establishment

27301. The common council, board of trustees, or other legislative body of any city in the State may, and upon being requested to do so by one-fourth of the electors of the municipal corporation in the manner provided in this article (commencing at Section 22201), shall, by ordinance, establish in and for the municipality a public library if there is none already established therein. Establishment

27302. The request may be by a single petition, or by several petitions. The several petitions shall be substantially in the same form. The single petition, or several petitions in the aggregate, shall have, the signatures of the requisite number of electors. Petition

Article 2. Trustees

27351. The public library shall be managed by a board of library trustees, consisting of five members, to be appointed by the mayor, president of the board of trustees, or other executive head of the municipality, with the consent of the legislative body of the municipality. Board of library trustees

27352. The trustees shall hold office for three years, serving without compensation. The members of the first board appointed shall so classify themselves by lot that one of their number shall go out of office at the end of the current fiscal year, two at the end of one year thereafter, and two at the end of two years thereafter. Term

27353. Men and women are equally eligible to appointment as trustees. Sex

27354. Vacancies shall be filled by appointment for the unexpired term in the same manner as the original appointments are made. Vacancies

27355. Boards of library trustees shall meet at least once a month at such times and places as they may fix by resolution. Monthly meetings

27356. Special meetings may be called at any time by three trustees, by written notice served upon each member at least three hours before the time specified for the proposed meeting. Special meetings

27357. A majority of the board shall constitute a quorum for the transaction of business. Quorum

President

27358. The board shall appoint one of its number president, who shall serve for one year and until his successor is appointed, and in his absence shall select a president pro tem.

Records

27359. The board shall cause a proper record of its proceedings to be kept.

Rules

27360. The board of library trustees may make and enforce all rules, regulations, and bylaws necessary for the administration, government, and protection of the libraries under its management, and all property belonging thereto.

Property

27361. The board of library trustees may administer any trust declared or created for the library, and receive by gift, devise, or bequest and hold in trust or otherwise, property situated in this State or elsewhere, and where not otherwise provided, dispose of the property for the benefit of the library.

Officers and employees

27362. The board of library trustees may prescribe the duties and powers of the librarian, secretary, and other officers and employees of the library; determine the number of and appoint all officers and employees, and fix their compensation. The officers and employees shall hold their offices or positions at the pleasure of the board.

Purchases

27363. The board of library trustees may purchase necessary books, journals, publications, and other personal property.

Real property

27364. The board of library trustees may purchase real property, and erect or rent and equip, such buildings or rooms, as may be necessary, when in its judgment a suitable building, or portion thereof, has not been provided by the legislative body of the municipality for the library.

State publications

27365. The board of library trustees may require the Secretary of State and other state officials to furnish the library with copies of any and all reports, laws, and other publications of the State not otherwise disposed of by law.

Books

27366. The board of library trustees may borrow books from, lend books to, and exchange books with other libraries, and may allow nonresidents to borrow books upon such conditions as the board may prescribe.

General duties

27367. The board of library trustees may do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter (commencing at Section 27301).

Report

27368. The board of library trustees, or if there is no board of trustees, then the administrative head of the library shall, on or before August 31st, in each year, report to the legislative body of the municipality and to the State Librarian on the condition of the library, for the year ending the thirtieth day of June preceding. The reports shall, in addition to other matters deemed expedient by the board of trustees or administrative head of the library, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several boards of trustees or administrative heads of the library instructions or question blanks so as to obtain the material for a comparative study of library conditions in the State.

Article 3. Support of Libraries

27401. The legislative body of any municipality in which a public library is established pursuant to this chapter (commencing at Section 27301), shall in making the annual tax levy and as part thereof, if the maintenance of the library has not been otherwise provided for, levy a tax for the purpose of maintaining the library and purchasing property necessary therefor. The tax shall be in addition to other taxes, the levy of which is permitted in the municipality. After two years from the establishment of new libraries, where a maintenance corresponding thereto, has not been otherwise provided, in municipalities of the first, second, and third classes, as they were classified on June 11, 1909, the tax levy shall not exceed two mills on the dollar of assessed valuation, and in municipalities of the fourth, fifth, and sixth classes, as they were classified on June 11, 1909, the levy shall not exceed three mills on the dollar of assessed valuation. Tax levy

27402. The revenue derived from the tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purposes of the library, shall be apportioned to a fund to be designated the library fund, and shall be applied to the purposes authorized in this chapter (commencing at Section 27301). Library fund

27403. If payment into the treasury is inconsistent with the conditions or terms of any gift, devise, or bequest, the board shall provide for the safety and preservation of the fund, and the application thereof to the use of the library, in accordance with the terms and conditions of the gift, devise, or bequest. Administration of gifts

27404. Payments from the fund shall be made upon warrants issued after due audit by, and an order from, the library trustees. The warrants shall be signed by the president and secretary of the board of library trustees. The treasurer of the municipality shall pay such warrants without any further order or warrant from any other authority. Warrants

Article 4. Government

27451. Every library established pursuant to this chapter (commencing at Section 27301) shall be forever free to the inhabitants and nonresident taxpayers of the municipality, subject always to such rules, regulations, and bylaws as may be made by boards of library trustees. Any person who violates any rule, regulations, or bylaw may be fined or excluded from the privileges of the library. Rules

27452. The board of library trustees and the legislative body of any neighboring municipality or the board of supervisors of the county in which the public library is situated, may contract for lending the books of the library to residents Contracts with county

of the county or neighboring municipality, upon a reasonable compensation to be paid by the county or neighboring municipality.

Legal title

27453. The title to all property acquired for the purposes of the library, when not inconsistent with the terms of its acquisition, or otherwise designated, vests in the municipality in which the library is situated, and in the name of the municipal corporation may be sued for and defended by action at law or otherwise.

Continued existence

27454. Any municipal library which was established and existed on June 11, 1909, under the provisions of an act entitled "An act to establish free public libraries and reading rooms," approved April 26, 1880, is continued under the provisions of this chapter (commencing at Section 27301) and shall be considered the same as if established under the provisions of this chapter (commencing at Section 27301). This chapter (commencing at Section 27301) has no application to any library established or governed by a city charter, and any city charter is in no manner affected by this chapter (commencing at Section 27301).

Disestablishment

27455. Any ordinance establishing a library adopted pursuant to this chapter (commencing at Section 27301) shall be repealed by the body which adopted it upon being requested to do so by 51 percent of the electors of the municipal corporation, as shown by the great register. Upon the repeal of the ordinance the library is disestablished in the municipal corporation.

CHAPTER 4. LIBRARY DISTRICTS IN UNINCORPORATED TOWNS AND VILLAGES

Article 1. Formation

Establishment

27501. Any unincorporated town or village of this State may establish, equip, and maintain a public library for the dissemination of knowledge of the arts, sciences, and general literature, in accordance with this chapter (commencing at Section 27501).

Petition and election

27502. Upon the application, by petition, of 50 or more taxpayers and residents of any unincorporated town or village to the board of supervisors in the county in which the town or village is located, praying for the formation of a library district, and setting forth the boundaries of the proposed district, the board of supervisors shall, within 10 days after receiving the petition, by resolution, order that an election be held in the proposed district for the determination of the question and shall appoint three qualified electors of the proposed district to conduct the election.

Notice

27503. The election shall be called by posting notice in three of the most public places in the proposed library district, and by publication in a daily or weekly paper, if there

is one, at least once a week for not less than 15 days. The notices shall specify the time, place, and the purposes of the election, and the hours during which the polls will be kept open.

Hours of voting

27504. In districts with a population of 10,000 or over, the polls shall be opened at 8 o'clock a.m., and kept open until 7 o'clock p.m., and in districts where the population is less than 10,000, the polls shall not be opened before 1 o'clock p.m., and shall be kept open not less than six hours.

Conduct

27505. The election shall be conducted in accordance with the general election laws of this State, where applicable, without reference to form of ballot or manner of voting, except that the ballots shall contain the words, "For library district," and the voter shall write or print after the words on his ballot the word "Yes," or the word "No."

Electors

27506. Every qualified elector, resident within the proposed district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election.

Reports of results

27507. The election officers shall report the result of the election to the board of supervisors within five days after the election.

Board of library trustees

27508. If a majority of the votes at the election is in favor of a library district, the board of supervisors shall by resolution, establish the library district, and shall appoint three trustees, who shall be qualified electors and residents within the limits of the district, to be known as a board of library trustees of the town or village for which they are appointed.

Term

27509. The trustees shall severally hold office for three years from the first day of July next succeeding their election and until their successors are elected and qualified; serving without compensation.

Same First board

27510. The members of the first board appointed shall be so classified by the board of supervisors at the time of their appointment, that one of their number goes out of office on the thirtieth day of June next succeeding his appointment, one at the end of one year thereafter, and the other at the end of two years thereafter.

Vacancies

27511. Vacancies shall be filled by the board of supervisors by appointment for the unexpired term.

Unfavorable vote

27512. If a majority of the votes cast is against a library district, the board of supervisors shall, by order, so declare, and no other proceedings shall be taken in relation thereto until the expiration of one year from the date of presentation of the petition.

Conclusiveness of proceedings

27513. The fact of the presentation of the petition, and the order establishing the library district and making the appointment of the three library trustees, shall be entered in the minutes of the board of supervisors and shall be conclusive evidence of the due presentation of a proper petition, and that each of the petitioners was, at the time of signature and presentation of the petition, a taxpayer and resident of the proposed district, and of the fact and regularity of all

prior proceedings of every kind and nature provided for by this article (commencing at Section 27501), and of the existence and validity of the district.

Article 2. Powers

Monthly meeting

27551. The board of library trustees shall meet at least once a month, at such time and place as it may fix by resolution.

Special meetings

27552. Special meetings may be called at any time by two trustees, by written notices served upon each member at least 12 hours before the time specified for the meeting.

Quorum

27553. Two members constitute a quorum for the transaction of business.

Organization of board

27554. At its first meeting held after the first day of July the board shall organize by electing one of its number president, and another one of its number secretary. They shall serve as such for one year or until their successors are elected and qualified.

Certificate of establishment

27555. The board shall cause a proper record of its proceedings to be kept, and at the first meeting of the board of trustees, it shall immediately cause to be made out and filed with the Department of Education at Sacramento a certificate showing that the library has been established, with the date thereof, the names of the trustees, and the officers of the board chosen for the current fiscal year.

Rules

27556. The board of library trustees shall make and enforce all rules, regulations, and bylaws necessary for the administration, government, and protection of the library under its management, and all property belonging to it.

Gifts

27557. The board of library trustees shall administer any trust declared or created for the library, and receive by gift, devise, or bequest, and hold in trust or otherwise, property situated in this State or elsewhere, and where not otherwise provided, dispose of the property for the benefit of the library.

Officers and employees

27558. The board of library trustees shall prescribe the duties and powers of the librarian, secretary, and other officers and employees of the library, determine the number of and appoint all officers and employees, and fix their compensation. The officers and employees shall hold their offices and positions at the pleasure of the board.

Purchases

27559. The board of library trustees shall purchase necessary books, journals, publications, and other personal property.

Real property

27560. The board of library trustees shall also purchase such real property, and erect or rent and equip, such building or rooms, as in its judgment is necessary to properly carry out the provisions of this chapter (commencing at Section 27501).

State publications

27561. The board of library trustees shall require the Secretary of State and other state officials to furnish the library with copies of any and all reports, laws, and other publications of the State not otherwise disposed of by law.

27562. The board of library trustees shall borrow books from, lend books to, and exchange books with other libraries. It shall allow nonresidents to borrow books upon such conditions as it may prescribe. Books

27563. The board of library trustees shall do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter (commencing at Section 27501). General duties

27564. The board of library trustees shall file, through the librarian, on or before the last day in the month of August of each year, a report with the State Librarian at Sacramento giving the condition of the library and the number of volumes contained therein on the thirtieth day of June preceding. The report shall, in addition to other matters deemed expedient by the board of trustees or the librarian, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several district librarians instructions or question blanks so as to obtain the material for a comparative study of library conditions in the State. Report

27565. The board of library trustees shall designate the hours during which the library is open for the use of the public. All public libraries established under this chapter (commencing at Section 27501), shall be open for the use of the public during every day in the year except on such legal holidays as may be determined by the board of library trustees. Hours

27566. In any library district formed under the provisions of this chapter (commencing at Section 27501), which maintains a public library, or which has petitioned for and been granted permission to establish, and intends to maintain a public library in accordance with this chapter (commencing at Section 27501), the board of library trustees shall furnish to the board of supervisors of the county in which the library district is situated, each and every year, on or before the first day of September, an estimate of the cost of any or all of the following: Estimate of costs

(a) Leasing temporary quarters.

(b) Purchasing a suitable lot.

(c) Procuring plans and specifications and erecting a suitable building.

(d) Furnishing and equipping the building and fencing and ornamenting the grounds, for the accommodation of the public library

(e) Conducting and maintaining the library for the ensuing fiscal year.

27567. The board of library trustees may, when in its judgment it is deemed advisable, and upon the petition of 50 or more taxpayers residing within the library district shall, call an election and submit to the electors of the library district the question of whether the bonds of the library district shall be issued and sold for any or all the purposes of this chapter (commencing at Section 27501). Bonds

Tax levy

27568. When the estimate has been submitted to the board of supervisors, the board of supervisors shall, at the time of levying county taxes, levy a special tax upon all of the taxable property within the limits of the library district, sufficient in amount to maintain the public library, or to purchase the site, erect and equip the building, improve the grounds or building, or for any or all of the purposes of this chapter (commencing at Section 27501). The taxes shall be computed, entered upon the tax roll, and collected in the same manner as other taxes are computed, entered, and collected.

Library fund

27569. The revenue derived from the tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purposes of the library, shall be paid into the county treasury, to the credit of the library fund of the district in which the tax is collected, subject only to the order of the library trustees of the district If payment into the treasury is inconsistent with the terms or conditions of any gift, devise, or bequest, the board of library trustees shall provide for the safety and preservation of the fund, and the application thereof to the use of the library, in accordance with the terms and conditions of the gift, devise, or bequest.

Warrants

27570. Upon the receipt by the county auditor of an order of the library trustees of the district he shall issue his warrant upon the county treasurer for the amount stated in the order.

Nonpayment

27571. When any warrant is presented to the treasurer for payment and it is not paid for want of funds the treasurer shall endorse thereon "not paid for want of funds" with the date of presentation and sign his name thereto and from that time the warrant bears interest at the rate of 6 percent per annum until it is paid or until funds are available for its payment and the county treasurer gives notice to the warrant holder that funds are available for payment The giving of the notice is deemed complete upon deposit thereof in the United States mail in a sealed envelope addressed to the warrant holder at his address given by him at the time of presentation of the warrant to the treasurer, with postage thereon fully prepaid and registered.

Rules

27572. Every library established under this chapter (commencing at Section 27501) shall be forever free to the inhabitants and nonresident taxpayers of the library district, subject always to such rules, regulations, and bylaws as may be made by the board of library trustees For any violation of the rules, regulations, or bylaws a person may be fined or excluded from the privileges of the library.

Contracts

27573. Boards of library trustees and the boards of trustees of neighboring library districts, or the legislative bodies of neighboring municipalities, or boards of supervisors of the counties in which public libraries are situated, may contract to lend the books of the libraries to residents of the counties or neighboring municipalities, or library districts, upon a

reasonable compensation to be paid by the counties, neighboring municipalities, or library districts.

27574. The title to all property acquired for the purposes of the libraries, when not inconsistent with the terms of its acquisition, or not otherwise designated, vests in the district in which libraries are, or are to be situated. Legal title

27575. Every library district shall be designated by the name and style of _____ library district, (using the name of the district), of _____ county, (using the name of the county in which the district is situated). In that name the trustees may sue and be sued, and may hold and convey property for the use and benefit of the district. A number shall not be used as a part of the designation of any library district. Name

Article 3. Annual Election of Trustees

27601. An election shall be held in each library district, annually, at the public library, if there is one, and if there is none, at the place designated by the board of trustees, for the election of one library trustee, who shall hold office for three years dating from the first day of July next succeeding his election, or until his successor is elected, or appointed, and qualified. Annual election

27602. The number of library trustees for any library district established under the provisions of this chapter (commencing at Section 27501) is three. Number of trustees

27603. Not less than 10 days before the election, the trustees shall post notices in three public places in the district, one of which places shall be the public library. The notices shall specify the time and place of election, and the hours during which the polls will be kept open. If within five days of holding the election the trustees have failed to post the notices, then any three electors of the district may give notice. Notice of election

27604. Boards of trustees shall appoint one inspector and two judges to conduct the election. If they are not appointed, or, if those appointed are not present at the opening of the polls, the electors present may appoint them, and they shall conduct the election. Any member of the board of library trustees is qualified to administer the oath and swear in the election officers. Election officers

27605. In library districts with a population of 10,000 or over, the polls shall be open at 8 o'clock a.m., and kept open until 7 o'clock p.m. In districts where the population is less than 10,000 the polls shall not be opened before 1 o'clock p.m., and shall be kept open not less than six hours. Hours of voting

27606 Every elector, resident of the library district, who is a qualified elector of the county, and who is registered in the district where the election is held at least 54 days before the election, may vote at the election. Qualified electors

27607. Voting shall be by ballot, without reference to the general election law in regard to nominations, form of ballot, or manner of voting, which shall be handed by the elector Method of voting

voting to the inspector, who shall then, in his presence, deposit the ballot in the ballot box, and the judges shall enter the elector's name on the poll list.

Challenge

27608. Any person offering to vote may be challenged by any elector of the district, and the judges of election shall thereupon administer to the person challenged an oath, in substance as follows: "You do swear that you are a citizen of the United States, that you are 21 years of age, that you have resided in this State one year, in this county 90 days, and in this library district 54 days preceding this election, and that your name is on the great register of this county and was on the great register of a precinct of this library district at least 54 days before this election, and that you have not before voted this day." If he takes the oath, his vote shall be received. Otherwise his vote shall be rejected.

Poll and tally lists

27609. A poll and tally list shall be kept and shall be returned to the board of library trustees.

Results of election

27610. The officers of election shall publicly canvass the votes immediately after closing the polls, and shall make, sign, and deliver certificates of election to the person elected, which shall, with the oath of office of the person elected attached, be forwarded to the county clerk and filed in his office.

Article 4. Bonds

Purposes

27651. The board of trustees of any library district may, when in their judgment it is deemed advisable, and shall upon a petition of 50 or more taxpayers and residents of the library district, call an election and submit to the electors of the district the question of whether the bonds of the district shall be issued and sold for the purpose of raising money for any or all of the following:

(a) The purchase of suitable lots.

(b) Procuring plans and specifications and erecting a suitable building.

(c) Furnishing and equipping the building, and fencing and ornamenting the grounds, for the accommodation of the public library.

(d) Any or all of the purposes of this chapter (commencing at Section 27501).

(e) Liquidating any indebtedness incurred for the purposes.

(f) Refunding any outstanding valid indebtedness, evidenced by bonds or warrants of the district.

Notice

27652. The election shall be called by posting notices, signed by the board, in three of the most public places in the district, for not less than 20 days before the election, and by publishing the notice not less than once a week for three successive weeks in a newspaper published in the district if there is one, or if there is none, in a newspaper published in the county.

Contents of notice

27653. The notice shall contain:

(a) Time and place of holding the election.

(b) The names of inspectors and judges to conduct the election.

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

(d) The amount and denomination of the bonds, the rate of interest, and the number of years, not exceeding 40, the whole or any part of the bonds are to be run.

Conduct of election

27654. The election shall be conducted in accordance with the provisions of Sections 27601 to 27610, inclusive, relating to the election of trustees, insofar as they are applicable to the election for bonds.

Method of voting

27655. Voting shall be by ballot, without reference to the general election law in regard to form of ballot, or manner of voting, except that the words to appear on the ballot shall be, "bonds—Yes," and "bonds—No." Persons voting at the bond election shall put a cross (+) upon their ballots, with pencil or ink, after the words, "bonds—Yes," or "bonds—No," as the case may be, to indicate whether they have voted for or against the issuance of the bonds. The ballot shall be handed by the elector voting to the inspector, who shall then, in his presence, deposit the ballot in the ballot box, and the judges shall enter the elector's name on poll list.

Favorable vote

27656. On the seventh day after the election, at 8 o'clock p.m., the returns having been made to the board of trustees, the board shall meet and canvass the returns, and if it appears that two-thirds of the votes cast at the election are in favor of issuing the bonds, then the board shall cause an entry of the fact to be made upon its minutes and shall certify to the board of supervisors, all the proceedings had in the premises. Thereupon the board of supervisors shall issue the bonds of the district, to the number and amount provided in the proceedings, payable out of the building fund of the district, naming the district.

Taxation

27657. The money shall be raised by taxation upon the taxable property in the district, for the redemption of the bonds and the payment of the interest thereon.

Bonded limitation

27658. The total amount of bonds issued shall not exceed 5 percent of the taxable property of the district, as shown by the last equalized assessment book of the county.

Form and term

27659. The board of supervisors by an order entered upon its minutes shall prescribe the form of the bonds and of the interest coupons attached thereto, and shall fix the time when the whole or any part of the principal of the bonds shall be payable, which shall not be more than 40 years from the date thereof.

Interest

27660. The bonds shall not bear a greater amount of interest than 6 percent, to be payable annually or semiannually. The bonds shall be sold in the manner prescribed by the board of supervisors, but for not less than par, and the proceeds of the sale thereof shall be deposited in the county treasury to the credit of the building fund of the library district, and

shall be drawn out for the purposes for which the bonds were issued as other library moneys are drawn out.

Tax levy

27661. The board of supervisors, at the time of making the levy of taxes for county purposes, shall levy a tax for that year upon the taxable property in the district, at the equalized assessed value thereof for that year, for the interest and redemption of the bonds. The tax shall not be less than sufficient to pay the interest of the bonds for that year, and such portion of the principal as is to become due during the year. In any event the tax shall be high enough to raise, annually, for the first half of the term the bonds have to run, a sufficient sum to pay the interest thereon, and during the balance of the term, high enough to pay the annual interest and to pay, annually, a proportion of the principal of the bonds equal to a sum produced by taking the whole amount of the bonds outstanding and dividing it by the number of years the bonds then have to run.

Payment of bonds

27662. All money levied, when collected, shall be paid into the county treasury to the credit of the library district, and shall be used for the payment of principal and interest on the bonds, and for no other purpose The principal and interest on the bonds shall be paid by the county treasurer, upon the warrant of the county auditor, out of the fund provided therefor. The county auditor shall cancel and file with the county treasurer the bonds and coupons as rapidly as they are paid.

Cancellation

27663. Whenever any bonds issued under this article (commencing at Section 27651) remain unsold for the period of six months after having been offered for sale in the manner prescribed by the board of supervisors, the board of trustees of the library district for or on account of which the bonds were issued, or of any library district composed wholly or partly of territory which, at the time of holding the election authorizing the issuance of the bonds, was embraced within the district for or on account of which the bonds were issued, may petition the board of supervisors to cause the unsold bonds to be withdrawn from market and canceled.

Notice of hearing

27664 Upon receiving the petition, signed by a majority of the members of the board of trustees, the supervisors shall fix a time for hearing the petition, which shall be not more than 30 days thereafter, and shall cause a notice, stating the time and place of hearing, and the object of the petition in general terms, to be published for 10 days prior to the day of hearing, in some newspaper published in the library district, if there is one, and if there is no newspaper published in the library district, then in a newspaper published at the county seat of the county in which the library district or part thereof is situated.

Order

27665 At the time and place designated in the notice for hearing the petition, or at any subsequent time to which the hearing is postponed, the supervisors shall hear any reasons that are submitted for or against the granting of the petition, and if they deem it for the best interests of the library dis-

trict that the unsold bonds be canceled, they shall make and enter an order in the minutes of their proceedings that the unsold bonds be canceled. Thereupon the bonds, and the vote by which they were authorized to be issued, shall cease to be of any validity whatever.

Article 5. Change of Boundaries and Dissolution

Annexation and exclusion of territory

27701. Territory may be annexed to or excluded from a library district organized under this chapter (commencing at Section 27501) in the manner provided in the District Organization Law, upon petition signed by not less than 50 voters residing in the territory the annexation or exclusion of which is requested, or by a majority thereof if there be less than 50 residing in the territory, the annexation or exclusion of which is requested.

Election

27702. An election, pursuant to the provisions of the District Organization Law, is not required unless protests to the annexation or exclusion are made by 50 or more taxpayers and residents of the district.

Exclusion of tax-exempt property

27703. An election is not necessary in any event where it is proposed to exclude territory, all of which is exempt from taxation. Such territory may be excluded from a library district organized under this chapter (commencing at Section 27501) upon petition of the owner of such territory.

Election

27704. The district may at any time be dissolved upon the vote of two-thirds of the qualified electors thereof, upon an election called by the library trustees of the district, upon the question of dissolution. The election shall be called and conducted in the same manner as other elections of the district.

Property

27705. Upon the dissolution, the property of the district shall vest in any city that is at the time in occupation of a major portion of the territory of the library district and including within its city limits the property and buildings in which the library is situated. If there is no city, then the property shall be vested in the board of supervisors of the county until the formation of a city.

Bonded indebtedness

27706. If, at the time of the election to dissolve the district, there is any outstanding bonded indebtedness of the district, the vote to dissolve the district shall dissolve the district for all purposes excepting only the levy and collection of taxes for the payment of the indebtedness.

Ex officio library board

27707. From the time the district is dissolved until the bonded indebtedness, with the interest thereon, is fully paid, satisfied and discharged, the legislative authority of the city, or the board of supervisors, if there is no city, is ex officio the library board of the district. The board shall levy such taxes and perform such other acts as are necessary in order to raise money for the payment of the indebtedness and the interest thereon.

CHAPTER 5. LIBRARY DISTRICTS

Article 1. Formation, Annexation, and Dissolution

Purposes

27751. A library district may be organized, as provided in this chapter (commencing at Section 27751) The library district may establish, equip, and maintain a public library for the dissemination of knowledge of the arts, sciences, and general literature and may exercise the powers granted or necessarily implied pursuant to this chapter (commencing at Section 27751).

Territory

27752. The library district may include incorporated or unincorporated territory, or both, in any one or more counties, so long as the territory of the district consists of contiguous parcels and the territory of no city is divided.

Petition

27753. Whenever the formation of a library district is desired, a petition which may consist of any number of instruments, may be presented at a regular meeting of the board of supervisors of the county in which is located the largest proportionate value of the lands within the proposed district as shown by the last equalized county assessment roll. The board of supervisors to whom the petition is presented is designated in this chapter (commencing at Section 27751) as the supervising board of supervisors.

Signatures

27754. The petition shall be signed by registered voters residing within the proposed library district equal in number to at least 5 percent of the number of votes cast in the territory comprising the proposed district at the last preceding general state election at which a Governor was elected.

Proceedings

27755. The proceedings for the filing and hearing of the petition are governed and controlled by the provisions of Sections 58032, 58033, 58034, 58060, and 58061 of the Government Code.

Same Final hearing

27756. The proceedings for final hearing of the petition and the formation of the district are governed and controlled by the provisions of Articles 4 and 5 (commencing with Section 58090) and Article 7 (commencing with Section 58200) of Chapter 1, Title 6 of the Government Code.

Protests

27757. On the filing of written protests by registered voters residing in the proposed district equal in number to at least 50 percent of the number of votes cast in the territory comprising the proposed district at the last preceding general state election at which a governor was elected, the proceeding for the formation of the district shall be terminated as provided in Sections 58103 and 58104 of the Government Code.

Districts in more than one county

27758. No library district including territory in more than one county shall be organized under this chapter (commencing at Section 27751) without the concurrent consent by resolution of each board of supervisors involved, as well as the consent of the governing body of each city to be included.

Annexation of territory

27759. Territory may be annexed to or excluded from a library district organized under this chapter (commencing at

Section 27751) in the manner provided in Article 8 (commencing with Section 58230) of Chapter 1, Title 6 of the Government Code, upon petition signed by the same number of qualified petitioners required for signature on the petition for organization of the district under this chapter (commencing at Section 27751).

Consolidation

27760. Two or more districts organized under this chapter (commencing at Section 27751) may be consolidated in the manner provided in Article 9 (commencing with Section 58260) of Chapter 1, Title 6 of the Government Code.

Dissolution

27761. A library district organized under this chapter (commencing at Section 27751) may be dissolved in the manner provided in Article 10 (commencing with Section 58300) of Chapter 1, Title 6 of the Government Code.

Article 2. Trustees

Trustees

27801. Within 30 days after the filing with the Secretary of State of the resolution declaring the organization of the district, a board of three library trustees shall be appointed for the district. The board shall consist of one trustee to be appointed from each unit, in the case of any unincorporated territory by the board of supervisors and in the case of a city by the governing body thereof.

If a board thus appointed would consist of more than three members, the supervising board of supervisors shall appoint three library trustees from the district at large.

If the board thus appointed consists of less than three members, the supervising board of supervisors shall appoint from the district at large enough additional members to make a board of three trustees.

As used in this section, "unit" means all unincorporated territory in the district which lies in a single county and also means each city in the district.

Designation

27802. The governing board of the district shall be called "the board of library trustees of _____ Library District" (inserting the name of the particular district).

Term

27803. The trustees shall hold office for the term of three years beginning on the second day of the calendar year next succeeding their appointment or election.

Same
First board

27804. The first board of library trustees appointed in a district shall at their first meeting so classify themselves by lot that their terms shall expire: one on the second day of the second calendar year next succeeding his appointment, one at the end of one year thereafter, and one at the end of two years thereafter.

Organization

27805. At its first meeting called after the original appointment of the board, and annually thereafter at its first meeting called after the second day of the calendar year, the board shall organize by electing one of its number president, and another one of its number secretary. They shall serve as such for one year or until their successors are elected and qualified.

Certificate of establishment

27806. The board shall cause a proper record of its proceedings to be kept, and at the first meeting of the board of trustees of the library district, it shall immediately cause to be made out and filed with the Department of Education at Sacramento a certificate showing that the library district has been established, with the date thereof, the names of the trustees, and the officers of the board chosen for the current fiscal year.

Vacancies

27807. A vacancy in the board of library trustees shall be filled for the unexpired term by appointment of the supervising board of supervisors.

Holding office

27808. Each library trustee shall hold office until his successor is elected and qualified.

Monthly meetings

27809. The board of library trustees shall meet at least once a month, at such time and place as it may fix by resolution.

Special meetings

27810. Special meetings may be called at any time by two trustees, by written notices served upon each member at least 12 hours before the time specified for the meeting.

Quorum

27811. Two members constitute a quorum for the transaction of business.

Article 3. Powers

Rules

27851. The board of library trustees shall make and enforce all rules, regulations, and bylaws necessary for the administration, government, and protection of the library under its management, and all property belonging to the district.

Gifts

27852. The board of library trustees shall administer any trust declared or created for the library, and received by gift, devise, or bequest, and hold in trust or otherwise, property situated in this State or elsewhere, and where not otherwise provided, dispose of the property for the benefit of the library.

Officers and employees

27853. The board of library trustees shall prescribe the duties and powers of the librarian, secretary, and other officers and employees of the library, determine the number of and appoint all officers and employees, and fix their compensation. The officers and employees shall hold their offices and positions at the pleasure of the board.

Purchases

27854. The board of library trustees shall purchase necessary books, journals, publications, and other personal property.

Real property

27855. The board of library trustees shall purchase real property, and erect or rent and equip, such buildings or rooms, as in its judgment are necessary properly to carry out the provisions of this chapter (commencing at Section 27751).

State publications

27856. The board of library trustees shall require the Secretary of State and other state officials to furnish the library with copies of any and all reports, laws, and other publications of the State not otherwise disposed of by law.

Books

27857. The board of library trustees shall borrow books from, lend books to, and exchange books with other libraries,

and may allow nonresidents of the district to borrow books upon such conditions as the board may prescribe.

27858. The board of library trustees shall borrow money, give security therefor, purchase on contract, and do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter (commencing at Section 27751). General powers

27859. The board of library trustees shall file, through the librarian, on or before the last day of August of each year, a report with the State Librarian at Sacramento giving the condition of its library and the number of volumes contained therein on the thirtieth day of June preceding. The report shall, in addition to other matters deemed expedient by the board of trustees or the district librarian, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several district librarians instructions or question blanks so as to obtain the material for a comparative study of library conditions in the State. Report

27860. The board of library trustees shall designate the hours during which the library shall be open for the use of the public. All public libraries established under this chapter (commencing at Section 27751) shall be open for the use of the public during every day in the year. Hours

27861. Annually, at least 15 days before the first day of the month in which county taxes are levied, the board of library trustees of each library district shall furnish to the board of supervisors of the county in which the district or any part thereof is situated, an estimate in writing of the amount of money necessary for all purposes required under this chapter (commencing at Section 27751) during the next ensuing fiscal year. Estimate of costs

27862. Each board of supervisors in which any part of the district is situated shall thereupon levy a special tax upon all taxable property of the county lying within the district sufficient in amount to maintain the district. Tax levy

27863. The tax shall in no case exceed the rate of fifteen cents ($0.15) on each one hundred dollars ($100) of the assessed valuation of all taxable property within the district, but it may be in addition to all other taxes allowed by law to be levied upon the property. Rate

27864. The tax shall be computed, entered upon the tax rolls, and collected in the same manner as county taxes are computed, entered, and collected. All money collected shall be paid into the county treasury to the credit of the particular library district fund and shall be paid out on the order of the district board, signed by the president and secretary. Library district fund

27865. If the district embraces territory lying in more than one county, the amount estimated shall be ratably apportioned among the several counties in the district in proportion to the exact value of the property in the several counties included within the district as shown upon the last equalized assessment District in more than one county

rolls of the counties. The estimates apportioned to the several counties shall be rendered to the respective boards of supervisors, and the tax shall be levied and collected by the officials of the counties upon the property of the district lying in each county.

Gifts

27866. All money acquired by gift, devise, bequest, or otherwise, for the purposes of the library, shall be paid into the county treasury to the credit of the library fund of the district, subject only to the order of the library trustees of the district.

Administration of gifts

27867. If the payment into the treasury is inconsistent with the terms or conditions of any gift, devise, or bequest, the board of library trustees shall provide for the safety and preservation of the fund, and the application thereof to the use of the library, in accordance with the terms and conditions of the gift, devise, or bequest.

Warrants

27868. Upon the receipt by the county auditor of an order of the library trustees of the district, he shall issue his warrant upon the county treasurer for the amount stated in the order.

Nonpayment

27869. When any warrant is presented to the treasurer for payment and it is not paid for want of funds, the treasurer shall endorse thereon "not paid for want of funds" with the date of presentation and sign his name thereto, and from that time the warrant bears interest at the rate of 6 percent per annum until it is paid or until funds are available for its payment and the county treasurer gives notice to the warrant holder that funds are available for the payment. The giving of the notice is deemed complete upon deposit thereof in the United States mail in a sealed envelope addressed to the warrant holder at his address given by him at the time of presentation of the warrant to the treasurer, with postage thereon fully prepaid and registered.

Rules

27870. Every library established under this chapter (commencing at Section 27751) shall be forever free to the inhabitants and nonresident taxpayers of the library district, subject always to such rules, regulations, and bylaws as may be made by the board of library trustees. For violation of any rule, regulation, or bylaw a person may be fined or excluded from the privileges of the library.

Legal title

27871. The title to all property acquired for the purposes of the library, when not inconsistent with the terms of its acquisition, or not otherwise designated, vests in the district in which the library is or is to be situated.

Name

27872. Every library district shall be designated by the name and style of _____ Library District (using the name of the district) of _____ County (using the name of the county or counties in which the district is situated). In that name the trustees may sue and be sued, and may hold and convey property for the use and benefit of the district. A

number shall not be used as a part of the designation of any library district.

Contracts

27873. The board of library trustees and the boards of trustees of neighboring library districts, or the governing bodies of neighboring cities, or boards of supervisors of counties in which public libraries are situated, may contract to lend the books of libraries created under this chapter (commencing at Section 27751) to residents of the counties, neighboring cities, or library districts, upon a reasonable compensation to be paid by the counties, neighboring cities, or library districts.

Construction

27874. Anything in Sections 27301 to 27455, inclusive, to the contrary notwithstanding, the property in any library district created under this chapter (commencing at Section 27751) subsequent to the establishment of a county free library is subject to taxation for county free library purposes as though the library district had not been created.

Article 4. Annual Election of Trustees

Annual election

27901. An election shall be held annually in each library district for the election of one library trustee who shall hold office for three years beginning on the second day of the calendar year next succeeding his election. This election shall be known as the general district election and shall be held in the district on the same day as the State general election in the even-numbered years, and in the odd-numbered years on the first Tuesday after the first Monday in November.

Elections

27902. To be qualified to vote at any library district election a person shall be a resident of the library district, a qualified elector of the county, and shall be registered in the district in which the election is held at least fifty-four days before the election.

Notices and elections

27903. Articles 1 and 6 of Chapter 1 of Title 6 of the Government Code relating to notices and elections shall govern and control this chapter (commencing at Section 27751).

Article 5. Bonds

Purposes

27951. The board of trustees of any library district may, when in their judgment it is deemed advisable, and shall, upon a petition of 50 or more taxpayers and residents of the library district, call an election and submit to the electors of the district, the proposition of whether the bonds of the district will be issued and sold for the purpose of raising money for any or all of the following:

(a) The purchase of suitable lots.

(b) Procuring plans and specifications and erecting a suitable building.

(c) Furnishing and equipping the building and fencing and ornamenting the grounds, for the accommodation of the public library.

(d) Any or all of the purposes of this chapter (commencing at Section 27751).

(e) Liquidating any indebtedness incurred for the purposes.

(f) Refunding any outstanding valid indebtedness, evidenced by bonds or warrants of the district.

Election

27952. The bond election shall be called and conducted and the results thereof canvassed, returned, and declared in the manner provided in Article 6 of Chapter 1 of Title 6 of the Government Code.

Contents of resolution

27953. The board of trustees shall set forth in the resolution calling for a bond election the amount and denomination of the bonds, the rate of interest, the number of years that all or any part of the bonds are to run, and the information required in Section 58170 of the Government Code.

Method of voting

27954. Voting shall be by ballot, without reference to the general election law in regard to form of ballot, or manner of voting, except that the words to appear on the ballot shall be "Bonds—Yes," and "Bonds—No." Persons voting at the bond election shall put a cross (+) upon their ballots, with pencil or ink, after the words "Bonds—Yes," or "Bonds—No," as the case may be, to indicate whether they have voted for or against the issuance of the bonds.

Favorable vote

27955. The board of library trustees shall meet on the seventh day after the election, at 8 o'clock p.m., and canvass the returns. If it appears that two-thirds of the votes cast at the election were cast in favor of issuing the bonds, the board shall enter the fact upon its minutes and shall certify all the proceedings to the supervising board of supervisors. Thereupon the board of supervisors shall issue the bonds of the district, in the number and amount provided in the proceedings, and the district shall be named on the bonds. The bonds shall be paid out of the building fund of the district.

The money for the redemption of the bonds and the payment of interest thereon shall be raised by taxation upon the taxable property in the district.

Bond limitation

27956. The total amount of bonds issued shall not exceed 5 percent of the taxable property of the district, as shown by the last equalized assessment roll of the county or counties in which the district is situated.

Form and term

27957. The supervising board of supervisors by an order entered upon its minutes shall prescribe the form of the bonds and of the interest coupons attached thereto, and shall fix the time when the whole or any part of the principal of the bonds shall be payable, which shall not be more than 40 years from the date thereof.

Interest, etc

27958. The bonds shall not bear a greater amount of interest than 6 percent, to be payable annually or semiannually. The bonds shall be sold in the manner prescribed by the board of supervisors, but for not less than par, and the proceeds of the sale thereof shall be deposited in the county treasury to the credit of the building fund of the library district, and

shall be drawn out for the purposes for which the bonds were issued as other library money is drawn out.

Tax levy

27959. The board of supervisors of each county in which any part of the district is situated, at the time of making the levy of taxes for county purposes, shall levy a tax for that year upon the taxable property in the district, at the equalized assessed value thereof for that year, for the interest and redemption of the bonds. The tax shall not be less than sufficient to pay the interest of the bonds for that year, and such portion of the principal as is to become due during the year. In any event the tax shall be high enough to raise, annually, for the first half of the term the bonds are to run, a sufficient sum to pay the interest thereon, and during the balance of the term, high enough to pay the annual interest and to pay, annually, a proportion of the principal of the bonds equal to a sum produced by taking the whole amount of the bonds outstanding and dividing it by the number of years the bonds then have to run.

Payment of bonds

27960. All money levied, when collected, shall be paid into the county treasury to the credit of the library district, and shall be used for the payment of principal and interest on the bonds, and for no other purpose. The principal and interest on the bonds shall be paid by the county treasurer, upon the warrant of the county auditor, out of the fund provided therefor. The county auditor shall cancel and file with the county treasurer the bonds and coupons as rapidly as they are paid.

Cancellation

27961. Whenever any bonds issued under this article (commencing at Section 27951) remain unsold for the period of six months after having been offered for sale in the manner prescribed by the supervising board of supervisors, the board of trustees of the library district for or on account of which the bonds were issued, or of any library district composed wholly or partly of territory which, at the time of holding the election authorizing the issuance of the bonds, was embraced within the district for or on account of which the bonds were issued, may petition the supervising board of supervisors to cause the unsold bonds to be withdrawn from the market and canceled.

Notice of hearing

27962. Upon receiving the petition, signed by a majority of the members of the board of trustees, the supervising board of supervisors shall fix a time for hearing the petition, which shall be not more than 30 days thereafter, and shall cause a notice, stating the time and place of hearing, and the object of the petition in general terms, to be published as provided in this chapter (commencing at Section 27751).

Order

27963. At the time and place designated in the notice for hearing the petition, or at any subsequent time to which the hearing is postponed, the supervising board of supervisors shall hear any reasons that are submitted for or against the granting of the petition, and if they deem it for the best interests of the library district named in the petition that the unsold

bonds be canceled, they shall make and enter an order in the minutes of their proceedings that the unsold bonds be canceled. Thereupon the bonds, and the vote by which they were authorized to be issued, shall cease to be of any validity whatever.

CHAPTER 6. UNION HIGH SCHOOL DISTRICT PUBLIC LIBRARIES

Article 1. Definitions

"Trustees"

28001. "Trustees," or "library trustees" as used in this chapter (commencing at Section 28001) mean the regularly elected union high school trustees who reside within the library district.

"Library district"

28002. "Library," "library district," or "library districts" as used in this chapter (commencing at Section 28001) mean "union high school library district."

Article 2. Establishment

Purposes

28051. Any union high school district may establish, equip, and maintain a public library for the dissemination of knowledge of the arts, sciences, and general literature, in accordance with this chapter (commencing at Section 28001).

Legal title

28052. The title to all property acquired for the purposes of the library, when not inconsistent with the terms of its acquisition, or not otherwise designated, vests in the district in which the library is, or is to be, situated.

Rules

28053. Every union high school library established under this chapter (commencing at Section 28001) shall be forever free to the inhabitants and nonresident taxpayers of the library district, subject always to such rules, regulations, and bylaws as may be made by the board of library trustees. For violations of any rule, regulation, or bylaw a person may be fined or excluded from the privileges of the library.

Article 3. Formation of District

Petition and election

28101. Upon the application by petition of 50 or more taxpayers and residents of any union high school district to the board of supervisors in the county in which the union high school district is located, praying for the formation of a library district, and setting forth the boundaries of the proposed district, the board of supervisors shall, within 10 days after receiving the petition, by resolution, order that an election be held in the proposed district for the determination of the question and shall appoint three qualified electors thereof to conduct the election.

Notice

28102. The election shall be called by posting notices in three of the most public places in the proposed library district, and by publication in a daily or weekly paper therein, if there is one, at least once a week for not less than 15 days.

The notices shall specify the time, place, and the purpose of the election, and the hours during which the polls will be kept open.

Hours of voting

28103. In districts with a population of 10,000 or over, the polls shall be opened at 8 o'clock a.m. and kept open until 7 o'clock p.m., and in districts where the population is less than 10,000, the polls shall not be opened before 1 o'clock p.m. and shall be kept open not less than six hours.

Conduct of election

28104. The election shall be conducted in accordance with the general election laws of this State, where applicable, without reference to form of ballot or manner of voting, except that the ballots shall contain the words, "For Union High School Library District." The voter shall write or print after the words on his ballot the word "yes" or the word "no."

Electors

28105. Every qualified elector, resident within the proposed district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election.

Results of election

28106. The election officers shall report the result of the election to the board of supervisors within five days subsequent to the holding thereof.

Favorable vote

28107. If two-thirds of the votes cast at the election are in favor of a union high school library district, the board of supervisors shall, by resolution, establish the library district, and place the district in the control of the governing board of the union high school district.

Unfavorable vote

28108. If more than one-third of the votes cast in the election is against a library district, the board of supervisors shall, by order, so declare and no other proceedings shall be taken in relation thereto until the expiration of one year from the date of presentation of the petition.

Conclusive evidence

28109. The fact of the presentation of the petition and the order establishing the library district shall be entered on the minutes of the board of supervisors, and shall be conclusive evidence of the due presentation of a proper petition, and that each of the petitioners was, at the time of signature and presentation of the petition a taxpayer and resident of the proposed district, and of the fact and regularity of all prior proceedings of every kind and nature provided for by this article (commencing at Section 28101), and of the existence and validity of the district.

Name

28110. Every library district shall be designated by the name and style of "_____ Library District (using the name of the district) of _____ County (using the name of the county in which the district is situated)." A number shall not be used as a part of the designation of any library district.

Legal action

28111. In the name of the library district, the governing board may sue and be sued, and may hold and convey property for the use and benefit of the district.

Term of trustee

28112. The trustees in whose control the library district has been placed shall severally hold office during the term

for which they have been elected as trustees of the union high school district.

Article 4. Dissolution of Districts

Election

28151. The district may at any time be dissolved upon the vote of two-thirds of the qualified electors thereof, at an election called by the library trustees upon the question of dissolution.

Conduct of election

28152. The election shall be called and conducted in the same manner as other elections of the district.

Property

28153. Upon dissolution, the property of the district shall vest in any union high school district in which the library is situated.

Bonded indebtedness

28154. If at the time of the election to dissolve the district, there is any outstanding bonded indebtedness of the district, the vote to dissolve the district shall dissolve it for all purposes excepting only the levy and collection of taxes for the payment of the indebtedness. From the time the district is dissolved until the bonded indebtedness, with the interest thereon, is fully paid, satisfied, and discharged, the board of supervisors is ex officio the library board of the district. The board shall levy such taxes and perform such other acts as are necessary in order to raise money for the payment of the indebtedness and the interest thereon.

Article 5. Meetings of Boards of Trustees

Regular meetings

28201. The boards of library trustees shall meet at least once a month, at such time and place as it may fix by resolution

Special meetings

28202. Special meetings may be called at any time by two trustees, by written notices served upon each member at least 12 hours before the time specified for the meeting.

Quorum

28203. Three members constitute a quorum for the transaction of business.

Organization

28204. At its first meeting held after the first day of July the board shall organize by electing one of its number president, and another one of its number secretary. They shall serve as such for one year or until their successors are elected and qualified.

Records

28205. The board shall cause a proper record of its proceedings to be kept.

Certificate of establishment

28206. At the first meeting of the board of trustees of any library district formed under this chapter (commencing at Section 28001) it shall immediately cause to be made out and filed with the Department of Education at Sacramento a certificate showing that the library has been established, with the date thereof, the names of the trustees, and the officers of the board chosen for the current fiscal year.

Article 6. Powers of Boards of Trustees

28251. The board of library trustees shall make and enforce all rules, regulations, and bylaws necessary for the administration, government, and protection of the library under its management, and all property belonging to the library. Rules

28252. The board of library trustees shall administer any trust declared or created for the library and receive by gift, devise, or bequest, and hold in trust or otherwise, property situated in this State or elsewhere, and where not otherwise provided, dispose of the property for the benefit of the library. Gifts

28253. The board of library trustees shall prescribe the duties and powers of the librarian, secretary, and other officers and employees of the library, determine the number of and appoint all officers and employees, and fix their compensation. The officers and employees shall hold their offices and positions at the pleasure of the boards. Officers and employees

28254. The board of library trustees shall purchase necessary books, journals, publications, and other personal property. Purchases

28255. The board of library trustees shall purchase such real property, and erect or rent and equip such buildings or rooms, as in its judgment are necessary to properly carry out the provisions of this chapter (commencing at Section 28001). Real property

28256. The board of library trustees shall require the Secretary of State and other state officials to furnish the library with copies of any and all reports, laws, and other publications of the State not otherwise disposed of by law. State publications

28257. The board of library trustees shall borrow books from, lend books to, and exchange books with other libraries, and shall allow nonresidents to borrow books upon such conditions as it may prescribe. Books

28258. The board of library trustees shall do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter (commencing at Section 28001). General powers

28259. The board of library trustees shall file through the librarian on or before the last day in August of each year, a report with the State Librarian at Sacramento, giving the condition of its library and the number of volumes contained therein on the thirtieth day of June preceding. The report shall, in addition to other matters deemed expedient by the board of trustees or the district librarian, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several district librarians instructions or question blanks so as to obtain the material for a comparative study of library conditions in the State. Report

28260. The board of library trustees shall designate the (commencing at Section 28001), shall be open for the use of public. Hours

Same

28261. All public libraries established under this chapter (commencing at Sections 28001), shall be open for the use of the public at all reasonable times.

Contracts

28262. Boards of library trustees and the boards of trustees of neighboring library districts, or the legislative bodies of neighboring municipalities, or boards of supervisors of the counties in which public libraries are situated, may contract to lend the books of the libraries to residents of the counties, neighboring municipalities, or library districts, upon a reasonable compensation to be paid by the counties, neighboring municipalities, or library districts.

Article 7. Estimates of Funds Needed

Estimate of costs

28301. In any library district formed under this chapter (commencing at Section 28001), which maintains a public library, or which has petitioned for and has been granted permission to establish, and intends to maintain, a public library in accordance with this chapter (commencing at Section 28001), the board of library trustees shall furnish to the board of supervisors of the county in which the library district is situated, each and every year, on or before the first day of September, an estimate of the cost of any or all of the following:

(a) Leasing temporary quarters.

(b) Purchasing a suitable lot.

(c) Procuring plans and specifications and erecting a suitable building.

(d) Furnishing and equipping the building, and fencing and ornamenting the grounds for the accommodation of the public library.

(e) Conducting and maintaining the library for the ensuing fiscal year.

Article 8. Tax Levy

Tax levy

28351. When the estimate provided for in Section 28301 has been submitted to the board of supervisors of any county in which a library district has been established, the board of supervisors shall, at the time of levying county taxes, levy a special tax upon all taxable property within the limits of the library district.

Amount

28352. The tax levied shall be sufficient in amount to maintain the union high school library, or to purchase the site, erect and equip the building, improve the grounds or building, or for any or all of the purposes enumerated in Section 28301.

Computation and collection

28353. The taxes levied shall be computed, entered upon the tax roll, and collected in the same manner as other taxes are computed, entered, and collected.

Library fund

28354. The revenue derived from the tax, together with all money acquired by gift, devise, bequest, or otherwise for the purposes of the library, shall be paid into the county treasury

to the credit of the library fund of the district in which the tax was collected, subject only to the order of the library trustees of the district.

Administration of gifts

28355. If the payment into the treasury is inconsistent with the terms or conditions of any gift, devise, or bequest, the board of library trustees shall provide for the safety and preservation of the fund, and the application thereof to the use of the library, in accordance with the terms and conditions of the gift, devise, or bequest.

Article 9. Election for Issuance of Bonds

Purposes

28401. The board of trustees of any union high school library district may, when in its judgment it is deemed advisable, and shall upon a petition of 50 or more taxpayers and residents of the library district, call an election and submit to the electors of the district the proposition of whether the bonds of the district shall be issued and sold for the purpose of raising money for any or all of the following purposes:

(a) The purchase of suitable lots.

(b) Procuring plans and specifications and erecting a suitable building.

(c) Furnishing and equipping the building and fencing and ornamenting the grounds, for the accommodation of the union high school library.

(d) Any or all of the purposes of this chapter (commencing at Section 28001).

(e) Liquidating any indebtedness incurred for the purposes.

(f) Refunding any outstanding valid indebtedness evidenced by bonds or warrants of the district.

Hours of voting

28402. The polls shall be opened during the election from 8 a.m. to 5 p.m.

Method of voting

28403. Voting shall be by ballot, without reference to the general election law in regard to form of ballot or manner of voting, except that the words to appear on the ballot shall be "Bonds—Yes" and "Bonds—No." Persons voting at the bond election shall put a cross (+) upon their ballot with pencil or ink, after the words "Bonds—Yes" or "Bonds—No," as the case may be, to indicate whether they have voted for or against the issuance of the bonds. The ballot shall be handed by the elector voting to the inspector, who shall then, in his presence, deposit it in the ballot box, and the judges shall enter the elector's name on the poll list.

Canvass

28404. On the seventh day after the election, at 8 o'clock p.m., the returns having been made to the board of trustees, the board shall meet and canvass the returns.

Favorable vote

28405. If it appears that two-thirds of the votes cast at the election are in favor of issuing the bonds, the board shall cause an entry of the fact to be made upon its minutes and shall certify to the board of supervisors of the county all the proceedings had in the premises.

Article 10. Issuance and Sale of Bonds

Issuance

28451. After the provisions of Sections 28401 to 28405, inclusive, have been complied with, the board of supervisors shall issue the bonds of the district, to the number and amount provided in the proceedings, payable out of the building fund of the district, naming it, and the money shall be raised by taxation upon the taxable property in the district, for the redemption of the bonds and the payment of the interest thereon.

Bond limitation

28452. The total amount of bonds issued, shall not exceed 5 percent of the taxable property of the district, as shown by the last equalized assessment book of the county.

Interest

28453. The bonds shall not bear a greater amount of interest than 6 percent, payable annually or semiannually.

Form

28454. The board of supervisors by an order entered upon its minutes shall prescribe the form of the bonds and of the interest coupons attached thereto.

Time of payment

28455. The board of supervisors by an order entered upon its minutes shall fix the time when the whole or any part of the principal of the bonds will be payable, which shall not be more than 40 years from the date thereof.

Sale of bonds

28456. The bonds shall be sold in the manner prescribed by the board of supervisors, but for not less than par.

Deposit of proceeds

28457. The proceeds of the sale of the bonds shall be deposited in the county treasury to the credit of the building fund of the library district, and shall be drawn out for the purposes for which the bonds were issued as other library money is drawn out.

Article 11. Cancellation of Bonds

Petition

28501. Whenever any bonds issued under the provisions of this chapter (commencing at Section 28001) remain unsold for the period of six months after having been offered for sale in the manner prescribed by the board of supervisors, the board of trustees of the library district for or on account of which the bonds were issued, or of any library district composed wholly or partly of territory which, at the time of holding the election authorizing the issuance of the bonds, was embraced within the district for or on account of which the bonds were issued, may petition the board of supervisors to cause the unsold bonds to be withdrawn from market and canceled.

Notice of hearing

28502. Upon receiving the petition, signed by a majority of the members of the board of trustees, the supervisors shall fix a time for hearing the petition, which shall not be more than 30 days thereafter, and shall cause a notice, stating the time and place of hearing, and the object of the petition in general terms, to be published for 10 days prior to the day of hearing in a newspaper published in the library district, if there is one, and if there is no newspaper published in the library district, then in a newspaper published at the county

seat of the county in which the library district or part thereof is situated.

28503. At the time and place designated in the notice for hearing the petition, or at any subsequent time to which the hearing may be postponed, the supervisors shall hear any reasons that may be submitted for or against the granting of the petition, and if they deem it for the best interests of the library district named in the petition that the unsold bonds be canceled, they shall make and enter an order in the minutes of their proceedings that the unsold bonds be canceled. Order

28504. Thereupon the bonds and the vote by which they were authorized to be issued, shall cease to be of any validity whatever. Cancellation

Article 12. Tax for Interest and Redemption of Bonds

28551. The board of supervisors, at the time of making a levy of taxes for county purposes, shall levy a tax for that year upon the taxable property in the district, at the equalized assessed value thereof for that year, for the interest and redemption of the bonds. Tax levy

28552. The tax shall not be less than sufficient to pay the interest of the bonds for that year, and such portion of the principal as is to become due during the year. In any event the tax shall be high enough to raise, annually, for the first half of the term the bonds have to run, a sufficient sum to pay the interest thereon, and, during the balance of the term, high enough to pay the annual interest, and to pay annually, a proportion of the principal of the bonds equal to a sum produced by taking the whole amount of the bonds outstanding and dividing it by the number of years the bonds then have to run. Amount

28553. All money levied, when collected, shall be paid into the county treasury to the credit of the library district, and be used for the payment of principal and interest on the bonds, and for no other purpose. Use of funds

Article 13. Payment of Interest and Bonds

28651. The principal and interest on the bonds shall be paid by the county treasurer, upon the warrant of the county auditor, out of the fund provided therefor. Payment

28652. The county auditor shall cancel and file with the county treasurer the bonds and coupons as rapidly as they are paid. Cancellation of bonds

Chapter 7. Corporations to Administer Libraries

28701. Three or more persons may incorporate pursuant to this chapter (commencing at Section 28001) for the purpose of establishing a library, to be conducted without pecuniary profit. The articles of incorporation shall state that the corporation is formed under this chapter (commencing at Section Payment

28001) but otherwise shall contain the statements required by Section 593 of the Civil Code.

Powers

28702. Any such corporation shall not issue capital stock and its business shall not be carried on for profit. It shall have the capacity and right to receive and take any gift, bequest, devise, or conveyance of property either as grantee for its own use or as trustee and to be or be made the beneficiary of a trust.

Powers of trustees or directors

28703. The trustees or directors of the corporation shall compose its members and shall have control and management of its affairs and property. The trustees or directors shall elect officers of the corporation from their number, fill by election vacancies occurring in their own number by death, incapacity, retirement, or otherwise, subject to the approval of the Commissioner of Corporations, and may fix the charges to be paid by persons using the property and quarters of the corporation.

Powers of corporation

28704. Each corporation incorporated under this chapter (commencing at Section 28001) shall have the powers granted by the provisions of the Corporations Code and other laws of the State relating to private corporations, which are not inconsistent with those granted by this chapter (commencing at Section 28001).

Agents and officers

28705. The corporation may appoint such agents and officers as its business requires, which may be either persons or corporations, and may, employ such persons as are necessary in the conduct of its affairs.

Property

28706. The corporation may purchase, lease or otherwise acquire, hold, own and enjoy, sell, lease, mortgage and otherwise encumber, and dispose of any, all, and every kind of real or personal property, including stock in other corporations, subject to the terms and conditions of bequests, donations, and gifts whenever applicable.

General powers

28707. The corporation may also carry on any and all operations necessary or convenient in connection with the transaction of any of its business, make contracts, borrow money, issue bonds, debentures, promissory notes, or other obligations and secure the obligations.

Securities

28708. No such corporation shall sell, or offer for sale, negotiate for the sale of, or take subscriptions for any security of its own issue until it has first applied for and secured from the Commissioner of Corporations a permit authorizing it so to do, and has complied with all the terms and conditions of the Corporate Securities Law, Division 1 of Title 4 of the Corporations Code. All provisions of the Corporate Securities Law are applicable to and binding upon corporations incorporated under this chapter (commencing at Section 28001).

Adoption of by-laws

28709. The corporation shall within one month after filing articles of incorporation, adopt a code of by-laws for its government and management not inconsistent with the provisions of this chapter (commencing at Section 28001). The vote or written assent of a majority of the trustees or directors shall

be necessary to adopt the by-laws. The provisions of Sections 301, 302, and 303 of the Civil Code, which are not inconsistent with the provisions of this chapter (commencing at Section 28001) shall apply to the by-laws.

28710. The corporation may also provide in its by-laws for the following matters: By-laws

(a) The manner of removal of any one or more of its trustees or directors, and of filling all vacancies in the board of trustees or directors.

(b) The terms and conditions under which bequests, donations, and gifts will be accepted, and the manner in which they will be administered.

(c) The method of fixing charges for the use of the property of the corporation, and the uses to which the property may be put.

28711. The right of a corporation claiming to be organized and incorporated and carrying on its business under this chapter (commencing at Section 28001), to do and continue its business, may be inquired into by quo warranto proceedings at the suit of the Attorney General, and not otherwise. Quo warranto

28712. The articles of incorporation shall not be accepted for filing by the Secretary of State without the endorsement upon them of the approval of the Commissioner of Corporations and the Attorney General. Such approval shall be given where it appears to the Commissioner of Corporations and the Attorney General that it is sought to organize the proposed corporation in good faith, and shall be refused where it does not appear that it is sought to organize the proposed corporation in good faith. Approval of articles

Chapter 8. Miscellaneous Provisions Relating to Libraries

Article 1. Deposit of Newspapers in Libraries

28751. The board of supervisors of any county may authorize the county recorder to deposit with any free public library maintained at the county seat, or with the State Library, such newspaper files, or portions thereof, as may be in the custody of the recorder by virtue of Chapter 110 of the Statutes of 1862, relating to the purchase and preservation of newspapers, or by virtue of any other act. Newspapers

28752. Before making the deposit, the board of supervisors shall obtain from the board of trustees or authorities in charge of the free public library, or the Department of Education, an agreement that it will properly preserve and care for the newspaper files, and make them accessible to the public. Care of newspapers

28753. The board of supervisors of any county may authorize the boards of trustees or other authorities in charge of any free public library with which newspaper files have been deposited in accordance with Section 28751 to deposit the newspaper files with the State Library. Deposit in State Library

Article 2. Offenses Against Libraries

Malicious mischief

28801. Any person who maliciously cuts, tears, defaces, breaks, or injures any book, map, chart, picture, engraving, statue, coin, model, apparatus, or other work of literature, art, mechanics, or object of curiosity, deposited in any public library, gallery, museum, collection, fair, or exhibition, is guilty of a misdemeanor.

Retention of property

28802. Any person who wilfully detains any book, newspaper, magazine, pamphlet, manuscript, or other property belonging to any public or incorporated library, reading room, museum, or other educational institution, for 30 days after notice in writing to return the article or property, given after the expiration of the time for which by the rules of the institution the article or property may be kept, is guilty of a misdemeanor.

DIVISION 21. PRIVATE EDUCATIONAL INSTITUTIONS

CHAPTER 1. PRIVATE COLLEGES, SCHOOLS AND INSTITUTIONS GENERALLY

Article 1. General Provisions

"Diploma"

29001. As used in this article (commencing at Section 29001) "diploma" means any "diploma," "degree," "certificate," "transcript," "document" or other writing in any language representing that any person has completed any course of study beyond high school and includes, but is not limited to, a diploma purporting to be a degree of bachelor, master, doctor or fellow in any field of knowledge or endeavor whatsoever. However, graduation from high school or its equivalent need not be nor purport to be a prerequisite for undertaking or completing such course of study.

Same

29002. Notwithstanding the provision of Section 29001, "diploma" does not include a certificate of graduation issued in connection with the educational requirements of Section 2941.5 of the Business and Professions Code; provided, that such certificate is delivered solely to the Psychology Examining Committee, to be retained in its file until such time as the recipient may pass the examination of said examining committee, at which time said certificate, or a duplicate thereof, shall be delivered to him.

Incorporation

29003. A corporation may be formed pursuant to this article (commencing at Section 29001) for the purpose of establishing, conducting, and maintaining an educational institution offering courses of instruction beyond high school, and issuing or conferring a diploma. Such institutions shall include, but not be limited to seminaries of learning, specialized educa-

tional institutions, junior colleges, colleges, and universities, offering courses beyond high school.

Articles of incorporation

29004. A corporation formed pursuant to this article (commencing at Section 29001) shall comply with Chapter 1 (commencing with Section 300) of Part 2, Division 1, Title 1 of the Corporations Code, except that in lieu of the requirements of Sections 301 to 305, inclusive, the articles of incorporation shall state:

(a) The name of the corporation.

(b) The purpose for which it is organized.

(c) The county in this State where the principal office for the transaction of the business of the corporation is to be located.

(d) The names, residence address and number of its directors at the time of its incorporation. Provision may be made that the number of directors may be established by the bylaws; provided, that the number of directors may not be less than five.

Shares of stock

29005. (a) If a corporation formed pursuant to this article (commencing at Section 29001) is to be authorized to issue shares of stock, the articles of incorporation shall state the total number of shares which the corporation shall have authority to issue and (1) the aggregate par value, if any, of all shares, and the par value of each of the shares, or (2) a statement that all the shares are to be without par value and except as herein provided shall be treated for all purposes as being incorporated pursuant to Division 1 (commencing with Section 300) of Title 1 of the Corporations Code.

(b) If a corporation formed pursuant to this article (commencing at Section 29001) is to be authorized as a nonprofit corporation without authority to issue shares of stock, the articles of incorporation shall so state and except as herein provided, such corporation shall be treated for all purposes as being incorporated pursuant to Part 1 (embracing Sections 9000 to 9802, inclusive) of Division 2 of Title 1 of the Corporations Code and shall have the general powers granted by Section 10206 of the Corporations Code.

Honorary degrees, etc

29006. No person, firm, association, partnership or corporation may issue or confer any honorary degree, diploma or certificate whatsoever unless such degree, diploma or certificate clearly and plainly states on its face that it is honorary.

Issuance of diplomas Requirements

29007. Except as otherwise provided by law, no person, firm, association, partnership or corporation may issue or confer a diploma or honorary diploma unless such person, firm, association, partnership or corporation meets the requirements of one of the following subdivisions:

(a) A corporation which has filed with the Superintendent of Public Instruction an affidavit by the president or other head of the corporation, stating that the corporation owns an interest in real or personal property or both real and personal property used exclusively for the purpose of education, of a fair market value of not less than fifty thousand dollars ($50,-

000). Such affidavit shall be accompanied by an appraisal by a state inheritance tax appraiser appointed for the county in which the institution is located, describing the real or personal property or both, and showing the value of the interest of the corporation therein to be at least fifty thousand dollars ($50,000). The value of the interest of the property required to be owned by the corporation for the purposes of this section shall be deemed to be the appraised value of the interest owned by the corporation less the unpaid balance on any note secured by a mortgage or deed of trust thereon or the unpaid balance on a contract of sale thereof.

(b) A hospital licensed under the provisions of Division 2, Chapter 2 (commencing with Section 1400) of the Health and Safety Code, which issues diplomas in nursing, or in connection with the operation of a hospital.

(c) A person, firm, association, partnership or corporation which is approved by a licensing board under the Department of Professional and Vocational Standards and which issues or confers diplomas in the profession, vocation or occupation controlled by the board licensing it; provided, that this subdivision shall not be construed as authorizing the issuing of a diploma which is not limited to the profession, vocation or occupation controlled by the licensing board.

(d) Any educational institution accredited for teacher training by the State Board of Education for credentials in the field of teacher training.

(e) Any institution approved by the Bureau of Readjustment Education of the Department of Education; provided, that this subdivision shall not be construed as authorizing the issuance of a diploma which is not based exclusively on courses of instruction approved by said bureau.

(f) A person, firm, association, partnership or corporation authorized by the Superintendent of Public Instruction to issue specified diplomas. Such permission shall be granted upon a year-to-year basis by the Superintendent of Public Instruction upon the submission of information to him that the courses of instruction, and the faculty or requirements of such applicant will afford students or require of students a course of education comparable to that being furnished by persons, firms, associations, partnerships and corporations offering similar instruction and complying with other subdivisions hereof. For the purpose of this subdivision, the Superintendent of Public Instruction may rely on the findings of an accrediting agency generally accepted by the class of institution concerned and shall consider the results of the examination taken pursuant to Business and Professions Code, Section 2941.5 by students of any applicant. The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the superintendent made pursuant to this subdivision.

29008. Any person, firm, association, partnership or corporation authorized under subdivision (b), (c), (d), (e) or (f) of Section 29007 to issue diplomas shall, between the first and thirty-first days of January of each year, commencing on January 1, 1959, file with the Superintendent of Public Instruction an affidavit of its owner, president, or other head, setting forth the following information covering the preceding calendar year: Same: Affidavit

(1) The names and addresses, both local and home, including city and street, of its students who were enrolled in courses of instruction beyond high school.

(2) The courses of study offered by the institution.

(3) The names and addresses, both local and home, including city and streets, of its faculty, together with a record of the educational qualifications of each.

(4) The diplomas and honorary diplomas granted; to whom granted; the date granted; and the curricula upon which the diplomas were based.

29009. Every person, firm, association, partnership or corporation issuing or conferring honorary diplomas or diplomas shall between the first and thirty-first days of January of each year, commencing on January 1, 1959, file with the Superintendent of Public Instruction an affidavit by the owner, president or other head, setting forth the following information covering the preceding calendar year: Same

(a) All names, whether real or fictitious, of the person, firm, association, partnership or corporation under which it has done and is doing business.

(b) The address, including city and street, of every place of doing business of the person, firm, association, partnership or corporation, within the State of California.

(c) The address, including city and street, of the location of the records of the person, firm, association, partnership or corporation, and the name and address, including city and street, of the custodian of such records.

(d) The names and addresses, including city and street, of the directors, if any, and principal officers of the person, firm, association, partnership or corporation.

(e) That the records required by Section 29010 of this article are maintained at the address stated, and are true and accurate.

(f) Any change in items included in subdivisions (a) to (d), inclusive, shall be reported to the Superintendent of Public Instruction within 20 days of such change.

29010. Any person, firm, association, partnership or corporation, which issues or confers diplomas or honorary diplomas shall maintain current records for a period of not less than three years at its principal place of business within the State of California, immediately available during normal busi- Same: Records

ness hours, for inspection by the Superintendent of Public Instruction or the Attorney General showing the following:

(a) The names and addresses, both local and home, including city and street, of each of its students.

(b) The courses of study offered by the institution.

(c) The names and addresses, including city and street, of its faculty, together with a record of the educational qualifications of each.

(d) The diplomas and honorary diplomas granted; to whom granted; the date of granting; together with the curricula upon which the diplomas were based.

Investigations and report

29011. The Superintendent of Public Instruction shall make such investigations as are necessary to determine whether or not there has been compliance with the provisions of this article (commencing at Section 29001), and shall report the facts of violations of this article (commencing at Section 29001) to the Attorney General for the institution of such proceedings as the Attorney General may deem necessary. The Superintendent of Public Instruction shall annually, on or before the first Monday in January, report to the Governor and to each house of the Legislature, concerning investigations made pursuant to this article (commencing at Section 29001).

Prohibitions Sale of diploma, etc

29012. No person, firm, association, partnership or corporation may sell, barter, offer to sell or barter, or conspire to sell or barter, any diploma as defined in this article (commencing at Section 29001).

Same Purchase of diploma, etc.

29013. No person, firm, association, partnership or corporation may buy, obtain by barter, attempt to buy or obtain by barter, or conspire to obtain by barter or buy, any diploma as defined in this article (commencing at Section 29001).

Same Use of diploma

29014. No person, firm, association, partnership or corporation may use in connection with any business, trade, profession or occupation, or attempt to use in connection with any business, trade, profession or occupation, or conspire to use in connection with any business, trade, profession or occupation, any degree, diploma, certificate, transcript or document, as defined in this article (commencing at Section 29001), which has been purchased, obtained by barter, fraudulently or illegally issued, illegally obtained, counterfeited, materially altered or found.

Same

29015. No person, firm, association, partnership or corporation may:

(a) Use in connection with a business, trade, profession or occupation, or give or receive;

(b) Attempt to use in connection with a business, trade, profession or occupation, or attempt to give or receive;

(c) Conspire to use in connection with a business, trade, profession or occupation, or conspire to give or receive;

any diploma evidencing the undertaking or completion of any course of study or scholastic achievement attained if, in fact, said course of study has not been undertaken nor completed or if such scholastic achievement has not been attained.

29016. No person, firm, association, partnership, or corporation shall use or allow the use of any reproduction or facsimile of the Great Seal of the State on any diploma. Copy of State Seal

This section does not apply to the University of California or to any school, junior college or state college which is a part of the Public School System.

29017. The Attorney General shall take action to enforce the provisions of this article (commencing at Section 29001). Enforcement

29018. The Superintendent of Public Instruction and the Department of Education may adopt rules not inconsistent with this article (commencing at Section 29001) governing exercise of the authority conferred by this article (commencing at Section 29001), which rules shall be adopted in accordance with the Administrative Procedure Act. Rules

29019. Any person, firm, association, partnership or corporation wilfully violating any provision of Sections 29012, 29013, 29014, 29015 or 29016 is guilty of a felony and is punishable by imprisonment in the state prison not exceeding five years or by a fine of not less than one thousand dollars ($1,000) or by both such fine and imprisonment. Any person, firm, association, partnership or corporation wilfully violating any other provision of this article (commencing at Section 29001) is punishable, for a first offense, by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars ($500) or both; and any second or subsequent offense shall be a felony punishable by imprisonment in the state prison not exceeding five years or by fine not less than one thousand dollars ($1,000) or by both such fine and imprisonment. Penalties

29020. The provisions of Sections 29003 to 29010, inclusive, do not apply to any diploma or course of instruction given by a bona fide church or religious denomination if such course is limited to instructions in the principles of that church or denomination or to courses offered pursuant to Section 2789 of the Business and Professions Code, and the diploma is limited to evidence of completion of that course. Exceptions

29021. If any section, subsection, sentence, clause or phrase of this article is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article (commencing at Section 29001). The Legislature hereby declares that it would have passed this article (commencing at Section 29001), and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional. Severability

Article 2. Consolidation

29051. Whenever any benevolent, religious, or fraternal organization or society, having a grand lodge, assembly, conference, or other legislative or representative head in the State, Consolidation

and having two or more colleges or institutions of higher education under its patronage, desires, for the purpose of greater efficiency and simplicity in the administration of its educational interests, to consolidate the institutions under one management, the organization or society may consolidate the institutions under one management, pursuant to this article (commencing at Section 29051).

New corporation

29052. The grand lodge, assembly, conference, or other legislative or representative head having authorized a consolidation of its institutions, a new corporation shall be formed.

Board of trustees

29053. The board of trustees of the new corporation shall at first consist of the persons constituting the boards of trustees of the several institutions consolidating, and others. The number of trustees shall not exceed 45. The board of trustees shall be so classified that the term of office of one-third of its members expires each year, and unless otherwise provided in the articles of incorporation or bylaws, the successors of the trustees, as their terms expire shall be elected by the grand lodge, assembly, conference, or other legislative or representative head, at its annual meeting.

Reduction of number

29054. After the two or more colleges or institutions of higher education under the patronage of any benevolent, religious, or fraternal organization or society, having a grand lodge, assembly, conference, or other legislative or representative head in the State have become consolidated, the board of trustees of the new corporation may be reduced in number after it has transacted the business of the corporation for a period of five years after the consolidation.

Method of reduction

29055. Unless other provision is made in the articles of incorporation the number of trustees shall be reduced by the grand lodge, assembly, conference, or other legislative or representative head of the colleges or institutions of higher education. At any annual session of the grand lodge, assembly, conference, or other legislative or representative head, there shall be dropped from the number of trustees to be elected at that session such a number of trustees as those present at the session determine, except that at no time shall the number of trustees composing the board be less than 15.

Trustees

29056. Provision may be made in the articles of incorporation, in addition to any other matters required by law, for the number of trustees, for the method of nominating and electing trustees, and special qualifications, if any, required of persons to be elected or of any particular number of such persons. If not made in the articles of incorporation, such methods and qualifications may be set forth in the bylaws.

Bylaws

29057. Bylaws may be adopted and amended by the trustees except as otherwise provided in the articles or the bylaws. The bylaws may set forth the particular officers or persons in the grand lodge, conference, assembly, or other legislative or representative head entitled to vote as members of the corporation, and also the manner and method by which the voting is had. The bylaws may limit or restrict the power

of the trustees to adopt, amend, or repeal bylaws. After the limitation or restriction is made it shall be complied with unless it is removed with the consent of the officers or persons entitled to vote as members. Where applicable the provisions of Section 598 of the Civil Code apply to the bylaws.

Powers

29058. Except as otherwise provided in Section 29057, in the articles of incorporation, or the bylaws, the board of trustees of the new corporation have all of the powers granted to boards of trustees by and enumerated in Section 597 of the Civil Code, and in Sections 28704 to 28708, inclusive, of this code.

Annual report

29059. The board of trustees of the new corporation shall report annually to the grand lodge, conference, assembly, or other legislative or representative head controlling it, the condition of affairs of the corporation, and the amount and manner of its receipts and expenditures.

Property

29060. The several boards of trustees of the consolidating institutions shall transfer all property, real and personal, held by them, to the new corporation, together with all powers, privileges, and authority conferred upon or enjoyed by them under their respective charters or acts of incorporation. The new corporation receiving the property shall assume all indebtedness and liabilities of the consolidating institutions, but shall not transfer the property from one location to another, except by an affirmative vote of not less than three-fourths of the board of trustees of the new corporation, nor divert specific grants, donations, or bequests from the purposes for which the grants, donations, or bequests were made. After the boards of trustees have conveyed the property, real and personal, of the various institutions to the new corporation, and the property has been accepted by the new corporation, the franchises held by the consolidating corporations shall cease, and the corporations are dissolved.

CHAPTER 2. LELAND STANFORD JUNIOR UNIVERSITY

Article 1. Corporate Power

Rights of trustees

30001. The trustees of the Leland Stanford Junior University may exercise corporate powers and privileges. To that end they may:

(a) Organize and act as a board of trustees.

(b) Elect such officers of the board as they deem necessary.

(c) Adopt bylaws.

As a board, and through the officers thereof, they may transact such business, perform such acts and exercise such powers as they in writing provide may be transacted, performed, and exercised by the board.

Adoption and effect of seal

30002. The board may adopt a seal which shall read, "Seal of the Leland Stanford Junior University." The seal, when attached to any document or writing is prima facie evidence that the document or writing was made by and under due authority from the board and from the trustees.

Construction

30003. Nothing in this article (commencing at Section 30001) shall be deemed to alter the tenure or limit the powers or obligations of the trustees.

Article 2. Tuition

Tuition

30021. The trustees of the Leland Stanford Junior University may charge residents and nonresidents of this State such fees for tuition, as are necessary for the administration of the affairs of the university.

Article 3. Taxation

Tax exemption

30031. The exemption from taxation of the Leland Stanford Junior University is as provided in Section 1a of Article XIII of the Constitution.

Chapter 3. Foreign Language Schools

"Board"

30051. "Board," as used in this chapter (commencing at Section 30051), means State Board of Education.

License

30052. No person, firm, corporation, association, society, or other organization shall conduct, maintain, or operate any school, institute, class, or course for the purpose of teaching any foreign language, or in which any foreign language is taught, without applying for and being granted a license from the board to conduct, maintain, or operate such school, institute, class, or course.

Applications

30053. Applications for license shall be made to the board on forms prescribed by the board.

Statement

30054. The application shall be accompanied with a verified statement showing the language or languages to be taught, the purpose for which the school, institute, class, or course is to be maintained and conducted, the nature and extent of the instruction to be given, and as to whether the school, institute, class, or course shall be open to minors, adults, or both, or to foreigners or aliens or to citizens of the United States, or to both foreigners and citizens.

Hearing

30055. Where a hearing upon the application is held, the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board has all the powers granted therein.

Ineligible schools

30056. No license shall be granted for any such school, institute, class, or course where it appears:

(a) The school, institute, class, or course is not open to minors or citizens of the United States.

(b) The instruction proposed to be given or the manner in which such instruction is to be given creates or materially tends to create disloyalty to the Government of the United States or the State of California.

(c) The instruction proposed to be given or the manner in which or the general conditions under which such instruction

is to be given creates or materially tends to create loyalty to any foreign government, emperor, king, prince, potentate, or leader.

(d) The instruction proposed to be given or the manner in which or the conditions under which such instruction is to be given subverts or materially tends to subvert the loyalty of any pupil, citizen of the United States, to the Government of the United States or to the State of California.

(e) Such school, institute, class, or course is to be conducted in a fraudulent manner.

Schools not needing licenses

30057. Licenses shall not be required of, and this chapter (commencing at Section 30051) shall not be construed to apply to, any public school, college, or university of this State, or any institution of collegiate rank or grade in existence on January 1, 1943. A license shall not be required of any school established and maintained by a religious denomination or sect well established as such, and maintaining and operating one or more schools within this State, other than in a war relocation center, on August 4, 1943.

Supervision

30058. A school, institute, class, or course licensed pursuant to this chapter (commencing at Section 30051) shall be subject to visitation and supervision by any officer or employee of the Department of Education designated by the board.

Revocation of license

30059. A license granted pursuant to this chapter (commencing at Section 30051) is subject to revocation by the board, upon due notice after an opportunity to be heard before the board, or a committee thereof, or an officer of the board in each case designated by the board. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

Same

30060. A license shall be revoked when it appears to the satisfaction of the board that the school, institute, class, or course is being conducted, maintained, and operated under the conditions prescribed in this chapter (commencing at Section 30051) as being sufficient for a denial of such license.

Misdemeanor

30061. Any person, firm, corporation, association, society, or other organization, or any representative or employee thereof, maintaining, conducting, or operating a school, institute, class, or course without a license is guilty of a misdemeanor.

Action by Attorney General

30062. Whenever it appears that any person, firm, corporation, association, society, or other organization is maintaining or conducting or operating a school, institute, course, or class without a license, an appropriate action may be brought on behalf of the people of the State of California by the Attorney General to restrain such person, firm, corporation, association, society, or other organization, or any representative or employee thereof, from continuing the maintenance, conduct, or operation of such school, institute, course, or class without such license.

DIVISION 22. MISCELLANEOUS PROVISIONS RELATING TO EDUCATION

CHAPTER 1. WESTERN REGIONAL EDUCATION COMPACT

Western Regional Education Compact Authorization

31001 The Governor is hereby authorized and directed to execute a compact on behalf of this State with each or all of the Eleven Western States and the Territories of Alaska and Hawaii for the purpose of co-operating with such states in the formation of a Western Interstate Commission for Higher Education. Notice of intention to withdraw from such compact shall be executed and transmitted by the Governor.

Form and contents

31002. The form and contents of such compact shall be substantially as provided in this section and the effect of its provisions shall be interpreted and administered in conformity with the provisions of this chapter (commencing at Section 31001):

Western Regional Higher Education Compact

The contracting states do hereby agree as follows:

Article 1

WHEREAS, The future of this Nation and of the Western States is dependent upon the quality of the education of its youth; and

WHEREAS, Many of the Western States individually do not have sufficient numbers of potential students to warrant the establishment and maintenance within their borders of adequate facilities in all of the essential fields of technical, professional, and graduate training, nor do all of the states have the financial ability to furnish within their borders institutions capable of providing acceptable standards of training in all of the fields mentioned above; and

WHEREAS, It is believed that the Western States, or groups of such states within the region, co-operatively can provide acceptable and efficient educational facilities to meet the needs of the region and of the students thereof; now, therefore,

The States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and the Territories of Alaska and Hawaii, do hereby covenant and agree as follows:

Article 2

Pledge of co-operation

Each of the compacting states and territories pledges to each of the other compacting states and territories faithful co-operation in carrying out all the purposes of this compact.

Article 3

Commission

The compacting states and territories hereby create the Western Interstate Commission for Higher Education, hereinafter called the commission. Said commission shall be a body corporate of each compacting state and territory and an agency thereof. The commission shall have all the powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states and territories.

Article 4

Commissioners

The commission shall consist of three resident members from each compacting state or territory. At all times one commissioner from each compacting state or territory shall be an educator engaged in the field of higher education in the state or territory from which he is appointed.

The commissioners from each state and territory shall be appointed by the governor thereof as provided by law in such state or territory. Any commissioner may be removed or suspended from office as provided by the law of the state or territory from which he shall have been appointed.

The terms of each commissioner shall be four years; provided, however, that the first three commissioners shall be appointed as follows; one for two years, one for three years, and one for four years. Each commissioner shall hold office until his successor shall be appointed and qualified. If any office becomes vacant for any reason, the governor shall appoint a commissioner to fill the office for the remainder of the unexpired term.

Article 5

Voting and quorum

Any business transacted at any meeting of the commission must be by affirmative vote of a majority of the whole number of compacting states and territories.

One or more commissioners from a majority of the compacting states and territories shall constitute a quorum for the transacting of business.

Each compacting state and territory represented at any meeting of the commission is entitled to one vote.

Article 6

Officers and employees

The commission shall elect from its number a chairman and a vice chairman, and may appoint, and at its pleasure dismiss or remove, such officers, agents, and employees as may be required to carry out the purpose of this compact; and shall fix and determine their duties, qualifications and compensation, having due regard for the importance of the responsibilities involved.

The commissioners shall serve without compensation, but shall be reimbursed for their actual and necessary expenses from the funds of the commission.

Article 7

Powers and duties

The commission shall adopt a seal and bylaws and shall adopt and promulgate rules and regulations for its management and control.

The commission may elect such committees as it deems necessary for the carrying out of its functions.

The commission shall establish and maintain an office within one of the compacting states for the transaction of its business and may meet at any time, but in any event must meet at least once a year. The chairman may call such additional meetings and upon the request of a majority of the commissioners of three or more compacting states or territories shall call additional meetings.

The commission shall submit a budget to the governor of each compacting state and territory at such time and for such period as may be required.

The commission shall, after negotiations with interested institutions, determine the cost of providing the facilities for graduate and professional education for use in its contractual agreements throughout the region.

On or before the fifteenth day of January of each year, the commission shall submit to the governors and legislatures of the compacting states and territories a report of its activities for the preceding calendar year.

The commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time for inspection by the governor of any compacting state or territory or his designated representative. The commission shall not be subject to the audit and accounting procedure of any of the compacting states or territories. The commission shall provide for an independent annual audit.

Article 8

Contractual agreements, studies, etc

It shall be the duty of the commission to enter into such contractual agreements with any institutions in the region offering graduate or professional education and with any of the compacting states or territories as may be required in the judgment of the commission to provide adequate services and facilities of graduate and professional education for the citizens of the respective compacting states or territories. The commission shall first endeavor to provide adequate services and facilities in the fields of dentistry, medicine, public health, and veterinary medicine, and may undertake similar activities in other professional and graduate fields

For this purpose the commission may enter into contractual agreements—

(a) With the governing authority of any educational institution in the region, or with any compacting state or territory, to provide such graduate or professional educational services upon terms and conditions to be agreed upon between contracting parties, and

(b) With the governing authority of any educational institution in the region or with any compacting state or territory to assist in the placement of graduate or professional students in educational institutions in the region providing the desired services and facilities, upon such terms and conditions as the commission may prescribe.

It shall be the duty of the commission to undertake studies of needs for professional and graduate educational facilities in the region, the resources for meeting such needs, and the long-range effects of the compact on higher education; and from time to time prepare comprehensive reports on such research for presentation to the Western Governors' Conference and to the legislatures of the compacting states and territories. In conducting such studies, the commission may confer with any national or regional planning body which may be established. The commission shall draft and recommend to the governors of the various compacting states and territories, uniform legislation dealing with problems of higher education in the region.

For the purposes of this compact the word "region" shall be construed to mean the geographical limits of the several compacting states and territories.

Article 9

Apportionment of costs

The operating costs of the commission shall be apportioned equally among the compacting states and territories.

Article 10

Operative date

This compact shall become operative and binding immediately as to those states and territories adopting it whenever five or more of the States or Terrritories of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska, and Hawaii have duly adopted it prior to July 1, 1953. This compact shall become effective as to any additional states or territories adopting thereafter at the time of such adoption.

Article 11

Termination of compact

This compact may be terminated at any time by consent of a majority of the compacting states or territories. Consent shall be manifested by passage and signature in the usual manner of legislation expressing such consent by the legislature and governor of such terminating state. Any state or territory may

at any time withdraw from this compact by means of appropriate legislation to that end. Such withdrawal shall not become effective until two years after written notice thereof by the governor of the withdrawing state or territory accompanied by a certified copy of the requisite legislative action is received by the commission. Such withdrawal shall not relieve the withdrawing state or territory from its obligations hereunder accruing prior to the effective date of withdrawal. The withdrawing state or territory may rescind its action of withdrawal at any time within the two-year period. Thereafter, the withdrawing state or territory may be reinstated by application to and the approval by a majority vote of the commission.

Article 12

Default in obligations

If any compacting state or territory shall at any time default in the performance of any of its obligations assumed or imposed in accordance with the provisions of this compact, all rights, privileges and benefits conferred by this compact or agreements hereunder, shall be suspended from the effective date of such default as fixed by the commission.

Unless such default shall be remedied within a period of two years following the effective date of such default, this compact may be terminated with respect to such defaulting state or territory by affirmative vote of three-fourths of the other member states or territories.

Any such defaulting state may be reinstated by: (a) performing all acts and obligations upon which it has heretofore defaulted, and (b) application to and the approval by a majority vote of the commission

California commissioners

31003. In furtherance of the provisions contained in the compact, there shall be three commissioners from the State of California, appointed by the Governor by and with the advice and consent of the Senate. The qualifications and terms of the commissioners shall be in accordance with Article 4 of the compact. A commissioner shall hold office until his successor is appointed and qualified but such successor's term shall expire four years from the legal date of expiration of the term of his predecessor. Any commissioner may be removed from office by the Governor upon charges and after a hearing. The term of any commissioner who ceases to hold the required qualifications shall terminate when a successor may be duly appointed. Vacancies occurring in the office of a commissioner from any reason or cause shall be filled for the unexpired term in the same manner as for a full term appointment.

Each commissioner shall receive his necessary travel expenses incurred in the performance of his official duties in behalf of the commission.

Powers and duties, etc.

31004. All officers of the State are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of the compact in every particular; it being hereby de-

clared to be the policy of this State to perform and carry out the compact and to accomplish the purposes thereof. All officers, bureaus, departments and persons of and in the State Government or administration of the State are hereby authorized and directed at convenient times and upon request of the commission to furnish the commission with information and data possessed by them and to aid such commission by any means lying within their legal rights.

Accounts of activities and recommendations

31005. The commission shall keep accurate accounts of its activities and shall report to the Governor and the Legislature on or before the thirty-first day of December in each year, setting forth in detail the transactions conducted by it during that calendar year and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes which may be necessary to carry out the intent and purposes of the compact between the signatory states.

Execution of compact

31006. When the Governor on behalf of the State executes the compact, he shall attach his signature thereto under a recital that such compact is executed pursuant to the provisions of this chapter (commencing at Section 31001), subject to the limitations and qualifications contained in this chapter (commencing at Section 31001) in aid and furtherance thereof.

CHAPTER 2. FOUNDATIONS AND TRUSTS

Article 1. Foundations for Educational Purposes

Purposes

31051. Any person desiring in his lifetime to promote the public welfare by founding, endowing, and maintaining within this State a university, college, school, seminary of learning, mechanical institute, museum, botanic garden, public park, or gallery of art, or any or all thereof, may, for such purposes, by grant in writing convey to a trustee, or any number of trustees, named in the grant, and to their successors, any property, real or personal, belonging to him and situated within this State. If he is married and the property is community property, then both husband and wife shall join in the grant.

Grant

31052. The grantor may designate in the grant:

(a) The nature, object, and purposes of the institution to be founded, endowed, and maintained.

(b) The name by which it shall be known.

(c) The powers and duties of the trustees, and the manner in which they shall account, and to whom, if accounting is required. Such powers and duties shall not be exclusive of other powers and duties which may be necessary to enable the trustees to fully carry out the objects of the grant.

(d) The mode and manner, and by whom, the successors to the trustee or trustees named in the grant are to be appointed.

(e) Such rules and regulations for the management of the property conveyed as the grantor may elect to prescribe. Such rules shall, unless the grantor otherwise prescribes, be deemed

advisory only, and shall not preclude the trustees from making such changes as new conditions may from time to time require.

(f) The place where and the time when the buildings necessary and proper for the institution shall be erected, and the character and extent thereof.

Administration

31053. The grantor may also provide for all other things necessary and proper to carry out the purposes of the grant, and especially may provide for the trades and professions which shall be taught in the institution, and the terms upon which deserving scholars of the public and private schools of the various counties of this State may be admitted to all the privileges of the institution, as a reward for meritorious conduct and good scholarship.

Scholarships

31054. The grantor may also provide for maintaining free scholarships for children of persons who have rendered service to or who have died in the service of the State and for maintaining free scholarships for children of mechanics, tradesmen, and laborers, who have died without leaving means sufficient to give their children a practical education, fitting them for the useful trades or arts.

Use of facilities

31055. The grantor may also provide the terms and conditions upon which students in the public and private schools, and other deserving persons, may, without cost to themselves, attend the lectures of any university established, and also the terms and conditions upon which the museums, art galleries, and conservatories of music, connected with any such institution, shall be open to all deserving persons without charge, and without their becoming students of the institution.

Legal actions

31056. The trustee or trustees named in the grant, and their successors, may, in the name of the institution, as designated in the grant, sue and defend, in relation to the trust property, and in relation to all matters affecting the institution.

Management by grantor

31057. The grantor, by a provision in the grant, may elect, in relation to the property conveyed, and in relation to the erection, maintenance, and management of the institution, to perform, during his life, all the duties and exercise all the powers which, by the terms of the grant, are enjoined upon and vested in the trustee or trustees.

Management

31058. If the grantor is a married person, he may further provide that if his wife survives him, she, during her life, may, in relation to the property conveyed, and in relation to the election, maintenance, and management of the institution, perform all the duties and exercise all the powers which, by the terms of the grant, are enjoined upon and vested in the trustee and trustees.

Trustees

31059. In the cases referred to in Sections 31057 and 31058, the powers and duties conferred and imposed upon the trustee or trustees shall be exercised and performed by the grantor, or by his wife, during his or her life, as the case may be. Upon the death of the grantor, or his surviving wife, as the case may

be, the powers and duties shall devolve upon and shall be exercised by the trustees named in the grant, and their successors.

Amendment of trust

31060. The grantor may reserve the right to alter, amend, or modify the terms and conditions of the grant, and the trusts created, in respect to any of the matters mentioned or referred to in Sections 31052 to 31055, inclusive.

Reservation by grantor

31061. The grantor may also reserve, during his life, the right of absolute dominion over the personal property conveyed, and also over the rents, issues, and profits of the real property conveyed, without liability to account therefor in any manner whatever, and without any liability over against his estate.

Reservation to grantor's wife

31062. If the grantor is married, he may further provide in the grant that if his wife survives him, she, during her life, may have the same absolute dominion, over the personal property, and the rents, issues, and profits, without liability to account therefor in any manner whatever, and without liability over against the estate of either the grantor or his wife.

Relinquishment of rights

31063. The founder or founders, surviving founder, or wife or widow of any founder, of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, library or any other institution, or any or all thereof, founded pursuant to this article (commencing at Section 31051), may, by an instrument in writing, resign, relinquish, and surrender all the rights, powers, privileges and duties reserved to or vesting in him, over, in, or concerning any of the property granted or given to the institution, or over or concerning the institution founded. Thereupon all estates, rights, powers, privileges, trusts, and duties which would otherwise vest in or devolve upon the trustee or trustees of the trusts and estates created upon the death of the person resigning, relinquishing, and surrendering, by the terms of the grant and amendments thereof, and by the terms of any grants, gifts, bequests, and devices supplementary thereto, or of any confirmatory grants, shall immediately vest in and devolve upon the trustee or trustees. Nothing herein contained shall prevent the person resigning, relinquishing and surrendering the rights, powers, privileges, or duties from thereafter becoming and serving as one of the trustees, or from becoming and serving as an officer of any board of trustees.

Custody of minors

31064. The grantor may provide in the grant that the trustees and their successors, may, in the name of the institution, become the custodian of the person of minors. When any such provision is made in a grant, the trustees and their successors may take the custody and control in the manner and for the time and in accordance with the provisions of Chapter 4 of Division 3 of the Labor Code.

Execution of grant

31065. The grant shall be executed, acknowledged, and recorded in the same manner as is provided by law for the execution, acknowledgment, and recording of grants of real property.

Limitation of actions

31066. No suit, action, or proceeding shall be commenced or maintained by any person to set aside, annul, or affect the conveyance, or to affect the title to the property conveyed, or the right to the possession, or to the rents, issues, and profits thereof, unless the action is commenced within two years after the date of filing the grant for record. No defense shall be made to any suit, action, or proceeding commenced by the trustee or trustees named in the grant, or their successors, privies, or persons holding under them, which involves the legality of the grant, or affects the title to the property conveyed, or the right to the possession, or the rents, issues, and profits thereof, unless the defense is made in a suit, action, or proceeding commenced within two years after the grant has been filed for record.

Sale under execution

31067. The property conveyed by the grant shall not, after a lapse of two years from the date of the filing for record of the grant, be subject to forced sale, under execution, or judicial proceedings of any kind, against the grantor or his privies, unless the action under which the execution is issued, or the proceedings under which the sale is ordered, has been commenced within two years after the grant has been filed for record. No property shall be subject to execution or forced sale under any judgment obtained in any proceedings instituted within two years, if there is other property of the grantor, subject to execution or forced sale sufficient to satisfy the judgment. Nothing in this section contained shall be construed to affect mechanics' or laborers' liens.

Bequest to State

31068. Any person making the grant may, at any time thereafter, by last will or testament, devise and bequeath to the State all or any of the property, real and personal, mentioned in the grant, or in any supplemental grant, and the devise or bequest shall only take effect if, from any cause whatever, the grant is annulled or set aside, or the trusts therein declared for any reason fail. Such devise and bequest is permitted to be made by way of assurance that the wishes of the grantor shall be carried out, and in the faith that the State, if it succeeds to the property, or any part thereof, will, to the extent and value of the property, carry out, in respect to the objects and purposes of the grant, all the wishes and intentions of the grantor.

Religious instruction

31069. No wish, direction, act, or condition expressed, made, or given by any grantor, under this article (commencing at Section 31051), as to religious instruction to be given in any school, college, seminary, mechanical institute, museum, or gallery of art, or in respect to the exercise of religious belief, on the part of any pupil of the school or institution of learning, shall be binding upon the State. The State shall not enforce, or permit to be enforced or carried out, any such wish, direction, act, or condition.

Construction

31070. The provisions of this article (commencing at Section 31051) shall be liberally construed with a view to effect its objects and promote its purposes.

Article 2. Foundations for Institutions of Arts and Sciences

31101. Any person intending in his lifetime or by will or trust deed, to operate after his death, to found, maintain, and perpetuate in this State a public library, museum, gallery of art, or any or all thereof, for the diffusion of mechanical, scientific, artistic, and general knowledge, may for that purpose, convey in writing by words denoting a gift or grant to one or more trustees named in the gift or grant, and to their successors, any library or collection of books and works, for the public library, or any museum, or gallery of art in this State. Purposes

31102. The gift or grant may also express and shall be construed to be a conveyance of the future additions and accretions thereof. Future additions

31103. The grantor may also in like manner, convey by grant to the trustee or trustees any real property within this State belonging to him, which may be necessary or proper for the erection and maintenance of buildings suitable to the institution, and the buildings erected thereon, with grounds, conveniently adjacent thereto, and other lands, tenements, and hereditaments for the purpose of producing an income for the support and maintenance of the institutions and any collateral burdens which may be imposed by the terms of the foundation as part and parcel of the regulations for its conduct, and also personal property of all descriptions, which may subserve the purposes of the institution and maintenance of the library, museum, or gallery of art. Other property

31104. Any contributions or gifts by any other person than the founder, of any property suitable to the general plan or support of any institution mentioned in this article (commencing at Section 31101), shall immediately vest in the trustees, and become incorporated into and subject to the trust, and to all its terms and conditions, and be managed under the rules and regulations prescribed therefor. Gifts

31105. The person making the gift, grant, or conveyance, as founder, may therein designate: Conditions of gift

(a) The name by which the institution shall be known.

(b) Its nature, object, and purposes.

(c) The powers and duties of the trustees, which shall not be exclusive of other powers and duties that, in their judgment, may be necessary more effectually to carry out the purposes of the institution.

(d) The mode, manner, and by whom the successors to the trustees named in the gift or grant shall be appointed.

(e) Such rules and regulations for the management of the institution, and the furtherance of its purposes, as the grantor may elect to prescribe. Such rules and regulations shall, unless the grant shall otherwise prescribe, be deemed advisory only, and shall not preclude the trustees or their successors from making such changes as new conditions may, from time to time, require.

(f) The place or places where the necessary buildings shall be erected, and the general character thereof. The grantor may provide in the grant for all other things necessary or proper to carry out the purposes of the grant, or otherwise, by his last will or testament.

Legal actions

31106. The trustees named in the gift or grant, and their successors, may, in the name of the institution, sue and defend in relation to the trust property, and to all matters affecting the institution.

Reservation by grantor

31107. By a provision in the gift or grant, the founder may elect, in respect to the personal and real property conveyed, and the additions and increase thereof, and in respect to the erection, maintenance, and management of any buildings auxiliary thereto, and in respect to any property connected with the institution, to reserve to himself a veto and right of annulment or modification of any act of the trustees.

Notice

31108. If he elects to veto, annul, or modify any act of the trustees, he shall, within 30 days after notice of the performance of the act, file in the office of the trustees, or deliver to their president or principal officer, a notice in writing, of the veto, annulment, or modification.

Management

31109. Upon a like notice, in conformity with a provision in the gift or grant, he may elect to perform during his life all the powers which, by the terms of the grant, are vested in or enjoined upon the trustees, and their successors. Upon the death or disability to act of the founder and grantor, the powers and duties shall devolve upon, and be exercised by, the trustees, and their successors.

Modification

31110. The founder may also reserve the right to alter, amend, or modify, at any time during his life, or by his last will and testament, the terms and conditions of the grant, and the trust created in respect to the institution, its buildings, and the property conveyed.

Trustees

31111. The founder may in the deed of trust name and describe the character and personality of any one or more of the immediate or future trustees, the librarian, and other officers, and name and impose any particular duty to be performed by any one or more trustees or other officers so described and characterized. He may declare and limit any compensation, and fix the character and method of the compensation he chooses to provide for the trustee or other officer whom the terms of his foundation may characterize, and upon whom specific or general duties are imposed.

Execution of grant

31112. The gift or grant shall be executed, acknowledged, and recorded in the manner provided by law for the execution, acknowledgment, and recording of grants of real property.

Limitation of actions

31113. No suit, action, or proceeding shall be commenced or maintained by any person to set aside, annul, or affect any gift, grant, or conveyance, or to affect the title to the property conveyed, or the right to the possession or to the rents, issues, and profits thereof, unless the action is commenced

within two years after the date of the filing of the grant for record.

31114. Any founder, making a gift or grant for any of the purposes mentioned in this article (commencing at Section 31101), may, at any time thereafter, by last will or testament, devise or bequeath to the State all or any of the property, real and personal, mentioned in the gift or grant, or in any supplemental grant or gift, and the devise or bequest shall take effect if, from any cause whatever, the gift or grant is annulled or set aside, or the trusts therein declared for any reason fail. Such devise or bequest is suffered to be made by way of assurance that the intentions of the grantor shall be carried out, and in the faith that the State, if it succeeds to the property, or any part thereof, will, to the extent and value of the property carry out, in respect to the objects and purposes of the grant, all the wishes and intentions of the grantor. Bequest to State

31115. The provisions of this article (commencing at Section 31101) shall be liberally construed, with a view to effect its objects and purposes. Construction

Article 3. Legal Validation Proceedings

31151. The trustee or trustees of any trust or trusts created for the founding, endowment, and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, library, or any other institution, or any or all thereof, pursuant to Sections 31051 to 31115, inclusive, may commence a special proceeding to determine all questions of law and fact affecting the existence of, and the due and voluntary execution and delivery, and the terms, validity, and legal effect of the grant founding the institution, and of all amendments or attempted amendments to the grant, and of any supplemental grants or gifts, and of any confirmatory conveyances, of the founder, or surviving founder, or wife or widow of the founder. Purposes of proceedings

31152. The special proceeding may also be commenced to determine all questions of law and fact affecting the due and voluntary execution and delivery, and the validity and legal effect, of any gift or grant made in general terms for the benefit of the institution, or of any department of the institution, or of any gift or grant made in general terms for the benefit of the institution, or of any department of the institution, upon the trusts provided for in the grant founding the institution, and amendments thereof and grants, bequests, and devises supplementary thereto. Same

31153. The special proceeding may also be commenced to determine all questions bearing upon the passing to the trustee or trustees of the legal title to the properties, real and personal, conveyed or attempted to be conveyed, so far as the property or the proceeds thereof, or any property acquired in exchange therefor or with proceeds thereof, is described in the petition provided for in this article (commencing at Same

Section 31151), and the interest or title of the trustee or trustees in or to any property described in the petition.

Same

31154. The special proceeding may also be commenced to determine all questions of law and fact affecting the due and voluntary execution and delivery, and the validity and legal effect, of any grant or surrender by any founder, surviving founder, or wife or widow of any founder, to, or in favor of, the trustee or trustees, of any rights, powers, privileges, or duties reserved to or vesting in any such person over or concerning any property described in the petition, or over or concerning the institution, which would otherwise vest in or devolve upon the trustee or trustees upon the death of the person granting or surrendering the rights, powers, privileges, or duties, and of any relinquishment or release by the founder, surviving founder, or wife or widow of any founder, of any other rights, powers, privileges, or duties reserved to or vesting in any such person.

Petition

31155. The trustee or trustees of any trust created pursuant to Sections 31051 to 31115, inclusive, in the name of the institution or institutions, or in the name of the trustee or trustees of the institution, or in the name of the board of trustees of the institution, may file, in the superior court of the county in which the lands described in the founding grant, or some portion thereof, are situated, or, if no real estate has been granted to the trustees, then in the county where the main part of the institution is situated, a petition in writing, signed by counsel for the trustee or trustees, or by counsel for a majority thereof.

Contents of petition

31156. The petition shall contain copies of all grants, amendments, attempted amendments, supplemental grants, instruments of gift, confirmatory conveyances, and grants and instruments of surrender, relinquishment or release, so far as known to the trustee or trustees.

Allegations

31157. The petition shall allege in general terms the due and voluntary execution and delivery, and the validity, of any and all instruments, copies of which are set out in the petition, and shall describe all property, real and personal, the legal title to which is held or claimed to be held by the trustee or trustees under or by virtue of any or all of the instruments, whether or not the property is the original property conveyed, the proceeds thereof, or reinvested proceeds.

Same Estate or interest

31158. The petition shall allege in general terms the estate or interest which the trustee or trustees have or claim in or to the property described.

Prayer

31159. The petition shall pray, in effect, that the court:

(a) Examine and determine all questions of law and fact affecting the due and voluntary execution and delivery, and the terms, validity, and legal effect of all the instruments, copies of which are set out in the petition.

(b) Examine and determine all questions bearing upon the passing to the trustee or trustees, of the legal title to all the properties, real and personal, conveyed or attempted to be

conveyed, so far as the property or the proceeds thereof, or any property acquired in exchange therefor or with the proceeds thereof, is described in the petition.

(c) Examine and determine the interest or title of the trustee or trustees in or to the property.

(d) Establish and determine that the trustee or trustees are rightfully vested with the legal title thereto.

Notice of hearing

31160. The court or judge shall fix the time for hearing the petition, and shall order the clerk of the court to post in at least three public places in the county a notice of the filing of the petition, attached to a copy of the petition, and order a copy of the notice together with a copy of the petition to be personally served upon the founder, if living, and upon the surviving wife or widow of any founder, and upon any living grantor or donor of any other grant or gift set out in the petition, and may order such other or further notice to be given as the judge or court may deem proper. The notice shall be posted and served at least 10 days before the hearing.

Improper notice

31161. If the court or judge finds upon the hearing that due and proper notice has not been given as provided in Section 31160, it shall reset the hearing and cause due and proper notice to be given.

Title of proceedings

31162. The notice and petition shall be entitled substantially in the following form:

In the Superior Court of the_____County of _____, State of California.

In the matter of the petition of_____(giving the name or names in which the petition is brought) for the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of grants or other instruments creating, changing, or affecting trusts and estates for the founding, endowment, and maintenance of_____ _____(naming the institution or institutions founded).

Contents of notice

31163. The notice shall state the time and place fixed for the hearing of the petition and shall be addressed to the founder or founders, if living, and to the surviving wife or widow of any deceased founder, and the living grantor or donor of any other grant or gift set out in the petition, and in general terms to all other persons having or claiming any interest in, or rights, powers, or duties over or concerning the property described in the petition; and shall direct that they and each of them appear and answer the petition on or before the time set for the hearing. The notice shall also state that unless they so appear and demur or answer, the petitioners will apply to the court to grant the prayer of the petition, and that each person failing to so appear and answer, shall be deemed to admit as true all the material allegations of the petition.

Waiver of notice

31164. Any person required to be served, or any other person interested may waive notice by written waiver filed with the clerk of the court.

Appearances

31165. Any person interested in the determination of any of the questions presented by the petition may demur to or answer the petition and may set up any new matter affecting the determination of the questions.

Information and belief

31166. Any allegation of the petition or answer may be made upon information and belief.

Procedure

31167. The provisions of the Code of Civil Procedure respecting the demurrer and the answer to a verified complaint, shall be applicable to a demurrer or answer to the petition.

Parties

31168. The persons demurring to or answering the petition shall be the defendants to the special proceeding and the petitioners shall be the plaintiffs.

Admissions

31169. Every material statement of the petition not specifically controverted by the answer shall, for the purposes of the special proceeding, be taken as true, and each person failing to answer the petition shall be deemed to admit as true all the material allegations of the petition.

Rules of pleading and practice

31170. The rules of pleading and practice provided for by the Code of Civil Procedure, which are not inconsistent with this article (commencing at Section 31151), are applicable to the special proceeding provided for.

Hearing

31171. Upon the hearing of the special proceeding, the court shall examine into and determine all questions of law and fact within the scope of the proceeding herein provided for, whether presented by the petition or answer, or by the proofs upon the hearing.

The court shall find and determine whether the notice of the filing of the petition has been duly given for the time and in the manner prescribed in this article (commencing at Section 31151).

Costs

31172. The costs of the special proceeding may be allowed and apportioned between all parties, in the discretion of the court.

Recordation of judgment

31173. A certified copy of the judgment of the court in the special proceeding shall be recorded in the office of the recorder of the county in which the action is brought and in the office of the recorder of every county in which any of the real property affected is situated.

Effect of judgment

31174. The judgment of the court in the special proceeding is determinative of the terms and trusts upon which any property thereafter given for the benefit of the institution, or any department thereof, is held by the trustee or trustees, unless otherwise provided by the grantor or donor.

CHAPTER 3. COMPETITIVE SCHOLARSHIP PROGRAM

Competitive scholarships

31201. There are hereby created state competitive scholarships which shall be maintained by the State and awarded and administered pursuant to this chapter (commencing at Section 31201), and used by the award winner for undergraduate higher education study.

31202. State competitive scholarships shall be awarded without regard to race, religion, creed, or sex. Discrimination prohibited

31203. No person shall be awarded a scholarship unless: Qualifications

(a) He is a resident of California.

(b) He has not attained his twenty-fourth birthday. This age limitation does not apply in the case of renewed scholarship awards.

(c) He has graduated from high school.

(d) He has demonstrated his financial need for such scholarship. The financial status of his parents shall be taken into consideration in determining his financial need.

(e) He has demonstrated high moral character, good citizenship, and dedication to American ideals.

(f) He has applied for a state competitive scholarship and has, by competitive examination, been determined to be eligible for such scholarship.

(g) He has complied with all of the rules and regulations adopted by the State Scholarship Commission for the award, regulation, and administration of state competitive scholarships adopted pursuant to this chapter (commencing at Section 31201).

(h) He is a citizen of the United States or, if he is under 21 years of age and is not a citizen of the United States either he or his parent or parents were admitted to the United States on a permanent resident visa.

31204. There shall be available two such scholarships for each senatorial and assembly district and 400 scholarships at large throughout the State for the Fiscal Year 1956-57; four such scholarships for each senatorial and assembly district and 800 scholarships at large throughout the State for the Fiscal Year 1957-58; six such scholarships for each senatorial and assembly district and 1,200 scholarships at large throughout the State for the Fiscal Year 1958-59; and eight such scholarships for each senatorial and assembly district and 1,600 scholarships at large throughout the State for the Fiscal Year 1959-60, and for each fiscal year thereafter. Number of scholarships

No award shall be canceled because of change of residence of an award winner within the State.

31205. When any scholarship available for a district is not awarded because of a lack of qualified applicants in that district, such district scholarship shall be awarded in that year as a scholarship at large; and in the following year an additional scholarship shall be made available to that district and the number of scholarships at large shall be reduced by one. Scholarships at large

31206. A scholarship award winner may use his scholarship at any one of the institutions of collegiate grade located in California if such institution offers a two-year junior college or four-year college course and is accredited by the Western College Association. Nothing contained in this chapter (commencing at Section 31201) shall be interpreted to require any such institution to admit into such institution, or Institutions

once admitted to continue in such institution, an award winner.

State Scholarship Commission

31207. There is hereby created the State Scholarship Commission, consisting of nine members, to be appointed by the Governor.

Membership

31208. The membership of the commission shall be as follows:

(a) Three representatives of private institutions of collegiate grade located in California;

(b) One representative of the University of California;

(c) One representative of state colleges located in California;

(d) One representative of public junior colleges located in California;

(e) Three representatives who shall be lay citizens of California, one of whom shall be a member of the governing board of a school district which includes at least one secondary school.

There shall not at any time be two or more persons serving as members of the commission who are professionally affiliated with, or hold a baccalaureate degree from, or are employed by, or serve as a member of the governing board of, the same institution of collegiate grade located in California.

Terms of office

31209. The terms of office of such members shall be four years, except as otherwise provided, and they shall hold office until appointment and qualification of their successors. The terms of the first members of the commission shall be fixed by the Governor and in such manner as will provide for the expiration each year of the terms of, as nearly as possible, one-fourth of the members.

Vacancies

31210. Any vacancy shall be filled by the Governor by the appointment of a person who will have the same status as the predecessor of the appointee. The appointee shall hold office only for the balance of the unexpired term.

Chairman and meetings

31211. The members of the commission shall select a chairman from the members of the commission at its first meeting and at any subsequent meeting which is the first meeting held after there has been a change in membership.

The commission shall meet at least once each year and shall meet at such other times as the chairman may designate by 10 days' written notice.

Officers and employees

31212. The State Scholarship Commission shall appoint an executive secretary who shall be the chief executive officer for the commission, and shall serve at the pleasure of the commission. The Legislature hereby requests the State Scholarship Commission to designate said executive officer as the person holding the position confidential to it, within the meaning of subdivision 5, of Section 4, Article XXIV of the Constitution.

The commission may employ such other employees as it deems necessary to carry out its functions under this chapter (commencing at Section 31201).

31213. The State Scholarship Commission may co-operate with, assist, and stimulate interest in other scholarship programs which have as an objective the assistance of qualified youth to completion of courses in higher education. The commission may assist in the selection of qualified applicants and may assist interested groups of citizens, foundations, and other agencies in the administration of scholarship awards. Co-operation

31214. Each competitive scholarship is for the period of one academic year and the award shall be for six hundred dollars ($600) or an amount equal to the tuition or necessary fees, or both tuition and fees, for the academic year, excluding summer sessions, of the institution at which the scholarship is used, whichever is the smaller amount. The State Scholarship Commission may provide by appropriate rules and regulations for such reports, accounting, and statements from the award winner and college or university of attendance pertaining to the use or application of the award as it may deem proper. A competitive scholarship may be renewed annually without an additional competitive examination until the award winner has received four annual awards or until he has been graduated from such an institution in an undergraduate course. The scholarship shall remain in effect only during the period that the award winner achieves satisfactory academic progress and is regularly enrolled as a full-time student in an institution of collegiate grade, as described in Section 31206. Duration and value of scholarships, etc

31215. The State Scholarship Commission shall conduct annual competitive examinations among fully qualified applicants for state competitive scholarships or the commission may require all applicants to take the scholastic aptitude test of the College Entrance Examination Board. On the basis of the results of such examinations, or either of them, the commission shall determine the award winners for the next ensuing academic year. Such commission also shall determine which of the current award winners are making satisfactory academic progress and are entitled to an annual renewal of their scholarships. Annual examinations, etc.

31216. The State Scholarship Commission from time to time shall adopt such rules and regulations as it may determine, not in conflict with this chapter (commencing at Section 31201), as may be necessary or appropriate for effectuating the provisions of this chapter (commencing at Section 31201). The State Scholarship Commission shall not award a scholarship to any applicant whose record in the competitive examination does not meet the standards set, even though scholarships may remain unawarded. Rules and regulations

31217. The Legislature hereby declares that it regards the collegiate education of its qualified citizens to be a public purpose of great importance; and further declares the establishment of competitive scholarships pursuant to this chapter (commencing at Section 31201) to be a desirable and economical method of furthering this public purpose. The Legislature has come to the conclusion that the benefit to the State in Legislative declaration

assuring the development of the talents of its qualified citizens will bring tangible benefits to the State in the future.

The Legislature further declares that there is an urgent need at present for the establishment of a state scholarship program, and that the most efficient and economical way to meet this need is through the plan prescribed in this chapter (commencing at Section 31201).

The Legislature further declares that it does not intend that this chapter be construed as granting any present or future right to the Legislature, or any other instrumentality of the State, to control or influence the policies of any educational institution involved in the state scholarship program.

Severability

31218. If any section, subsection, sentence, clause or phrase of this chapter (commencing at Section 31201) is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter (commencing at Section 31201). The Legislature hereby declares that it would have passed this chapter (commencing at Section 31201), and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Termination date

31219. The provisions of this chapter (commencing at Section 31219) shall remain in effect until July 1, 1962, and thereafter shall have no further force or effect.

Chapter 4. Administration of Federal Scholarship Program

Administration

31251. Whenever by the provisions of any act of Congress a program of scholarships for undergraduate students is established which permits administration of such program within a state by a state agency, the State Scholarship Commission, as established by Section 31207, shall administer such act within the State if the Governor and the State Scholarship Commission, by a majority vote of its entire membership, determine that the participation by the State in the Federal Scholarship Program under such act would not interfere with or jeopardize the continuation of the scholarship program established under Sections 31201 to 31219, inclusive. For the purposes of this chapter (commencing at Section 21801) the State Scholarship Commission shall, notwithstanding the provisions of Section 31219, be continued in existence after July 1, 1962, and until it has completed its duties in administering the Federal Scholarship Program.

State Commission on Federal Scholarships

31252. The State Scholarship Commission shall constitute the State Commission on Federal Scholarships and is hereby empowered to formulate a plan for development and administration of the Federal Scholarship Program within the State.

Powers and duties

31253. Subject to the provisions of this chapter (commencing at Section 21801), the State Scholarship Commission is hereby vested with all necessary power and authority to

co-operate with the Government of the United States, or any agency or agencies thereof, in the administration of the act of Congress establishing a scholarship program and the rules and regulations adopted thereunder.

Before adopting a state plan the State Commission on Federal Scholarships shall hold public hearings as provided in the California Administrative Procedure Act.

The State Scholarship Commission shall not grant any scholarship arising under any federal scholarship program after the ninety-first day after the close of the 1959 Regular Session of the Legislature.

CHAPTER 5. MISCELLANEOUS PROVISIONS

Article 1. Civil Defense and Fire Drills

Liability

31301. Notwithstanding the provisions of Section 1714.5 of the Civil Code, no superintendent, principal, teacher or other employee of a school district employed in a position requiring or not requiring certification qualifications, and no person authorized by the governing board of the school district to assist any employee of the district, shall be held personally liable for civil damages on account of personal injury to or death of any person resulting from the participation of the person in a civil disaster, civil defense, or fire drill or test ordered by lawful authority to be held in the schools of the employing district, unless negligence or the wilful act of the employee is the proximate cause of the injury or death.

Article 2. Dissemination of Knowledge of Election Propositions

Propositions and constitutional amendments

31351. For the purpose of encouraging the study and investigation of the various propositions and constitutional amendments which are submitted to the people and to stimulate interest in, and study of, the propositions by addresses, debates, and general discussions throughout the various institutions of learning of the State, the Secretary of State shall, within six months after the adjournment of each session of the Legislature, have printed in the manner prescribed by Article 3 of Chapter 1 of Division 4 of the Elections Code a sufficient number of all propositions and constitutional amendments which are to be submitted to a vote of the people at any election.

Number of copies

31352. The Secretary of State shall supply each institution of higher learning with 25 copies, and each high school and elementary school with 10 copies of the propositions and constitutional amendments and deliver them to the Superintendent of Public Instruction.

Instructions

31353. The Superintendent of Public Instruction shall immediately prepare such instructions to the heads of the institutions and schools as he deems sufficient to properly

accomplish the object expressed in Section 31351 and shall forward the propositions and constitutional amendments to the heads of the institutions and schools together with the instructions.

Article 3. County Support of Agricultural and Home Economics Extension Work

Appropriations by boards of supervisors

31401. The boards of supervisors of any county may appropriate and use county funds for the support and maintenance of extension work in agriculture and home economics. The extension work shall be designed for the benefit of the respective counties and conducted under the approval of the United States Department of Agriculture and in co-operation with the University of California.

Article 4. Printing Schools

Prohibited printing

31451. No printing concern, institution, or other agency maintaining a printing plant or department for the purpose of instruction or the teaching of the art of printing, or allied arts, and whose purpose is to teach or instruct its students or members, shall produce, print, or cause to be printed any material whatsoever that may be placed on the market in competition with regularly established printing plants or concerns, if such printing concern, institution, or other agency is supported or operated from public or state funds or is tax free in any manner.

Exceptions

31452. This article (commencing at Section 31351) does not apply to:

(a) Any institution classified as an educational institution within the meaning and intent of Section 101 of the Internal Revenue Code of the United States or of Section 23701d of the Revenue and Taxation Code and which, nevertheless, pays general state and county taxes within this State upon any printing plant and printing equipment owned by it.

(b) The production of forms, materials, and supplies at any state educational institution under the exclusive management and control of the State and authorized by law.

(c) Any publication, printed and produced at any state educational institution under the exclusive management and control of the State for the dissemination of technical or scientific information and which is sold at cost.

(d) Printing which may be classified as "instruction" or "student activity."

Misdemeanor

31453. The violation of this article (commencing at Section 31451) is a misdemeanor.

CHAPTER 3

An act to repeal and re-enact the Vehicle Code and to add Chapter 6.5 (commencing at Section 3067) to Title 14, Part 4, Division 3 of the Civil Code and to amend Section 11001.5 of the Revenue and Taxation Code, relating to vehicles.

[Approved by Governor February 25, 1959. Filed with Secretary of State February 25, 1959.]

In effect September 18, 1959

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

SECTION 1. The Vehicle Code is repealed.

Repeal

SEC. 2. The Vehicle Code is enacted to read:

GENERAL PROVISIONS

Short title

1. This act shall be known as the Vehicle Code.

Continuation of existing law

2. The provisions of this code, insofar as they are substantially the same as existing provisions relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

Tenure of office

3. All persons who, at the time this code goes into effect, hold office under the code repealed by this code, which offices are continued by this code, continue to hold them according to their former tenure.

Pending proceedings and accrued rights

4. No action or proceeding commenced before this code takes effect, and no right accrued, is affected by the provisions of this code, but all procedure thereafter taken therein shall conform to the provisions of this code so far as possible.

Constitutionality

5. If any portion of this code is held unconstitutional, such decision shall not affect the validity of any other portion of this code.

Construction of code

6. Unless the provision or the context otherwise requires, these general provisions and rules of construction shall govern the construction of this code.

Effect of headings

7. Division, chapter, article, and section headings do not in any manner affect the scope, meaning, or intent of the provisions of this code.

Delegation of powers and duties

8. Whenever, by the provisions of this code, a power is granted to a public officer or a duty imposed upon such an officer, the power may be exercised or the duty performed by a deputy of the officer or by a person authorized pursuant to law by the officer.

Required writings

9. Whenever any notice, report, statement, or record is required by this code, it shall be made in writing in the English language.

References to statutes

10. Whenever any reference is made to any portion of this code or of any other law, such reference shall apply to all amendments and additions heretofore or hereafter made.

"Section" "Subdivision"

11. "Section" means a section of this code unless some other statute is specifically mentioned and "subdivision"

means a subdivision of the section in which that term occurs unless some other section is expressly mentioned.

Tenses

12. The present tense includes the past and future tenses; and the future, the present.

Gender

13. The masculine gender includes the feminine and neuter.

Singular and plural

14. The singular number includes the plural, and the plural the singular.

"Shall" and "may"

15. "Shall" is mandatory and "may" is permissive.

"Oath"

16. "Oath" includes affirmation.

"Signature" or "Subscription"

17. "Signature" or "subscription" includes mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

Oaths and acknowledgments

18. Officers and employees of the Department of Motor Vehicles and the Department of the California Highway Patrol are, for the purposes of this code, authorized to administer oaths and acknowledge signatures, for which no fee shall be charged.

Attested signatures

19. Whenever the acknowledgment of any document is required by this code or any regulation of either department, the signature of the applicant attested to in his presence by the signature of a subscribing witness is sufficient.

False statements

20. It is unlawful to use a false or fictitious name, or to knowingly make any false statement or knowingly conceal any material fact in any document filed with the Department of Motor Vehicles or the Department of the California Highway Patrol.

Uniformity of code

21. The provisions of this code are applicable and uniform throughout the State and in all counties and municipalities therein, and no local authority shall enact or enforce any ordinance on the matters covered by this code unless expressly authorized herein.

Method of giving notice

22. Whenever notice is required to be given under this code by a department or any division, officer, or employee thereof, such notice shall be given either by personal delivery to the person to be notified or by mailing notice, postage prepaid, addressed to such person at his address as shown by the records of the department.

When notice complete

23. The giving of notice by personal delivery is complete upon delivery of a copy of the notice to the person to be notified. The giving of notice by mail is complete upon the expiration of four days after deposit of the notice in the mail, except that in the case of a notice informing any person of an offense against him under Section 40001, the notice is complete 10 days after mailing.

Proof of notice

24. Proof of the giving of notice may be made by the certificate of any officer or employee of the Department of Motor Vehicles and the Department of the California Highway Patrol or of any peace officer, or by an affidavit of any

person over 18 years of age, naming the person to whom such notice was given and specifying the time, place, and manner of the giving thereof.

Unlawful advertising as Department

25. It is unlawful for any person to display or cause or permit to be displayed any sign, mark, or advertisement containing the term "Department of Motor Vehicles," "State Motor Vehicle Department," "Director of Motor Vehicles," "Department of California Highway Patrol" or any similar term, name or designation indicating an official connection with either department unless such person has lawful authority, permission, or right to make such display.

Registration and license business

26. No person shall engage in the business of soliciting or receiving any application for the registration, reregistration, or transfer of registration of any vehicle of a type subject to registration under this code, or for any nonresident permit for the operation of any such vehicle within this State, or for a driver's license, or of transmitting or presenting the same to the department or any branch office thereof, when any compensation is solicited or received for the service. This section does not apply to a common carrier acting in the regular course of its business in transmitting the applications, nor to an agency or bureau if the department is informed in writing by the person represented that the agency or bureau is his representative and the department has granted permission to the agency or bureau to act as such representative.

Impersonation of patrol member

27. Any person who without authority impersonates, or wears the badge of, a member of the California Highway Patrol with intention to deceive anyone is guilty of a misdemeanor.

Notification of repossession

28. Whenever possession is taken of any vehicle by or on behalf of any legal owner thereof under the terms of a mortgage, conditional sale or lease agreement, the person taking possession shall, within 24 hours thereafter, notify the city police department where such taking of possession occurred, if within an incorporated city, or the sheriff's department of the county where such taking of possession occurred, if outside an incorporated city.

DIVISION 1. WORDS AND PHRASES DEFINED

Application of definitions

100. Unless the provision or context otherwise requires, these definitions shall govern the construction of this code.

"Agricultural water-well boring rig"

105. An "agricultural water-well boring rig" is a motor vehicle which is used exclusively in the boring of water-wells on agricultural property.

"Armored car"

115. An "armored car" is a vehicle that is equipped with materials on either the front, sides, or rear for the protection of persons therein from missiles discharged from firearms.

"Authorized emergency vehicle" Air pollution control

120. An "authorized emergency vehicle" is any vehicle owned by a county or air pollution control district and operated exclusively by an officer or employee of an air pollution control district engaged in enforcement work in responding to

emergency calls and when operating under a permit issued by the commissioner.

Same: Ambulance

125. An "authorized emergency vehicle" is any of the following vehicles when used in responding to emergency calls:

(a) Any privately owned ambulance, specially constructed and maintained exclusively for ambulance purposes author ized by permit issued by the commissioner.

(b) Any publicly owned ambulance.

Same: Bridge and highway district

130. An "authorized emergency vehicle" is any fire-fighting equipment, emergency wrecking equipment, or emergency repair equipment, owned and operated by a bridge and highway district for the purpose of extinguishing fires, removing wrecked motor vehicles, caring for injured persons, or repairing damaged lighting, or electrical equipment, of such bridge and highway district, when the vehicles are responding to emergency calls.

Same California Highway Patrol

135. An "authorized emergency vehicle" is any privately owned vehicle of a member of the California Highway Patrol, when authorized by permit from the commissioner and while being used in responding to an emergency call. No such permit shall be granted until proper proof of financial responsibility is filed with the Department of Finance. Whenever the vehicle is not being used as an authorized emergency vehicle, the siren must be disconnected and the red light covered.

Same: Disaster Act

140. An "authorized emergency vehicle" is any motor vehicle owned by the State or owned by a state officer or employee, when authorized by the commissioner, after certification by the head of the department, if the motor vehicle is assigned to his department, or by the Director of the California Disaster Office, if the motor vehicle is assigned to the California Disaster Office, and when used in the performance of duties imposed upon a state officer or employee by the California Disaster Act.

Same: Federal

145. An "authorized emergency vehicle" is any vehicle owned or operated by any department or agency of the United States Government under any one of the following subdivisions:

(a) When such department or agency is engaged primarily in law enforcement work and the vehicle is being used in response to an emergency call or in immediate pursuit of an actual or suspected violator of the law.

(b) When used in responding to emergency fire calls and in combating fires.

(c) When the vehicle is an ambulance or life-saving equipment being used in responding to emergency calls.

Same· Fire

150. An "authorized emergency vehicle" is any publicly owned vehicle operated in the performance of his duty, by a member of any fire department, including the California Division of Forestry, who is regularly employed by the State or any city or county and used in responding to emergency calls.

Same

155. An "authorized emergency vehicle" is any fire-fighting equipment designed and operated exclusively as such when

equipped with a siren and red light and used in responding to emergency fire calls and in combating fires and when operated under a permit issued by the commissioner.

Same

160. An "authorized emergency vehicle" is any publicly or privately owned motor vehicle, operated by a state or county forest ranger, or a firewarden on salary and directly in charge of fire protection work upon behalf of the State or in any county, or the chief of any fire department established on any base of the armed forces of the United States, or the chief or assistant chief of an organized fire department, in responding to emergency fire calls.

A permit shall be obtained from the commissioner for the operation of any privately owned vehicle, and when the vehicle is not engaged in responding to an emergency fire call, the siren shall be disconnected and the red front lights covered.

Same

165. An "authorized emergency vehicle" is any fire-fighting equipment designed and operated exclusively as such by a municipal fire department, and used in responding to emergency fire calls and in combating fires.

Same

170. An "authorized emergency vehicle" is any fire-fighting equipment designed and operated exclusively as such by an oil company and used in responding to emergency fire calls and in combating fires.

Same Fish and game

175. An "authorized emergency vehicle" is any motor vehicle owned by the State when authorized by the commissioner and when used by a fish and game warden in the actual pursuit of a violator or suspected violator of the fish and game laws.

This section shall not limit the liability for negligent operation of such motor vehicle when in actual pursuit of such violator or suspected violator.

Same. Justice

180. An "authorized emergency vehicle" is a motor vehicle, owned by the State, and operated by a regularly employed special agent, investigator, or inspector of the Department of Justice in the performance of his duties.

Same· Lifesaving equipment

185. An "authorized emergency vehicle" is any lifeguard or lifesaving motor vehicle which is owned by the State of California or by any city or county and operated exclusively as such by an officer or employee of the State or of any such agency in responding to emergency calls and when operated under a permit issued by the commissioner.

Same Lifesaving vehicle

190. An "authorized emergency vehicle" is any privately owned vehicle, operated by the chief of any fire department established on any base of the armed forces of the United States, or the chief or other authorized member of an organized fire department in responding to emergency calls in connection with lifesaving or other public purposes not connected with fire calls.

A permit shall be obtained from the commissioner and when the vehicle is not engaged in responding to an emergency call in connection with lifesaving or other public pur-

poses, the siren shall be disconnected and the red front lights covered.

Same Police

195. An "authorized emergency vehicle" is any publicly owned vehicle operated in the performance of his duty by a member of any police department, any sheriff, constable, district attorney, or deputy thereof, a district attorney investigator, inspector, or detective, or a traffic officer, who is regularly employed by the State or any city or county in responding to emergency calls or in a traffic patrol duty.

Same

200. An "authorized emergency vehicle" is any motorcycle, either publicly or privately owned, operated by a police or traffic officer in enforcing the provisions of this code.

Same

205. An "authorized emergency vehicle" is any vehicle which is publicly maintained in whole or in part by the State or a city or county, and which is privately owned and operated by a member of, and who receives salary from, and is regularly employed by, a municipal police department, or by any sheriff, constable, district attorney, or deputy thereof, or a district attorney investigator, inspector, or detective regularly employed by the county, or by a marshal or deputy marshal of a municipal court, but only under all of the following conditions:

(a) That the vehicle has a permit from the commissioner.

(b) That the vehicle has affixed to the license plates thereon distinguishing signs of a type approved by the commissioner which shall be so located as to be plainly visible at a distance of not less than 50 feet from the front and rear of the vehicle.

(c) That the State or any city or county does not furnish such person a publicly owned vehicle for a purpose stated in subdivision (d).

(d) That the vehicle is being operated in response to an emergency call or fire alarm, in street or highway patrol duty, or in the pursuit of an actual or suspected violator of the law.

(e) Whenever the vehicle is not being used for such purposes, the siren shall be disconnected and the red lights covered. Any violation of this provision shall constitute a misdemeanor and the permit granted hereunder shall be revoked.

Same Utility vehicle

210. An "authorized emergency vehicle" is any repair vehicle of a utility or public utility, whether privately, municipally or publicly owned, used in responding to emergency calls when authorized by the commissioner.

Same Vehicular crossing vehicle

215. An "authorized emergency vehicle" is any vehicle owned by the State and equipped and used for either fighting fire on, or towing or servicing other vehicles on or over, a vehicular crossing, while on the vehicular crossing.

"Automobile wrecker"

220. An "automobile wrecker" is any person who has an established place of business and is engaged in the business of buying, selling, or dealing in vehicles of a type required to be registered under this code, for the purpose of dismantling or wrecking the same, and who buys or sells the integral parts and component materials thereof, in whole or in part, and deals in used motor vehicle parts. This section does not apply to the

occasional and incidental dismantling or wrecking of vehicles by dealers who have secured dealers plates from the department for the current year whose principal business is buying and selling new and used vehicles, or by owners who desire to wreck not more than three personal vehicles within any 12 months period, or by garages or repair shops.

"Auxiliary dolly"

225 An "auxiliary dolly" is a vehicle, not designed for carrying persons or property on its own structure, which is so constructed and used in conjunction with a semitrailer as to support a portion of the weight of the semitrailer and any load thereon, but not permanently attached to the semitrailer, although a part of the weight of such dolly may rest on another vehicle

"Axle"

230 An "axle" is a structure or portion of a structure consisting of one or more shafts, spindles, or bearings in the same vertical transverse plane by means of which, in conjunction with wheels mounted on said shafts, spindles, or bearings, a portion of the weight of a vehicle and its load, if any, is continuously transmitted to the roadway when the vehicle is in motion.

"Business district"

235. A "business district" is that portion of a highway and the property contiguous thereto (a) upon one side of which highway, for a distance of 600 feet, 50 percent or more of the contiguous property fronting thereon is occupied by buildings in use for business, or (b) upon both sides of which highway, collectively, for a distance of 300 feet, 50 percent or more of the contiguous property fronting thereon is so occupied A business district may be longer than the distances specified in this section if the above ratio of buildings in use for business to the length of the highway exists.

Business and residence districts

240 In determining whether a highway is within a business or residence district, the following limitations shall apply and shall qualify the definitions in Sections 235 and 515:

(a) No building shall be regarded unless its entrance faces the highway and the front of the building is within 75 feet of the roadway.

(b) Where a highway is physically divided into two or more roadways only those buildings facing each roadway separately shall be regarded for the purpose of determining whether the roadway is within a district.

(c) All churches, apartments, hotels, multiple dwelling houses, clubs, and public buildings, other than schools, shall be deemed to be business structures.

(d) A highway or portion of a highway shall not be deemed to be within a district regardless of the number of buildings upon the contiguous property if there is no right of access to the highway by vehicles from the contiguous property.

"Carry-all"

245 A "carry-all" is that type of earth-moving equipment which is not self-propelled but which is designed for use behind tractors or other motive power and which is self-loading by means of a cutting blade which is lowered at an angle to dig into the ground The term includes, but is not limited to,

such types of vehicles as carry the trade names of LaPlant-Choate, LeTourneau, and Be Ge.

"Chauffeur" 250. A "chauffeur" is a person who is employed by another for the principal purpose of driving a motor vehicle on the highways and receives compensation therefor.

"City" 255. "City" includes every city and city and county within this State.

"Commercial vehicle" 260. (a) A "commercial vehicle" is a vehicle of a type required to be registered under this code used or maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property.

(b) Passenger vehicles which are not used for the transportation of persons for hire, compensation, or profit are not commercial vehicles. This subdivision shall not apply to Chapter 4 (commencing at Section 6700) of Division 3.

"Commissioner" 265. The "commissioner" is the Commissioner of the California Highway Patrol.

"County" 270. "County" includes every county and city and county within this State.

"Crosswalk" 275. "Crosswalk" is either:

(a) That portion of a roadway included within the prolongation or connection of the boundary lines of sidewalks at intersections where the intersecting roadways meet at approximately right angles, except the prolongation of such lines from an alley across a street.

(b) Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Notwithstanding the foregoing provisions of this section, there shall not be a crosswalk where local authorities have placed signs indicating no crossing.

"Darkness" 280. "Darkness" is any time from one-half hour after sunset to one-half hour before sunrise and any other time when there is not sufficient light to render clearly discernible any person or vehicle on the highway at a distance of 500 feet.

"Dealer" 285. (a) "Dealer" is a person not otherwise expressly excluded by this section, who:

(1) For commission, money, or other thing of value, sells, exchanges, buys, or offers for sale, negotiates, or attempts to negotiate, a sale or exchange of an interest in, a vehicle subject to registration under this code, or induces or attempts to induce any person to buy or exchange an interest in a vehicle and, who receives or expects to receive a commission, money, brokerage fees, profit, or any other thing of value, from either the seller or purchaser of said vehicle, or

(2) Is engaged wholly or in part in the business of selling vehicles or buying or taking in trade, vehicles for the purpose of resale, selling, or offering for sale, or consigned to be sold, or otherwise dealing in vehicles, whether or not such vehicles are owned by such person.

(b) The term "dealer" does not include:

(1) Insurance companies, finance companies, public officials, or any other person coming into possession of vehicles in the regular course of business, who shall sell such vehicles under a contractual right or obligation, or in performance of an official duty, or in authority of any court of law; provided, such sale is for the purpose of saving the seller from loss or pursuant to the authority of a court of competent jurisdiction.

(2) Persons who sell or distribute vehicles of a type subject to registration for a manufacturer to vehicle dealers licensed under this code, or who are employed by manufacturers or distributors to promote the sale of vehicles dealt in by such manufacturers or distributors; provided, however, that if any such persons also sell vehicles at retail, they shall be deemed to be vehicle dealers and are subject to this code.

(3) Persons regularly employed as salesmen by vehicle dealers licensed under this code while acting within the scope of such employment.

(4) Persons exclusively engaged in the bona fide business of exporting vehicles or of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States; provided, no federal excise tax is legally payable on any of such transactions, or such tax is legally refundable on such transactions.

(5) Persons not engaged in the purchase or sale of vehicles as a business, disposing of vehicles acquired for their own use, or for use in their business when the same shall have been so acquired and used in good faith, and not for the purpose of avoiding the provisions of this code.

"Department"

290. The "department" is the Department of Motor Vehicles except when used in Chapter 2 of Division 2 (commencing at Section 2100) and in Divisions 11 and 12 (commencing at Sections 21000 and 24000) of this code it shall mean the Department of the California Highway Patrol.

"Director"

295. The "director" is the Director of Motor Vehicles.

"Drawbar"

300. A "drawbar" is a rigid structure forming a connection between a trailer and a towing vehicle, securely attached to both vehicles by nonrigid means and carrying no part of the load of either vehicle.

"Driver"

305. A "driver" is a person who drives or is in actual physical control of a vehicle.

"Driver's license"

310. "Driver's license" includes both an operator's and a chauffeur's license.

"Essential parts"

315. "Essential parts" are all integral and body parts of a vehicle of a type required to be registered under this code, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance.

"Established place of business"

320. "Established place of business" is a place actually occupied either continuously or at regular periods by a dealer, manufacturer, automobile wrecker or automobile driving school where the books and records pertinent to the type of

business being conducted are kept. The place of business shall have an office and in the case of a dealer, manufacturer or automobile wrecker shall have a display, manufacturing or wrecking area, situated on the same property where business peculiar to the type of license issued by the department is or may be transacted. When a room or rooms in a hotel, rooming-house, apartment house building, or a part of any single or multiple unit dwelling house be used as an office or offices of an established place of business, such room or rooms shall be devoted exclusively to and occupied for the office or offices of the dealer, manufacturer, automobile wrecker or automobile driving school, shall be located on the ground floor, and shall be so constructed as to provide a direct entrance into such room or rooms from the exterior of the building. A licensee holding more than one type of license issued by the department and conducting more than one type of business from an establishment, as herein defined, shall provide a clear physical division between the types of business for which licensed. The place of business shall be open to inspection of pertinent records and vehicles by any peace officer during business hours.

"Foreign jurisdiction"

325. A "foreign jurisdiction" is any other state, the District of Columbia, territories or possessions of the United States, and foreign states, provinces, or countries.

"Foreign vehicle"

330. A "foreign vehicle" is a vehicle of a type required to be registered under this code brought into this State from a foreign jurisdiction other than in the ordinary course of business, by or through a manufacturer or dealer and not registered in this State.

"Freeway"

332. "Freeway" is a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access.

"Gantry truck"

335. A "gantry truck" is a motor vehicle so designed and constructed that it straddles the load to be transported and by means of appropriate mechanism picks up the load and supports it during transportation.

"Garage"

340. A "garage" is a building or other place wherein the business of storing or safekeeping vehicles of a type required to be registered under this code and which belong to members of the general public is conducted for compensation.

"Implement of husbandry"

345. An "implement of husbandry" is a vehicle which is used exclusively in the conduct of agricultural operations.

An implement of husbandry does not include a vehicle which is designed primarily for the transportation of persons or property on a highway, unless specifically designated as such by some other provision of this code.

Same Specific examples

350. Implement of husbandry includes, but is not limited to:

(a) A lift-carrier or other vehicle designed and used exclusively for the lifting and carrying of implements of husbandry, when operated or moved upon a highway.

(b) A trailer of the tip-bed type when used exclusively by a farmer owner in the transportation of other implements of husbandry.

(c) A one-axle trailer of the tip-bed type when used exclusively in the transportation of other implements of husbandry.

(d) A two-wheeled trailer having no bed, and designed and used solely for transporting a hay loader.

(e) A spray or fertilizer applicator rig designed and used exclusively for spraying or fertilizing in the conduct of agricultural operations.

(f) A nurse rig or equipment auxiliary to the use of and designed or modified for the fueling, repairing, or loading of a spray rig or an airplane used for the dusting, spraying, fertilizing, or seeding of crops.

(g) A row duster.

(h) A wagon or van used exclusively for carrying products of farming from one part of a farm to another part thereof, or from one farm to another farm, and used solely for agricultural purposes, including any van used in harvesting alfalfa or cotton, which is only incidentally operated or moved on a highway as a trailer.

(i) A wagon or portable house on wheels used solely by shepherds as a permanent residence in connection with sheep-raising operations and moved from one part of a ranch to another part thereof or from one ranch to another ranch, which is only incidentally operated or moved on a highway as a trailer.

(j) A trap wagon moved from one part of a ranch to another part of the same ranch or from one ranch to another, which is only incidentally operated or moved on a highway.

(k) Any vehicle which is operated upon a highway only for the purpose of transporting agricultural products across a highway and is in no event operated along a highway for a greater distance than one-quarter mile.

(*l*) A portable honey extracting trailer or semitrailer.

(m) A non-self-propelled fertilizer nurse tank or trailer moved unladen on the highway and auxiliary to the use of a spray or fertilizer applicator rig.

(n) Any cotton trailer when used on the highways for the exclusive purpose of transporting cotton from a farm to a cotton gin, and returning the empty trailer to such farm, except that Section 5017 shall apply to such trailers.

"Flammable liquid"

355. A "flammable liquid" is any liquid having a flash point (closed cup test) below 200 degrees Fahrenheit and a vapor pressure not exceeding 26 pounds per square inch gauge at a temperature of 100 degrees Fahrenheit.

"Highway"

360. "Highway" is a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

"Intersection"

365. An "intersection" is the area embraced within the prolongation of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways, of two highways which join one another at approximately right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

"Legal owner"

370. A "legal owner" is a person holding the legal title to a vehicle under a conditional sale contract, the mortgagee of a vehicle, or the lessor of a vehicle to the State or to any county, city, district, or political subdivision of the State, under a lease, lease-sale, or rental-purchase agreement which grants possession of the vehicle to the lessee for a period of 30 consecutive days or more.

"Lighting equipment"

375. "Lighting equipment" is any of the following lamps or devices:

(a) Any headlamp, auxiliary driving, passing, or fog lamp, rear lamp, license plate lamp, clearance lamp, signal lamp or device.

(b) Any dim-out or air-raid lamp, fender turning lamp, diffused nonglaring lamp, flashing red school bus lamp, and red lamps placed on tow cars under Section 25255.

(c) Any lamp or device of commercial vehicles and tow cars.

(d) Any equipment regulating the light emitted from any lamp or device in subdivisions (a) or (b) or the light sources therein.

(e) Reflectors, including red reflectors for use on bicycles and reflectors used for required warning devices.

"Limit line"

377. A "limit line" is a solid white line not less than 12 nor more than 24 inches wide, extending across a roadway or any portion thereof to indicate the point at which traffic is required to stop in compliance with legal requirements.

"Liquified petroleum gas"

380. "Liquified petroleum gas" means petroleum hydrocarbons or mixtures thereof in liquid or gaseous state having a vapor pressure in excess of 26 pounds per square inch gauge at a temperature of 100 degrees Fahrenheit.

"Local authorities"

385. "Local authorities" means the legislative body of every county or municipality having authority to adopt local police regulations.

"Manufacturer's gross vehicle weight rating"

390. "Manufacturer's gross vehicle weight rating" means the weight in pounds of the chassis of a truck or truck tractor with lubricants, radiator full of water, full fuel tank or tanks plus the weights of the cab or driver's compartment, body, special chassis and body equipment and pay load as authorized by the chassis manufacturer.

In the event a vehicle is equipped with an identification plate or marker bearing the manufacturer's name and manufacturer's gross vehicle weight rating, the rating stated thereon

shall be prima facie evidence of the manufacturer's gross vehicle weight rating.

395. A "metal tire" is a tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material. "Metal tire"

400. A "motorcycle" is any motor vehicle other than a tractor having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground and weighing less than one thousand five hundred pounds. "Motorcycle"

405. A "motor-driven cycle" is any motorcycle, including every motor scooter, with a motor which produces not to exceed five horsepower, and every bicycle with motor attached. "Motor-driven cycle"

410. A "motor truck" is a motor vehicle designed, used, or maintained primarily for the transportation of property. "Motor truck"

415. A "motor vehicle" is a vehicle which is self-propelled. "Motor vehicle

425. A "muffler" is a device consisting of a series of chambers or baffle plates, or other mechanical design, for the purpose of receiving exhaust gas from an internal combustion engine, and effective in reducing noise. "Muffler"

430. A "new vehicle" is a vehicle that has never been registered with the department, nor has ever been registered with the appropriate agency of authority of any other state, District of Columbia, territory or possession of the United States or foreign state, province or country. "New vehicle"

435. "Nonresident" is a person who is not a resident of this State. "Nonresident"

440. An "official traffic control device" is any sign, signal, marking, or device not inconsistent with this code, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic. "Official traffic control device"

445. An "official traffic control signal" is any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction. "Official traffic control signal"

450. An "operator" is a driver of a motor vehicle other than a chauffeur. "Operator"

455. "Original driver's license" means the first driver's license issued a person under this code. "Original driver's license"

460. An "owner" is a person having all the incidents of ownership, including the legal title of a vehicle whether or not such person lends, rents, or pledges the vehicle; the person entitled to the possession of a vehicle as the purchaser under a conditional sale contract; the mortgagor of a vehicle; or the State, or any county, city, district, or political subdivision of the State, when entitled to the possession and use of a vehicle under a lease, lease-sale, or rental-purchase agreement for a period of 30 consecutive days or more. "Owner"

"Passenger vehicle"

465. A "passenger vehicle" is any motor vehicle, other than a motor truck, truck tractor, or motorcycle, used or maintained for the transportation of persons.

"Person"

470. "Person" includes a natural person, firm, copartnership, association, or corporation.

"Pole or pipe dolly"

475. A "pole or pipe dolly" is a vehicle, other than a motor vehicle, having one or more axles which axles, if there be more than one, are not more than 54 inches apart, and two or more wheels, used in connection with a motor vehicle solely for the purpose of transporting poles, timbers, pipes, or integral structural materials and connected with the towing vehicle both by chain, rope, cable, or drawbar, and by the load, without any part of the weight of the dolly resting upon the towing vehicle.

"Power brakes"

480. A "power brake" is any braking gear or mechanism that aids in applying the brakes of a vehicle and which utilizes vacuum, compressed air, or electricity for that purpose.

"Pneumatic tire"

485. A "pneumatic tire" is a tire inflated or capable of inflation with compressed air.

"Private road or driveway"

490. "Private road or driveway" is a way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other members of the public.

"Private school"

492. A "private school" is any school, whether conducted for profit or not, giving a course of training similar to that given in any grade of public school from kindergarten through the twelfth grade, including but not limited to schools owned or operated by any church.

"Reciprocity commission"

495. The "reciprocity commission" is the commission empowered to enter into reciprocity agreements.

"Reconstructed vehicle"

500. A "reconstructed vehicle" is a vehicle of a type required to be registered under this code materially altered from its original construction by the removal, addition or substitution of essential parts, new or used.

"Registered owner"

505. A "registered owner" is a person registered by the department as the owner of a vehicle.

"Repair shop"

510 A "repair shop" is a place where vehicles subject to registration under this code are repaired, rebuilt, reconditioned, repainted, or in any way maintained for the public at a charge.

"Residence district"

515. A "residence district" is that portion of a highway and the property contiguous thereto, other than a business district. (a) upon one side of which highway, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 13 or more separate dwelling houses or business structures, or (b) upon both sides of which highway, collectively, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 16 or more separate dwelling houses or business structures. A residence district may be longer than one-quarter of a mile if the above ratio of separate dwelling houses or business structures to the length of the highway exists.

"Right-of-way"

525. "Right-of-way" is the privilege of the immediate use of the highway.

530. A "roadway" is that portion of a highway improved, designed, or ordinarily used for vehicular travel. "Roadway"

540. A "safety zone" is the area or space lawfully set apart within a roadway for the exclusive use of pedestrians and which is protected, or which is marked or indicated by vertical signs, raised markers or raised buttons, in order to make such area or space plainly visible at all times while the same is set apart as a safety zone. "Safety zone"

545. A "school bus" is any motor vehicle while being used for the transportation of any school pupil to and from a public or private school or to and from public or private school activities, except the following: "School bus"

(a) A passenger vehicle designed for and when actually carrying not more than eight persons, including the driver.

(b) A motor vehicle operated by a common carrier subject to the jurisdiction of the Public Utilities Commission, except when any said vehicle is in use exclusively for the transportation of school pupils.

(c) A motor vehicle of any type carrying only members of the household of the owner thereof.

(d) A motor vehicle operated by and under the exclusive jurisdiction of a municipally owned transit system or transit authority created by specific act of the Legislature, if the transit system or authority meets all the safety requirements of the Public Utilities Commission, but not used exclusively for the transportation of school pupils.

(e) A motor vehicle operated by a common carrier which is periodically, but not exclusively, used for the transportation of pupils to and from a public or private school or to and from public or private school activities. Such a vehicle shall be subject to the jurisdiction of the Public Utilities Commission with respect to design, construction, operation, equipment, and mechanical condition.

550. A "semitrailer" is a vehicle designed for carrying persons or property, used in conjunction with a motor vehicle, and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle. "Semitrailer"

555. "Sidewalk" is that portion of a highway, other than the roadway, set apart for pedestrian travel. "Sidewalk"

560. A "solid tire" is a tire of rubber or other resilient material which does not depend upon compressed air for the support of the load. "Solid tire"

565. "Special highway construction equipment" is any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, caterpillar tractors, ditchers, leveling "Special highway construction equipment"

graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (1) are in excess of 96 inches in width or (2) which, because of their length, height or unladen weight, may not be moved on a public highway without the permit specified in Section 35780 of this code and which are not operated laden except within the boundaries of the job construction site, and other similar types of construction equipment.

Same Exclusions

570. "Special highway construction equipment" does not include any of the following:

(a) A vehicle originally designed for the transportation of persons or property to which machinery has been attached.

(b) Dump trucks originally designed to comply with the size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in Section 35780 of this code, to operate such vehicles on a highway, truck-mounted transit mixers, cranes and shovels.

"Special mobile equipment"

575. "Special mobile equipment" is a vehicle, not self-propelled, not designed or used primarily for the transportation of persons or property, and only incidentally operated or moved over a highway, excepting implements of husbandry.

"Specially constructed vehicle"

580. A "specially constructed vehicle" is a vehicle of a type required to be registered under this code not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles.

"Station wagon"

585. A "station wagon" is a dual purpose vehicle designed for the transportation of persons and also designed in such a manner that the seats may be removed or folded out of the way for the purpose of increasing the property carrying space within the vehicle. The term includes, but is not limited to, types of vehicles which carry the trade names of station wagon, estate wagon, town and country wagon, and country sedan.

"Street"

590. "Street" is a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Street includes highway.

"Through highway"

600. A "through highway" is a highway or portion thereof at the entrance to which stop signs have been erected and vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same.

"Tire chains"

605. "Tire chains" are metal chains which consist of two circular metal loops, one on each side of the tire, connected by not less than nine evenly spaced chains across the tire tread.

"Tow car"

615. A "tow car" is a motor vehicle which has been altered or designed and equipped for and exclusively used in the business of towing vehicles by means of a crane, hoist, tow bar, tow line, or dolly or is otherwise exclusively used to render assistance to other vehicles.

620. The term "traffic" includes pedestrians, ridden animals, vehicles, street cars, and other conveyances, either singly or together, while using any highway for purposes of travel. "Traffic"

625. A "traffic officer" is any member of the California Highway Patrol and any peace officer when such member or officer is on duty for the exclusive or main purpose of enforcing the provisions of Division 10 or 11 of this code. "Traffic officer"

630. A "trailer" is a vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon any other vehicle. "Trailer"

635. A "trailer coach" is a vehicle, other than a motor vehicle, designed for human habitation, for carrying persons and property on its own structure, and for being drawn by a motor vehicle. "Trailer coach"

640. A "transferee" is a person who has acquired the sole ownership of or an equity in a vehicle of a type required to be registered under this code. "Transferee"

645. A "transporter" is a person engaged in the business of delivering vehicles of a type required to be registered under this code from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer. "Transporter"

650. A "trolley coach" is a vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. "Trolley coach"

655. A "truck tractor" is a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn. "Truck tractor"

660. The "unladen weight" of a vehicle is the weight equipped and ready for operation on the road including the body, fenders, oil in motor, radiator full of water, with five gallons of gasoline or equivalent weight of other motor fuel; also equipment required by law and any special cabinets, boxes or body parts permanently attached to the vehicle, but excluding any load or any machinery or mechanical apparatus, such as wood saws, well-drilling machines, spray apparatus, tow car cranes, grinding equipment, and transit-mix cement equipment or temporary equipment used to contain or support the load which does not change the body classification, which is not a regular part of a motor vehicle but which may be attached to the body or chassis or connected with the driving mechanism, which shall be regarded as a part of the load but not a part of the unladen weight of the vehicle. Removable sideboards or endgates installed for occasional use but not permanently attached to the body or chassis of a commercial vehicle without such boards or gates shall not constitute a part of the unladen weight of the vehicle when such vehicle is used primarily upon the premises of the owner. The unladen weight of a vehicle shall have no application in determining any fee under this code or the Revenue and Taxation Code other than Section 9400 of this code. "Unladen weight"

"Used vehicle"

665. A "used vehicle" is a vehicle that has been registered with the department, or has been registered with the appropriate agency of authority of any other state, District of Columbia, territory or possession of the United States or foreign state, province or country, or unregistered vehicles regularly used or operated as demonstrators in the sales work of a dealer.

"Vehicle"

670. A "vehicle" is a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

"Vehicle salesman"

675. (a) "Vehicle salesman" is a person not otherwise expressly excluded by this section, who:

(1) Is employed as a salesman by a dealer as defined in Section 285, or who, under any form of contract, agreement, or arrangement with a dealer, for commission, money, profit, or other thing of value, sells, exchanges, buys, or offers for sale, negotiates, or attempts to negotiate, a sale or exchange of an interest in a vehicle required to be registered under this code, or

(2) Induces or attempts to induce any person to buy or exchange an interest in a vehicle required to be registered, and who receives or expects to receive a commission, money, brokerage fees, profit, or any other thing of value, from either the seller or purchaser of said vehicle.

(b) The term "vehicle salesman" does not include:

(1) Representatives of insurance companies, finance companies, or public officials who in the regular course of business, are required to dispose of, or sell vehicles under a contractual right or obligation of the employer, or in the performance of an official duty, or in authority of any court of law; provided, such sale is for the purpose of saving the seller from any loss or pursuant to the authority of a court of competent jurisdiction.

(2) Persons who sell or distribute vehicles to dealers holding a license under the provisions hereof, or who are employed by manufacturers or distributors to promote the sale of vehicles dealt in by such manufacturers or distributors; provided, however, that if any such persons also sell vehicles to retail purchasers, they shall be deemed to be vehicle salesmen and are subject to the provisions of Article 1 (commencing at Section 11700), of Chapter 1, of Division 5.

(3) Persons exclusively employed in a bona fide business of exporting vehicles, or of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States.

(4) Persons not engaged in the purchase or sale of vehicles as a business, disposing of vehicles acquired for their own use, or for use in their business when the same shall have been so acquired and used in good faith, and not for the purpose of avoiding the provisions of this code.

DIVISION 2. ADMINISTRATION

CHAPTER 1. THE DEPARTMENT OF MOTOR VEHICLES

Article 1. Organization of Department

1500. There is in the State Government the Department of Motor Vehicles. Department of Motor Vehicles

1501. The department is the successor to and is hereby vested with all of the powers, duties, purposes, responsibilities, and jurisdiction now or hereafter vested by law in the Department of Motor Vehicles, the Motor Vehicle Department, the Motor Vehicle Department of California, the Division of Motor Vehicles of the Department of Finance, the Division of Motor Vehicles of the Department of Public Works, and all other state agencies of similar designation, or in the several heads, members, officers, and employees of each thereof. Successor to state agencies

1502. The department has possession and control of all records, books, papers, offices, equipment, moneys, funds, appropriations, and all other property, real or personal, now or hereafter held for the benefit or use of any state agency mentioned in Section 1501. Possession of records and property

1503. Except as in this division otherwise provided, the provisions of Chapter 2, of Part 1 of Division 3 of Title 2 of the Government Code, commencing at Section 11150, shall govern and apply to the conduct of the department in every respect the same as if the provisions were set forth in this code, and wherever in that chapter the term "head of the department" or similar designation occurs, for the purposes of this division it shall mean the director. State department provisions

1504. The department is under the control of a civil executive officer known as the Director of Motor Vehicles. He shall be appointed by, and hold office at the pleasure of, the Governor. He shall execute and deliver, as provided by law, an official bond in the sum of twenty-five thousand dollars ($25,000). Director of Motor Vehicles

1505. The director, with the approval of the Governor, shall organize the department in such manner as he may deem necessary to conduct the work of the department. The department is divided into at least four divisions, known as the Division of Registration, the Division of Drivers Licenses, the Division of Field Office Operation, and the Division of Administration. Organization of department

1506. The Division of Registration shall be under the control of a civil executive officer to be known as the Registrar of Vehicles. The Registrar of Vehicles shall be appointed by the director subject to the approval of the Governor, pursuant to the provisions of Article XXIV of the State Constitution. The Registrar of Vehicles shall execute and deliver, as provided by law, an official bond in the sum of twenty-five thousand dollars ($25,000). Registrar of Vehicles

Appointment of subordinates

1507. The director may appoint and, in accordance with law fix the salaries of:

(a) A deputy director.

(b) Such other officers, deputies, technical experts, and employees as may be necessary for the proper discharge of the duties of the department.

Article 2. Powers and Duties

Administration and enforcement

1650. The director shall administer and enforce the provisions of this code relating to the department.

Rules and regulations

1651. The director may adopt and enforce rules and regulations as may be necessary to carry out the provisions of this code relating to the department.

Rules and regulations shall be adopted, amended, or repealed in accordance with the Administrative Procedure Act, commencing at Section 1370 of the Government Code.

Forms

1652. The department shall prescribe and provide suitable forms of applications, certificates of ownership, registration cards, drivers' licenses and all other forms requisite or deemed necessary for the purposes of this code and shall prepay all transportation charges thereon.

Grant or refusal of applications

1653. Each department shall examine and determine the genuineness and regularity of every application or document filed with it under this code and may require additional information or reject any such application or document if not satisfied of the genuineness and regularity thereof or the truth of any statement contained therein.

Real property

1654. The director may purchase or lease such real estate and erect such buildings as the department or any of its divisions require, subject to the approval of the Department of Finance.

Peace officer powers

1655. The director, deputy director, registrar, deputy registrar, and investigators of the department shall have the powers of peace officers solely for the purpose of enforcing those provisions of law now or hereafter committed to the administration of the Divisions of Registration and Drivers Licenses, Part 5 of Division 2 of the Revenue and Taxation Code, commencing at Section 10701, and to the serving of warrants of arrest resulting from citations for traffic violations issued by the Department of California Highway Patrol under this code.

Vehicle code and synopsis

1656. (a) The department shall publish the complete text of the California Vehicle Code together with other laws relating to the use of highways or the operation of motor vehicles at least once every two years and may republish the code and laws and distribute the same as may be deemed advisable without charge.

(b) The department may publish a synopsis or summary of the laws regulating the operation of vehicles and the use of the highways and may deliver a copy thereof without charge

with each original vehicle registration and with each original driver's license.

1657. The director may assign qualified employees of the department to advise with the State Board of Education and with the governing boards of districts maintaining secondary schools in the preparation, establishment, and conduct of courses in automobile driver education and automobile driver training in secondary schools under Article 11 of Chapter 1 of Division 5 of the Education Code, commencing at Section 10200. Driver education

1658. The department may pay membership fees, join, and participate in affairs of associations having for their purpose the interchange of information relating to the registration of vehicles and the issuance of operators' licenses, financial responsibility, and subjects relating to highway safety and to the powers and duties of the department. Membership in associations

Article 3. Records of Department

1800. The department shall file each application received for the registration of a vehicle and shall keep a record of each vehicle registered in suitable books or on index cards as follows: Registration records

(a) Under a distinctive registration number assigned to the vehicle.

(b) Alphabetically, under the name of the owner.

(c) Under the motor or a permanent identifying number of the vehicle as may be determined by the department.

(d) In the discretion of the department, in any other manner it may deem desirable.

1801. The department shall file every application for a license to operate a motor vehicle received by it and maintain: License records

(a) A suitable index containing, in alphabetical order, all applications denied. On the applications shall be noted the reasons for such denial.

(b) A suitable index containing, in alphabetical order, all applications granted.

(c) A suitable index containing, in alphabetical order, the name of every licensee whose license has been suspended or revoked by the department or by a court and after each name note the reasons for the action and the period of revocation or suspension.

1802. Every judge of a court not of record shall keep a full record of every case in which a person is charged with any violation of this code. Court records

1803. Within 10 days after the conviction of a person for any violation of this code, excepting violations of Sections 22500, 22502, 22503, 22508, and 22514, relating to the improper parking of vehicles, and of any narcotic offense under Division 10 of the Health and Safety Code, commencing at Section 11000, when the use of a motor vehicle was involved in, or incident to, the commission of the offense, every judge Report of convictions

of a court not of record and every clerk of a court of record in which the conviction was had, shall prepare and immediately forward to the department at its office at Sacramento an abstract of the record of the court covering the case in which the person was so convicted which abstract must be certified by the person so required to prepare the same to be true and correct.

For the purposes of this section, a forfeiture of bail shall be equivalent to a conviction.

Form of abstract

1804. The abstract shall be made upon a form furnished by the department and shall contain all necessary information as to the parties to the case, the nature of the offense, the date of hearing, the plea, the judgment, and the amount of the fine or forfeiture.

Failure to comply

1805. The failure, refusal, or neglect of any such judicial officer to comply with any of the requirements of Sections 1802, 1803, and 1804 is misconduct in office and is ground for removal therefrom.

Report of accident or conviction

1806. The department shall file all accident reports and abstracts of court records of convictions received under this code, and in connection therewith, shall maintain convenient records or make suitable notations in order that an individual record of each license showing the convictions of the licensee and the traffic accidents in which he was involved are readily ascertainable.

Destruction of records

1807. The department is not required to maintain records relating to drivers of motor vehicles after the records are, in the opinion of the director, no longer necessary, except that records of convictions shall be maintained so long as they may form the basis of license suspensions or revocations as prior convictions or with other records of conviction constitute a person a "negligent driver."

Records which are not required to be maintained may be destroyed with the approval of the Department of Finance.

Inspection of records

1808. All records of the department relating to the registration of vehicles and such information as is contained on an application for a driver's license and abstracts of convictions required to be sent to the department in Sacramento shall be open to public inspection during office hours, except that such records of the department relating to the physical or mental condition of any person are confidential.

Traffic accident information

1809. The department may prepare and disseminate information relating to prevention of traffic accidents.

Sale of information

1810. The department may sell information from its records concerning the registration of any vehicle or information from the files of drivers' licenses at a charge sufficient to pay the actual cost to the department for providing the information, the charge for the information to be determined by the director with the approval of the Department of Finance, with a minimum charge of twenty-five cents ($0.25) for each item. The department may sell stamps or coupons in appropriate denominations for the convenient enforcement of this

section. The stamps or coupons may be used to accompany requests for information in lieu of cash, but otherwise shall be nonredeemable and shall be canceled by the department upon granting the request for information. This section does not apply to statistical information of the type heretofore compiled and distributed by the department nor to information, distributed for a purpose which relates to traffic accidents, traffic offenses, or traffic enforcement.

Sale of records

1811. The department may sell copies of all or any part of its records at a charge sufficient to pay at least the entire actual cost to the department of the copies, the charge for the records and the conditions under which they may be sold to be determined by the director, with the approval of the Department of Finance.

Free to governmental agencies

1812. The department shall not charge for copies of records or for information from its records given to any county, city, state department, or the United States Government.

Free records

1813. The director and such officers of the department as he may designate may, upon request, prepare under the seal of the department and deliver without charge a certified copy of any record of the department received or maintained under this code.

Automobile registration service

1814. Any person engaged in the business of examining the records of the department and supplying information relative thereto to the public for compensation shall first obtain a permit from the director. The director shall grant such a permit when he determines that the applicant is qualified and intends in good faith to carry on such business, and when the applicant files with the director a bond in the amount of five thousand dollars ($5,000).

Bond

1815. The bond shall be executed by the applicant as principal and by either a surety company authorized to execute surety bonds in this State or by two individual sureties, who shall qualify to the satisfaction of the director.

The bond shall obligate the principal and sureties to compensate the officers of the department and any other person who may suffer loss or damage by reason of any failure or neglect of the principal, his agents, or employees to preserve carefully and surrender any records examined in the department and by reason of any act of the principal, his agents, or employees in respect to the loss, alteration, substitution, or mutilation of any records of the department.

Chapter 2. Department of the California Highway Patrol

Article 1. Administration

California Highway Patrol

2100. There is in the State Government the Department of the California Highway Patrol.

"Department"

2101. As used in this part, "department" means the Department of the California Highway Patrol.

"California Highway Patrol"

2102. Wherever in any statute "California Highway Patrol" is used, it means the Department of the California Highway Patrol.

Successor to California Highway Patrol

2103 The department is the successor to and is vested with the duties, powers, purposes, responsibilities, and jurisdiction of the former Division of Enforcement of the Department of Motor Vehicles, known as the California Highway Patrol, and of the officers and employees thereof.

Ownership of property

2104. The department has possession and control of all records, books, papers, offices, or equipment, and all other property, real or personal, now or hereafter held for the benefit or use of the former Division of Enforcement of the Department of Motor Vehicles, known as the California Highway Patrol.

State department provisions

2105. Except as in this part otherwise provided, the provisions of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code, commencing at Section 11150, shall govern and apply to the conduct of the department in every respect the same as if the provisions were set forth in this code, and wherever in that chapter the term "head of the department" or similar designation occurs, for the purposes of this division it shall mean the commissioner.

Office of department

2106. The department shall maintain its main office at Sacramento.

Commissioner

2107. The department is under the control of a civil executive officer, known as the Commissioner of the California Highway Patrol. He shall be appointed by the Governor with the advice and consent of the Senate to serve at the pleasure of the Governor, and shall have resided within the State continuously for at least five years immediately preceding his appointment. Before entering upon the duties of his office, he shall execute and deliver, as provided by law, an official bond in the sum of twenty-five thousand dollars ($25,000).

Same: Powers and duties

2108. The commissioner shall perform all duties, exercise all powers and jurisdiction, assume and discharge all responsibilities, and carry out and effect all purposes vested by law in the department.

Organization

2109. The commissioner shall organize the department with the approval of the Governor and may arrange and classify the work of the department and may with the approval of the Governor create or abolish divisions thereof.

Assistant commissioner

2110. The Assistant Commissioner of the California Highway Patrol shall be appointed by the commissioner, subject to the approval of the Governor, pursuant to the provisions of Article XXIV of the State Constitution. He shall execute and deliver as provided by law an official bond in the sum of twenty-five thousand dollars ($25,000).

Same Duties

2111. The assistant commissioner shall carry out and execute such duties, with respect to traffic law enforcement, as may be specified by the commissioner.

Administrative officer

2112. The chief administrative officer of the department shall be appointed by the commissioner subject to the approval

of the Governor, pursuant to the provisions of Article XXIV of the State Constitution. He shall execute and deliver, as provided by law, an official bond in an amount to be determined by the Director of Finance.

Same: Duties

2113. The chief administrative officer shall carry out and execute such duties with respect to the administrative affairs of the department as may be specified by the commissioner.

Membership in associations

2114. The department may pay membership fees, join, and participate in the affairs of associations having for their purpose the interchange of information relating to law enforcement, accident prevention, and subjects related to the powers and duties of the department.

Article 2. The California Highway Patrol

Members

2250. The California Highway Patrol in the Department of the California Highway Patrol consists of the following members: the commissioner, the deputy commissioner, assistant commissioners, inspectors, captains, lieutenants, sergeants, officers, and investigators.

Promotions

2251. All appointments to the classes of assistant commissioner, inspector, captain, lieutenant, and sergeant shall be made from promotional eligible lists resulting from promotional examination of persons in the next lower class. For the purposes of examinations for captain the classes of lieutenant and sergeant shall be eligible.

Specialized positions

2252. Such specialized positions as shall be designated by the commissioner with the approval of the Personnel Board shall be filled pursuant to open competitive examinations held pursuant to law.

Workmen's compensation

2253. For the purpose of determining the scope of employment of any member of the California Highway Patrol under the workmen's compensation laws, any such member shall be deemed to be on duty and acting within the scope of his employment when actually exercising any of the powers or performing any of the duties imposed or authorized by law at any time during the 24 hours of the day.

Injury and disability records

2254. In the event any dispute arises between the department and any of its members in an industrial disability case, such member or his attorney, upon demand, shall be entitled to examine any record of the department or of the State Compensation Insurance Fund which has any bearing on said case.

Service outside county of appointment

2255. No member of the California Highway Patrol, appointed to serve in any county, shall be assigned by the commissioner for service outside the county for a longer period than one week, except:

(a) Pursuant to a request by the employee for a transfer.

(b) As may be necessitated by temporary traffic emergencies requiring an increase in the number of patrol members in one locality or seasonal changes making expedient a decrease in the number of patrol members in one locality, but in such

latter events no assignment shall be made for disciplinary purposes.

An assignment under this section shall be made by the commissioner.

Age limits

2256. Notwithstanding Section 18932 of the Government Code, the minimum age limit for any examination for the position of State Traffic Officer of the California Highway Patrol shall be 21 years, and the maximum age limit shall be 31 years.

Badges

2257. The commissioner shall issue to each member of the California Highway Patrol a badge of authority with the seal of the State of California in the center thereof, the words "California Highway Patrol" encircling the seal and below the designation of the position held by each member to whom issued.

Issuance of badges

2258. Neither the commissioner nor any other person shall issue a badge to any person who is not a duly appointed member of the California Highway Patrol.

Uniforms and equipment

2259. The Department of the California Highway Patrol shall pay the cost of repairing the uniforms and equipment of members of the California Highway Patrol which are damaged in the line of duty. If the uniforms or equipment are damaged beyond repair, the department shall pay an amount equal to the actual value thereof at the time the damage occurred, which shall be determined by the commissioner.

The term equipment as used in this section shall include equipment required by the department or personal accoutrements necessary for the patrol member to perform his duty.

Uniforms

2260. The commissioner may advance the cost of, or obtain and furnish, one complete uniform, including such items of clothing and equipment as may be required by the commissioner, to each new member of the California Highway Patrol hereafter employed. The cost to the commissioner shall be deducted from the salary of such member in installments within the first year after he has completed the training school.

Wearing of uniforms

2261. A uniform substantially similar to the official uniform of members of the California Highway Patrol shall not be worn by any other law enforcement officer or by any other person except duly appointed members of the California Highway Patrol and persons authorized by the commissioner to wear such uniform in connection with a program of entertainment. A uniform shall be deemed substantially similar to the uniform of the California Highway Patrol if it so resembles such official uniform as to cause an ordinary reasonable person to believe that the person wearing the uniform is a member of the California Highway Patrol. The violation of this section shall be a misdemeanor punishable under Section 42002.

Training schools

2262. The commissioner shall establish a school for the training and education of the members of the California Highway Patrol, and for such other employees of the department deemed necessary, in traffic regulation, in the performance

of the duties of such persons, and in the proper enforcement of this code and laws respecting use of the highways. He may contract with any county, city, district, or other subdivision of the State for the use of school facilities in the training of enforcement officers.

Firearm training

2263. Shooting practice and instruction in the use of firearms shall constitute part of the training to be given to members of the California Highway Patrol. Firearm training may be given in connection with the school or otherwise and may include participation by patrol members in shooting competition.

Marksmanship badges

2264. The commissioner may procure and issue appropriate badges to patrol members for excellence in marksmanship.

Article 3. Powers and Duties

Law enforcement

2400. The commissioner shall administer and enforce Chapter 4 of Division 4 (commencing at Section 10850), except Section 10854, Article 3 of Chapter 1 of Division 9 (commencing at Section 17300), Division 11 (commencing at Section 21000), except Sections 22950 and 22951, Division 12 (commencing at Section 24000), Division 13 (commencing at Section 29000), and Division 15 (commencing at Section 35000) and shall enforce all other laws regulating the operation of vehicles and the use of the highways.

Patrol of highways

2401. The commissioner shall make adequate provision for patrol of the highways at all times of the day and night.

Rules and regulations

2402. The commissioner may make and enforce such rules and regulations as may be necessary to carry out the duties of the department. Rules and regulations shall be adopted, amended, or repealed in accordance with the Administrative Procedure Act, commencing at Section 11370 of the Government Code.

Patrol districts and branch offices

2403. The commissioner may create highway patrol districts for the efficient administration and enforcement of this code and the laws respecting the use of highways. He may establish branch offices wherever he may deem necessary.

Headquarters or substations

2404. The commissioner shall establish, in counties having charters, except in counties of the first or second class, headquarters or substations for the efficient performance of the duties of the department, and he may establish, in such other localities as he deems most suitable, such headquarters or substations.

Real property

2405. The commissioner may purchase or lease such real estate and erect such buildings as the department or any of its divisions require, subject to the approval of the Department of Finance.

Authorized patrol equipment

2406. The commissioner may provide that any highway patrol vehicle shall be equipped with a stretcher and emergency first aid equipment for use in transporting injured persons.

Accident report forms

2407. The department shall prepare and on request supply to police departments, coroners, sheriffs, and other suitable agencies or individuals, forms for accident reports required under this code, which reports shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicles involved.

Accident information

2408. The department shall tabulate and may analyze all accident reports and publish annually or at more frequent intervals statistical information based thereon as to the number and location of traffic accidents, as well as other information relating to traffic accident prevention. Based upon its findings after such analysis, the department may conduct further necessary detailed research to more fully determine the cause and control of highway accidents. It may further conduct experimental field tests within areas of the State to prove the practicability of various ideas advanced in traffic control and accident prevention.

Peace officer authority

2409. All members of the California Highway Patrol have the powers of a peace officer; provided, that the primary duty of the department shall be the enforcement of the provisions of this code or of any other law relating to the use or operation of vehicles upon the highways, and patrol members shall not act as peace officers in enforcing any other law except:

(a) When in pursuit of any offender or suspected offender.

(b) To make arrests for crimes committed in their presence or upon any highway.

Traffic direction

2410. Members of the California Highway Patrol are authorized to direct traffic according to law, and, in the event of a fire or other emergency, or to expedite traffic or insure safety, may direct traffic as conditions may require notwithstanding the provisions of this code.

Service of warrants

2411. Members of the California Highway Patrol are authorized to serve all warrants relating to the enforcement of this code.

Accident investigation

2412. All members of the California Highway Patrol may investigate accidents resulting in personal injuries or death and gather evidence for the purpose of prosecuting the person or persons guilty of any violation of the law contributing to the happening of such accident.

Safety belt reports

2413. Any member of the California Highway Patrol who investigates a motor vehicle accident involving death or personal injury to any person shall file a report with the department of his opinion as to the effect, if any, safety belts would have had in such accident, or as to their effect if used. The department shall submit a compilation of such reports to the Legislature at the next general session.

Unclaimed property

2414. When lost, stolen, abandoned or otherwise unclaimed property, except vehicles subject to registration under this code, comes into possession of the department, the department may hold or store the same with some responsible person until

it is claimed and all just and reasonable charges for saving and storage thereof have been paid.

Same Sale

2415. (a) If the owner or other person entitled to the possession thereof fails to claim the property within six months and pay the charges, the department may sell it to the highest bidder at public auction at the place where the same may be held or stored, having first caused notice of sale to be given at least five days before the time fixed therefor, by publication once in a newspaper of general circulation published in the county where the sale is to be held.

(b) Any excess in the proceeds of the sale after paying such charges and expenses of sale including but not limited to the costs of advertising and a fee of not exceeding ten dollars ($10) to be charged by the department for making the sale shall be deposited in the State Treasury in the special deposit fund as money remaining unclaimed in the hands of the department.

(c) On payment of the price bid for the property sold, the delivery of the property with the commissioner's bill of sale vests title in the purchaser.

(d) In any case where there is no bid offered for the property, or if the highest bid offered does not exceed the charges for saving, holding, and storage and the expenses of sale, the same shall become the property of the department as compensation for expenses incurred.

Suspension or revocation of permit

2416. The commissioner may suspend or revoke any permit issued for an authorized emergency vehicle under the following conditions:

(a) In the event the commissioner determines that any person operating an authorized emergency vehicle pursuant to a permit has operated the vehicle in a reckless or illegal manner or in violation of any of the provisions of this code. The order of suspension or revocation shall not be effective unless notice of the alleged offense is first given to the person so charged and he is afforded an opportunity to make answer thereto.

(b) In the event any person operating an authorized emergency vehicle pursuant to a permit is convicted of operating the vehicle in violation of any of the provisions of this code.

Chapter 3. The Reciprocity Commission

Article 1. Administration

Members

2600. The Reciprocity Commission is composed of the Lieutenant Governor, the Director of Motor Vehicles, the Director of Public Works, the State Controller, and the Commissioner of the California Highway Patrol.

Compensation

2601. All of the members of the commission shall serve thereon without additional compensation, but they shall receive their necessary actual traveling expenses incurred in the discharge of their duties.

Action by majority

2602. A majority of the members of the commission may act for the commission.

Assistance from director

2603. The Director of Motor Vehicles shall provide such assistance to the commission as it may require.

Article 2. Powers and Duties

Agreements

2650. The commission is empowered to enter into formal agreements or arrangements as provided in Article 3 of Chapter 4 of Division 3, commencing at Section 8000.

Rules and regulations

2651. The commission may adopt such rules and regulations as may be necessary to effectuate the powers granted to it by this code.

Chapter 4. Administration and Enforcement

Article 1. Lawful Orders and Inspections

Obedience to traffic officers

2800. It is unlawful to wilfully fail or refuse to comply with any lawful order, signal, or direction of any traffic officer or to refuse to submit to any lawful inspection under this code.

Obedience to firemen

2801. It is unlawful to wilfully fail or refuse to comply with any lawful order, signal, or direction of any member of any fire department, paid, volunteer, or company operated, when wearing the badge or insignia of a fireman and when in the course of his duties he is protecting the personnel and fire department equipment.

Load inspection

2802. Any traffic officer having reason to believe that a vehicle is not safely loaded or that the height, width, length, or weight of a vehicle and load is unlawful may require the driver to stop and submit to an inspection, measurement, or weighing of the same. The weighing may be done either by means of portable or stationary scales and the officer may require that the vehicle be driven to the nearest scale facility, in the event the scales are within five miles.

Removal of load

2803. If the traffic officer determines that the vehicle is not safely loaded or that the height, width, length, or weight is unlawful, he may require the driver to stop in a suitable place and reload or remove such portion of the load as may be necessary to render the load safe or to reduce it to the limits permitted under this code. All material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator.

Inspection by patrol members

2804. A member of the California Highway Patrol upon reasonable belief that any vehicle is being operated in violation of any provisions of this code or is in such unsafe condition as to endanger any person, may require the driver of the vehicle to stop and submit to an inspection of the vehicle, and its equipment, license plates, and registration card.

Inspection of registration

2805. A member of the California Highway Patrol may inspect any vehicle of a type required to be registered under this

code on a highway or in any public garage, repair shop, parking lot, used car lot, or other similar establishment, for the purpose of locating stolen vehicles or investigating the title and registration thereof.

Vehicle and equipment inspection

2806. Any city traffic officer having reasonable cause to believe that any vehicle or combination of vehicles is not equipped as required by this code or is in such unsafe condition as to endanger any person, may require the driver to stop and submit the vehicle or combination of vehicles to an inspection and such tests as may be appropriate to determine the safety to persons and compliance with the code.

School bus inspection

2807. (a) The California Highway Patrol shall inspect every school bus to ascertain whether its construction, design, equipment, and color comply with all provisions of law.

(b) No person shall drive any school bus unless there is displayed therein a certificate issued by the California Highway Patrol stating that on a certain date, which shall be within one year of the date of operation, a member of the California Highway Patrol inspected the bus and found that on the date of inspection the bus complied with the applicable provisions of state law relating to construction, design, equipment, and color. The Commissioner of the California Highway Patrol shall provide by rule or regulation for the issuance and display of distinctive inspection certificates.

School bus requirements

2808. (a) Except as provided in subdivision (b), all school buses transporting pupils to or from any private school or private school activity shall be subject to the same statutes, rules, and regulations relating to construction, design, operation, equipment, and color as are now or hereafter applicable to school buses transporting pupils to or from any public school or public school activity.

(b) Private school buses shall be exempt from such statutes, rules, and regulations relating to construction, design, operation, and equipment applicable to public school buses as the Commissioner of the California Highway Patrol shall determine necessary to permit such private school buses to continue in operation or when it appears that the results intended to be attained by such rules and regulations are being accomplished by the use of other methods. Such exemption shall be specified by rule or regulation of the commissioner. No such exemption shall be made which in the opinion of the commissioner would jeopardize the safety of the pupils so transported.

Scales

2809. All scales and weighing instruments used by any member of the California Highway Patrol to enforce the provisions of this code with respect to weight limitations shall be inspected and certified as to accuracy at least once in each calendar year by the Bureau of Weights and Measures of the Department of Agriculture.

Inspection to prevent theft

2810. (a) A member of the California Highway Patrol may stop any vehicle transporting any timber products, livestock, poultry, or farm produce and inspect the bills of lading,

shipping, delivery papers, or other evidence to determine whether the driver is in legal possession of the load, and upon reasonable belief that the driver of such vehicle is not in legal possession, shall take custody of the vehicle and load and turn the same over into the custody of the sheriff of the county wherein the timber products, livestock, poultry, farm produce, or any part thereof is apprehended.

(b) The sheriff shall receive and provide for the care and safekeeping of such timber products, livestock, poultry, farm produce, or any part thereof, and immediately, in co-operation with the department, proceed with the investigation and legal disposition thereof.

(c) Any expense incurred by the sheriff in the performance of his duties under this section shall be a legal charge against the county.

Damage to fences

2811. Any traffic officer who observes a fence along any highway, which has been damaged as a result of a traffic accident, shall promptly report same to the owner, lessee, occupant, or person in charge of the property enclosed by the fence, or to the local headquarters of the department.

Closing of highways

2812. Whenever poisonous gas, explosives, dust, smoke, or other similar substances, or fire exist upon or so near a public highway as to create a menace to public health or safety, members of the California Highway Patrol, police departments, or sheriff's office may close any highway to traffic when necessary to protect the public from such dangers. Whenever a highway is closed, the governmental agency having control over the highway shall be immediately notified of the reason of the closing and the location.

DIVISION 3. REGISTRATION OF VEHICLES AND CERTIFICATES OF TITLE

CHAPTER 1. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF CERTIFICATES OF TITLE

Article 1. Vehicles Subject to Registration

Registration required

4000. No person shall drive or move any motor vehicle, trailer, semitrailer, pole or pipe dolly, or auxiliary dolly upon a highway unless it is registered and the appropriate fees have been paid under this code.

Registration of exempt vehicles

4001. All vehicles exempt from the payment of registration fees shall be registered as otherwise required by this code by the person having custody thereof, and he shall display upon the vehicle a license plate bearing distinguishing marks or symbols, which shall be furnished by the department free of charge.

Vehicles exempt under permit

4002. When moved or operated under a permit issued by the department, registration is not required of:

(a) A vehicle not previously registered while being moved or operated from a dealer's, distributor's, or manufacturer's

place of business to a place where essential parts of the vehicle are to be altered or supplied.

(b) A vehicle while being moved from a place of storage to another place of storage within a radius of 100 miles.

(c) A vehicle which has been disabled as the result of an accident, while being moved for the purpose of repairs.

(d) A vehicle while being moved or operated for the purpose of dismantling or wrecking the same and permanently removing it from the highways.

Same

4003. When moved or operated under a permit issued by the department, registration is not required of:

(a) A vehicle while being moved from one place to another for the purpose of inspection by the department or weighing the vehicle.

(b) A vehicle, the construction of which has not been completed, until such time as the construction thereof is completed and final weights and costs can be determined for registration purposes.

(c) A vehicle while being moved or operated unladen for one continuous trip from a place within this State to another place either within or without this State or from a place without this State to a place within this State.

The department may issue a quantity of permits under this subsection in booklet form upon payment of the proper fee for each permit contained in said booklet. Each permit shall be valid for only one vehicle and for only one continuous trip, and only after a copy describing the vehicle has been forwarded to the department. Such permit shall be posted upon the windshield or other prominent place upon a vehicle and shall identify the vehicle to which it is affixed. When so affixed, such permit shall serve in lieu of California registration.

Foreign commercial vehicle permit

4004. Commercial vehicles of nonresidents subject to registration and not entitled to exemption from registration or licensing under any of the provisions of this code or any agreements, arrangements, or declarations made under Article 3 of Chapter 4, commencing at Section 8000, may, if properly registered in a foreign jurisdiction, secure a temporary permit to operate in this State for a period of not to exceed 90 days.

Special permit re disaster relief work

4005. Any vehicle subject to registration may be operated within a disaster area or region for the purpose of assisting in disaster relief work, under a special permit to be issued by the department for such purpose, without the registration of such vehicle.

Said permit shall be issued only if the Department of Public Works or the responsible local authority has determined that the vehicle is necessary for such purpose, and shall be valid only during a period of a state of disaster as proclaimed by the Governor under the provisions of the California Disaster Act.

Vehicle crossing highway

4006. A vehicle which is driven or moved upon a highway only for the purpose of crossing the highway from one property to another in accordance with a permit issued by the Department of Public Works is exempt from registration.

Implements of husbandry

4007. Implements of husbandry which are only incidentally operated or moved over a highway and implements of husbandry listed in Section 350 are exempt from registration.

Trailers hauling implements of husbandry

4008. A trailer owned and used exclusively by a farmer to haul his own implements of husbandry not to exceed 25 miles from the point of origin of the trip is exempt from registration.

Hauled vehicles

4009. A vehicle transported upon a highway, no part of which is in contact with the highway, is exempt from registration.

Special highway construction equipment

4010. Special highway construction equipment and special mobile equipment are exempt from registration.

Wheelchairs

4011. A self-propelled wheelchair or invalid tricycle while being operated by a person who by reason of physical disability is otherwise unable to move about as a pedestrian is exempt from registration.

Cemetery equipment

4012. Any vehicle, implement, or equipment specifically designed for and used exclusively in the maintenance of cemetery grounds, which is only incidentally operated or moved on a highway is exempt from registration.

Forklift trucks

4013. Any forklift truck which is designed primarily for loading and unloading and for stacking materials and is operated upon a highway only for the purpose of transporting products or material across a highway in the loading, unloading or stacking process, and is in no event operated along a highway for a greater distance than one-quarter mile is exempt from registration.

Article 2. Original Registration

Application

4150 Application for the original registration of a vehicle of a type required to be registered under this code shall be made by the owner to the department upon the appropriate form furnished by it and shall contain:

(a) The name and business or residence address of the owner, and of the legal owner, if any.

(b) The name of the county in which the owner resides.

(c) A description of the vehicle, including the following data insofar as it may exist:

(1) The make, model, and type of body.

(2) The number of cylinders.

(3) The motor number or any other identifying number of the vehicle as may be required by the department.

(4) The date first sold by a manufacturer or dealer to a consumer.

(d) Such information as may reasonably be required by the department to enable it to determine whether the vehicle is lawfully entitled to registration.

4151. The department shall not accept an application for the original registration of a vehicle in this State unless the vehicle at the time of application is within this State unless the provisions of Section 4152 are complied with. Vehicle in State

4152. The department may accept an application for registration of a new vehicle which is not within this State when the application is accompanied by an affidavit signed by both the seller and purchaser giving the name and address of each, a description of the vehicle, including a statement of the weight thereof if such vehicle is subject to fees based upon its weight, and a statement that the vehicle is purchased for use in this State and not for immediate resale and that the sales tax or use tax payable in this State has been paid or that report of the sale has been made and payment of the tax arranged for or secured with the proper state authorities. Vehicle outside State

4153. In the event the vehicle to be registered is a specially constructed or a reconstructed vehicle, the application shall also state such fact and contain such additional information as may reasonably be required by the department to enable it properly to register the vehicle. Special vehicles

4154. (a) All applications for registration of carryalls, in which the exemption from the fees prescribed in Section 9400 is sought, shall be accompanied by an affidavit specifying that only the uses specified in Section 9403 will be made of the vehicle. Carryalls

(b) In the event that after registration as provided in Section 5010 the owner desires to use a carryall in a manner other than specified in Section 9403, he shall pay the fees prescribed in Section 9400, reduced as provided in Section 9406, and apply for regular registration.

(c) Operation of any carryall other than as specified in Section 9403 without first paying the fees prescribed by Section 9400 shall be unlawful, and in addition the entire fee, plus a penalty equal to the amount thereof, shall become immediately payable.

4155. Registration under this code shall apply to any vehicle owned by the United States Government, the State, or any city, county, or political subdivision of the State, except in the following particulars: Publicly owned vehicles

(a) A license plate issued for a vehicle while publicly owned need not display the year number for which it is issued, but shall display a distinguishing symbol or letter.

(b) The registration of the vehicle and the registration card issued therefor shall not be renewed annually but shall remain valid until the certificate of ownership is suspended, revoked, or canceled by the department or upon a transfer of any interest shown in the certificate of ownership. If ownership of the vehicle is transferred to any person, the vehicle shall be reregistered as a privately owned vehicle and the special license plates shall be surrendered to the department.

4156. The department in its discretion may grant a temporary permit to operate a vehicle for which application for Temporary permit

registration has been made, where the application is accompanied by the proper fee pending action upon the application by the department.

Undertaking

4157 In the absence of the regularly required supporting evidence of ownership upon application for registration or transfer of a vehicle, the department may accept an undertaking or bond which shall be conditioned to protect the department and all officers and employees thereof and any subsequent purchaser of the vehicle, any person acquiring a lien thereon, or the successor in interest of such purchaser or person against any loss or damage on account of any defect in or undisclosed claim upon the right, title, and interest of the applicant or other person in and to the vehicle.

Recovery on undertaking

4158 Any interested person shall have a right of action to recover on any such bond or undertaking for any breach of the conditions for which the same was deposited, but the aggregate liability of the surety to all such persons shall in no event exceed the amount of the bond. In the event the vehicle is no longer registered in this State and the currently valid certificate of ownership is surrendered to the department, the bond or undertaking shall be returned and surrendered at the end of three years or prior thereto.

Notice of change of address

4159. Whenever any person after making application for the registration of a vehicle required to be registered under this code, or after obtaining registration either as owner or legal owner, moves from the address named in the application or shown upon the certificate of ownership or registration card, such person shall, within 10 days thereafter, notify the department in writing of his old and new address.

Change of address on card

4160. Any registered owner of a vehicle who moves from the address shown upon the registration card issued for the vehicle shall within 10 days mark out the former address shown on the face of the card and with pen and ink write or type the new address on the face of the card immediately below the former address with the initials of the registered owner.

Engine or motor change

4161. Whenever a motor vehicle engine or motor is installed in a motor vehicle subject to registration under this code, except temporarily, the owner of the motor vehicle shall, within 10 days thereafter, give notice to the department upon a form furnished by it containing a description of the motor vehicle engine or motor installed, including the maker's number thereon or the number assigned by the department thereto, and the date of the installation. The owner of the motor vehicle shall also submit to the department with the notice the certificate of ownership and registration card covering the motor vehicle in which the motor vehicle engine or motor is installed and evidence of ownership covering the new or used motor vehicle engine or motor installed and such other documents as may be required by the department.

4162. Notice need not be given upon the installation of a new motor vehicle engine or motor in a new and unregistered motor vehicle. Change in new motor vehicle

4163. The owner of three or more motor vehicles is not required to notify the department or to pay the fee required under Section 9256 when motor vehicle engines or motors owned by him are installed in or transferred between the motor vehicles owned by him until the motor vehicle is sold, transferred, or otherwise disposed of by him. Three or more motor vehicles

4164. In the event that the department as authorized herein registers a motor vehicle, or any class of motor vehicles, or all motor vehicles by reference to an identifying number or numbers and without reference to the motor number or numbers thereof then Section 4161 shall be inoperative and shall have no further force or effect as to the motor vehicles so registered. Class engine or motor changes

4165. The director may adopt and enforce such registration rules and regulations as are necessary and compatible with the public interest with respect to the temporary change of one motor in place of another in any motor vehicle. Change of motors

4166. The department may assign a distinguishing motor number to the motor in a motor vehicle or a special identifying number to a motor vehicle whenever the motor or other identifying number thereon is destroyed or obliterated, and any motor vehicle to which a distinguishing motor or other number is assigned as authorized herein shall be registered under the number so assigned when registration of the motor vehicle is required under this code. New motor or other numbers

Article 3. Registration of Foreign Vehicles

4300. Upon application for registration of a vehicle previously registered outside this State, the application shall be certified by the applicant and shall state that the vehicle previously has been registered outside this State, the time and place of the last registration of such vehicle outside this State, the name and address of the governmental officer, agency, or authority making the registration, and such further information relative to its previous registration as may reasonably be required by the department, including the time and place of original registration, if known, and if different from the last foreign registration. Application

4301. The applicant shall surrender to the department all unexpired license plates, seals, certificates, or other evidence of foreign registration as may be in his possession or under his control. The department may require a certification from the jurisdiction of last registry when the applicant fails to surrender the last issued unexpired license plates. Surrender of plates and documents

4302. Upon application made at the time of their surrender to the department and upon payment of a fee of one dollar ($1), the department shall return the unexpired license plates Disposition of plates

to the official in charge of the registration of motor vehicles in the state of issue of the license plates.

Interstate vehicles

4303. If in the course of interstate operation of a vehicle registered in another state it is desirable to retain registration in such state, the applicant need not surrender the evidence of foreign registration, but shall deliver it to the department for purposes of inspection, and the department upon a proper showing shall register the vehicle in this State, but shall not issue a certificate of ownership for the vehicle.

Effect of foreign certificates of title

4304. Upon application for registration of a vehicle previously registered outside this State, the department shall grant full faith and credit to the currently valid certificate of title describing the vehicle, the ownership thereof, and any liens thereon, issued by the state in which the vehicle was last registered, except that the laws of the state shall provide for the notation upon the certificate of title of any and all liens and encumbrances other than those dependent upon possession.

Validity

4305. In the absence of knowledge by the department that any certificate of title issued by another state is forged, fraudulent, or void, the acceptance thereof by the department shall be a sufficient determination of the genuineness and regularity of the certificate and of the truth of the recitals therein, and no liability shall be incurred by any officer or employee of the department by reason of so accepting a certificate of title.

Foreign liens and encumbrances

4306. In the event a certificate of title issued by another state shows any lien or encumbrance upon the vehicle therein described, then the department upon registering the vehicle in this State and upon issuing a certificate of ownership shall include therein the name of the lienholder as legal owner unless documents submitted with the foreign certificate of title establish that the lien or encumbrance has been fully satisfied.

Title in doubt

4307. In the event application is made in this State for registration of a vehicle and the department is not satisfied as to the ownership of the vehicle or the existence of foreign liens thereon, then the department may register the vehicle and issue a registration card of a distinctive color and license plates but shall withhold issuance of a California certificate of ownership unless the applicant shall present documents as to reasonably satisfy the department of the applicant's ownership of the vehicle and as to any liens thereon or post a bond pursuant to Section 4157.

Return of documents

4308. In the event the department refuses to grant an application for registration in this State of a vehicle previously registered in another state, the department shall immediately return to the applicant all documents submitted by the applicant with the application.

Notice to other states

4309. The department shall forthwith mail a notice of the filing of any application for registration of a vehicle previously registered outside this State to the governmental officer, agency, or authority which made the last registration of the vehicle outside this State. The notice shall contain like data as required on the application filed with the department. This section shall

not apply to applications to register commercial vehicles operating in interstate transportation.

Article 4. Evidences of Registration

Certificate of ownership and registration card

4450. The department upon registering a vehicle shall issue a certificate of ownership to the legal owner and a registration card to the owner, or both to the owner if there is no legal owner of the vehicle.

Contents of certificate

4451. The certificate of ownership shall contain:

(a) Not less than the information required upon the face of the registration card.

(b) Provision for notice to the department of a transfer of the title or interest of the owner or legal owner.

(c) Provision for application for transfer of registration by the transferee.

(d) Certificates of ownership issued by the department for the year 1958 and subsequent years shall contain provision for a statement by the transferor, other than the legal owner, to the effect that the proposed transfer of title or other interest in the motor vehicle is not in violation of the provisions of Article 5 (commencing with Section 16100), Chapter 1, Division 7 of this code.

Certificate of ownership without registration

4452. The department may issue a certificate of ownership to the legal owner of a vehicle subject to registration under this code without requiring registration, and may issue a facsimile copy of the certificate to the owner if there is no legal owner, subject to the following conditions:

(a) The application shall be submitted in proper form.

(b) An affidavit of the owner shall be filed with the department that the vehicle has not been driven or moved upon any public highway so as to require payment of fees and that the owner will not thereafter permit such operation or movement of the vehicle without surrendering or arranging to surrender the certificate of ownership to the department and without first making application for regular registration of such vehicle and full payment of all fees required to be paid for such operation or movement of the vehicle under this code and Part 5 of Division 2 of the Revenue and Taxation Code, commencing at Section 10701.

(c) The provisions of this section shall not be construed to permit the issuance of a certificate of ownership or a facsimile copy thereof for any vehicle exempted from payment of registration fees as provided in this code or of those fees specified in Part 5 of Division 2 of the Revenue and Taxation Code, commencing at Section 10701.

Contents of registration card

4453. The registration card shall contain upon the face thereof the date issued, the name and address of the owner and of the legal owner, if any, the registration number assigned to the vehicle, and a description of the vehicle as complete as that required in the application for registration of the vehicle.

The director may modify the form, arrangement, and information appearing on the face of the registration card

whenever he finds that the efficiency of the department will be promoted thereby.

Signature and display of registration card

4454. (a) Every owner upon receipt of a registration card shall write his signature thereon in ink in the space provided and shall place and thereafter maintain the same or a facsimile copy thereof in a suitable container and shall securely fasten the container and card in the driver's compartment of the vehicle for which issued in a position so that at least that portion of the registration card, or facsimile copy thereof, containing the name and address of the registered owner and the license number of the vehicle shall be plainly visible and legible from the outside of the vehicle or, if the vehicle has no driver's compartment, shall be fastened in plain sight upon, or carried in some receptacle attached to the vehicle. In the case of commercial vehicles, the registration card may be carried in a receptacle readable from the outside, which shall be attached to the right door or splash apron of the truck or tractor or to the right side near the front of the trailer unit or units.

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

Foreign permit

4455. Any permit issued under Section 4004 shall be carried in the vehicle for which issued at all times while it is being operated in this State.

Duplicate dealer's report of sale

4456. The department may authorize dealers certificated under Section 8404 to issue a duplicate copy of the dealer's report of sale form distributed by the department for display on the windshield of a vehicle sold by the dealer. When used pursuant to rules and regulations of the department, the vehicle upon which the duplicate copy of the report of sale is displayed may be operated for a period not to exceed 10 days without the card permit or plates provided for herein, except that where the registration fees have been paid to the department within the 10-day period the vehicle may be operated on the duplicate copy of the report of sale as provided herein until such time as license plates have been received from the department. The dealer shall, as a penalty to the State, forfeit three dollars ($3) for each duplicate report of sale used by him contrary to the provisions of this section or affixed by him to a vehicle other than that for which issued.

Stolen, loss or damaged cards and plates

4457. If any registration card or license plate is stolen, lost, mutilated, or illegible, the owner of the vehicle for which the same was issued, as shown by the records of the department, shall immediately make application for and may, upon the applicant furnishing information satisfactory to the department, obtain a duplicate or a substitute or a new registration under a new registration number, as determined to be most advisable by the department.

4458. If both license plates have been lost by or stolen from the registered owner, he shall immediately notify the police department or sheriff's office of the city or county in which he resides and he shall immediately apply to the department for new plates in lieu of the plates stolen or lost and the department shall in every proper case, except in the case of plates which are exempt from fees, issue a pair of license plates of a different number and assign the registration number to the vehicle for which the plates are issued.

Both plates lost or stolen

4459. If any certificate of ownership is stolen, lost, mutilated or illegible, the legal owner or, if none, then the owner of the vehicle for which the same was issued as shown by the records of the department shall immediately make application for and may, upon the applicant furnishing information satisfactory to the department, obtain a duplicate.

Stolen, lost or damaged certificate

4460. The Department of Motor Vehicles and the Department of the California Highway Patrol may take possession of any certificate, card, permit, license, or license plate issued under this code upon expiration, revocation, cancellation, or suspension thereof or which is fictitious or which has been unlawfully or erroneously issued. Either department may seize any license plate which is not attached to the vehicle for which issued, when and in the manner required under this code, and may attach or require the plate to be attached to the proper vehicle.

Seizure of documents and plates

The commissioner shall deliver to the Department of Motor Vehicles any such document or license plate seized by the Department of the California Highway Patrol.

4461. No person shall lend any certificate of ownership, registration card, license plate, special plate, or permit issued to him if the person desiring to borrow the same would not be entitled to the use thereof nor shall any person knowingly permit the use of any of the same by one not entitled thereto.

Improper use of evidences of registration

4462. No person shall display upon a vehicle any registration card, license plate, or permit not issued for such vehicle or not otherwise lawfully used thereon under this code.

Improper display

4463. Every person who, with intent to defraud, alters, forges, counterfeits, or falsifies any certificate of ownership, registration card, certificate, license or special plate or permit provided for by this code or who alters, forges, counterfeits, or falsifies any such document or plate with intent to represent the same as issued by the department or who alters, forges, counterfeits, or falsifies with fraudulent intent any endorsement of transfer on a certificate of ownership, or who with fraudulent intent displays or causes or permits to be displayed or have in his possession any canceled, suspended, revoked, altered, forged, counterfeit, or false certificate of ownership, registration card, certificate, license or special plate or permit provided for by this code or who utters, publishes, passes, or attempts to pass, as true and genuine, any of the above named false, altered, forged, or counterfeited matters knowing the same to be false, altered, forged, or counterfeited with intent

False evidences of registration

to prejudice, damage, or defraud any person is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one year or more than 14 years, or in the county jail for not more than one year.

Article 5. Renewal of Registration

Certificates of ownership

4600. Certificates of ownership shall not be renewed annually but shall remain valid until suspended, revoked, or canceled by the department for cause or upon a transfer of any interest shown therein.

Expiration and renewal

4601. Except as otherwise provided in this code, every vehicle registration and registration card shall expire at midnight on the thirty-first day of December of each year and shall be renewed annually. The department may upon payment of the proper fees renew the registration of vehicles.

Application for renewal

4602. Application for renewal of a vehicle registration expiring on the thirty-first day of December shall be made by the owner between January 1st and midnight of February 4th succeeding the expiration date and shall be made by presentation of the registration card last issued for the vehicle or by presentation of a potential registration card issued by the department for use at the time of renewal and by payment of the full annual fee for the vehicle as provided in this code.

Extension of renewal period

4603. Whenever in his opinion the interests of the State will be promoted thereby, the director with the approval of the Governor may extend for a period not to exceed 10 days the closing of the period during which applications for renewal of registration may be presented without the payment of penalties.

Nonoperated vehicles

4604. When the registration of a vehicle has expired at midnight on the thirty-first day of December of any year and the vehicle is not thereafter operated upon the highways, then any application for renewal made subsequent to the fourth day of February following the expiration of the registration and for succeeding calendar years in which the vehicle has not been registered shall be accompanied by a certificate of nonoperation. The application for renewal of registration, whether or not accompanied by an application for transfer of any title or interest therein, shall be received by the department upon payment of the proper fees for the current calendar year and without penalty for delinquent payment of fees imposed under this code or under Part 5 of Division 2 of the Revenue and Taxation Code, commencing at Section 10701; provided, that the department receives the application and certificate of nonoperation within 30 days after the date the vehicle is first operated during the current calendar year.

Stolen or embezzled vehicles

4605. Whenever by reason of the theft or embezzlement of a vehicle the owner or legal owner is not in possession of the vehicle at the time penalties accrue for failure to obtain annual renewal of registration, the owner or legal owner may secure the reregistration of the vehicle within 30 days after its re-

covery upon filing an affidavit setting forth the circumstances of the theft or embezzlement, if the theft or embezzlement of the vehicle has been reported pursuant to the provisions of this code, without penalty for delinquent payment of fees imposed under this code or under Part 5 of Division 2 of the Revenue and Taxation Code, commencing at Section 10701.

Operation pending renewal

4606. When application for renewal of registration of a vehicle has been made as required in Section 4602, the vehicle may be operated on the highways until the new indicia of current registration have been received from the department upon condition that there be displayed on the vehicle the license plates and validating devices, if any, issued to the vehicle for the previous year.

New card

4607. The department, upon renewing a registration, shall issue a new registration card to the owner as upon an original registration.

Validation of card

4608. In lieu of issuing a new registration card the department may endorse or authorize the endorsement of a receipt or validation upon payment of the required fees, the receipt or validation to be stamped upon the registration card last issued for the vehicle during the preceding registration year, or upon a potential registration card issued near the close of the preceding year, which registration card so endorsed or validated shall constitute the registration card for the ensuing registration year.

Plates, issuance of series

4609. The department may extend the life of the current series of license plates, outstanding during 1957, and may hereafter issue a new series of license plates for an indefinite period of time, but in no event for a period less than five (5) years During each intervening year of the period for which the plates are issued, the department shall issue a tab, sticker, or other suitable device as herein provided.

Any such series of plates may be canceled by the director with the approval of the Governor at any time after five years from the year of issuance of such series.

Motor clubs

4610. The department may authorize an endorsement of a receipt or the validation of a registration card or potential registration card as provided in this code by a person or organization holding a certificate of authority issued under the provisions of Part 5 of Division 2 of the Insurance Code, commencing at Section 12140.

Article 6. Refusal of Registration

Grounds requiring refusal

4750. The department shall refuse registration or renewal or transfer of registration upon either of the following grounds:

(a) That the application contains any false or fraudulent statement.

(b) That the required fee has not been paid.

Grounds permitting refusal

4751. The department may refuse registration or the renewal or transfer of registration of a vehicle in any of the following events:

(a) If the department is satisfied that the applicant is not entitled thereto under this code.

(b) If the applicant has failed to furnish the department with information required in the application or reasonable additional information required by the department.

(c) If the department determines that the applicant has made or permitted unlawful use of any registration certificate, certificate of ownership, or license plates.

(d) If the vehicle is mechanically unfit or unsafe to be operated or moved on the highways.

(e) If the department determines that a manufacturer or dealer has failed during the current or previous year to comply with the provisions of this code relating to the giving of notice to the department of the transfer of a vehicle during the current or previous year.

Article 7. License Plates

Issuance

4850. The department upon registering a vehicle shall issue to the owner two suitable license plates or devices for a motor vehicle, other than a motorcycle, and one suitable license plate or device for all other vehicles required to be registered under this code. The plates or devices shall identify the vehicles for which they are issued for the period of their validity.

Display

4851. Every license plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, together with the word "California" or the abbreviation "Cal." and the year number for which it is issued or a suitable device issued by the department for validation purposes, which device shall contain the year number for which issued

Size

4852. License plates issued for motor vehicles, other than motorcycles, shall be rectangular in shape, 12 inches in length and six inches in width.

Devices in lieu of plates

4853. The department may issue one or more stickers, tabs, or other suitable devices in lieu of the license plates provided for under this code. Except where the physical differences between the stickers, tabs, or devices and license plates by their nature render the provisions of this code inapplicable, all provisions of this code relating to license plates shall apply to stickers, tabs, or devices.

Article 8. Special Plates

Special series plates

5000. License plates issued for trailers, semitrailers, motor-driven cycles, and pole and pipe dollies, and such vehicles as are exempt from the payment of registration fees under this code shall display suitable distinguishing marks or symbols, and the registration numbers assigned to each class of vehicles

shall run in a separate numerical series, except that registration numbers assigned to vehicles exempt from the payment of registration fees may run in several separate numerical series.

Regular series plates for law enforcement vehicles

5001. The department may issue license plates for vehicles exempt from registration fees in the same series as plates issued for nonexempt vehicles. The plates may be issued for a period not extending beyond the then current calendar year and only upon the certification of the Attorney General that the issuance of the plates has been requested by the head of a law enforcement agency of a city, county, or state or federal department, that the vehicle is assigned to the duty of investigating actual or suspected violations of the law or the supervision of persons liberated from a state prison or other institution under the jurisdiction of the Department of Corrections by parole, and is intended for the use in line of duty of regularly employed law enforcement officers of a city, county, or state or federal department.

Plates re vehicles in motor pools

5002. The department may issue regular series plates to the Department of Finance for use on motor vehicles maintained within motor vehicle pools of state-owned vehicles when the vehicles are used for the purposes set forth in Section 5001, except that the Department of Finance shall not assign, dispatch, or otherwise make any such vehicle available for use by any agency of the State except upon the certification of the Attorney General.

Records of law enforcement vehicles

5003. The department shall maintain a record of the registration of exempt vehicles with regular series plates, which record shall not be open to public inspection. The record shall be disclosed in the event of any accident involving a vehicle so registered on demand of the Attorney General or upon an order of court.

Vehicles of historic value

5004. Notwithstanding any other provision of this code, any owner of a motor vehicle manufactured in the year 1922 or prior thereto, operated or moved over the highway primarily for the purpose of historical exhibition or other similar purpose shall, upon application in the manner and at the time prescribed by the department, be issued special license plates for the motor vehicle in lieu of the regular license plates. In addition to the payment of all other fees required by law, the applicant shall pay such fee for the issuance of the special license plates as may be prescribed by the department. The registration numbers and special license plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Horseless Carriage No. 1" and the plates shall be of a distinguishing color.

Amateur radio station licensees

5005. Any person holding an unexpired amateur radio station license, other than a novice station license, issued by the Federal Communications Commission may, at the time he makes application for an original or a renewal registration, also apply directly to the department for special license plates, to be affixed to the vehicle for which registration is sought, on which, in lieu of the numbers otherwise prescribed by law,

shall be inscribed the official amateur radio station call letters of the applicant as assigned by the Federal Communications Commission.

The applicant shall by satisfactory proof show that he is the holder of an unexpired license, and, in addition to the regular annual registration fee, may be charged an annual fee not exceeding three dollars ($3) for each set of plates so issued.

Issuance of amateur radio plates

5006. After the requirements for the registration of the vehicle have been complied with, the department shall issue such plates in lieu of the regular license plates. The department shall not issue more than one set of special plates for any licensed amateur radio station.

Information to police

5007. The department shall, on or before the first day of August of each year, furnish to the sheriff of each county and the chief of police of each city in the State an alphabetically arranged list of the names, addresses, and license plate letters of each person to whom amateur radio license plates are issued, and the sheriffs and chiefs of police shall maintain and keep current such lists for public information and inquiry, particularly in relation to public emergencies.

Press photographers

5008. Any person who is regularly employed or engaged as a bona fide newspaper, newsreel, or television photographer or cameraman, may, at the time he makes application for an original or renewal registration of a vehicle required to be registered, also apply for special license plates, to be affixed to the vehicle for which registration is sought, on which, in addition to the numbers otherwise prescribed by law, shall be inscribed the letters "PP" enclosed by a shield.

The applicant shall by satisfactory proof show that he is a bona fide newspaper, newsreel, or television photographer or cameraman, and, in addition to the regular annual registration fee, may be charged an annual fee not exceeding three dollars ($3) for each set of plates so issued.

Same License plates

5009. After the requirements for the registration of the vehicle have been complied with, the department shall issue such plates in lieu of the regular license plates. The department shall not issue more than one set of such special plates to any person.

Carryalls

5010. The department may issue a special type of registration plate for carryalls.

Special highway construction equipment

5011. Every piece of special highway construction equipment shall display an identification plate attached thereto.

Special mobile equipment

5012. The owner or authorized operator of any special mobile equipment may obtain an identification plate for the equipment.

Implement of husbandry

5013. Any person who owns an implement of husbandry which is exempt from registration may obtain an identification plate for the implement.

Information in application

5014. An application for an identification plate for special highway construction or mobile equipment or implements of husbandry shall include the following:

(a) A statement by the owner of the use or uses which he intends to make of the equipment or implement.

(b) A description of the vehicle, including any distinctive marks or features.

(c) A photograph of the vehicle.

(d) Such other information as may reasonably be required by the department to determine whether the applicant is entitled to be issued an identification plate.

When identification plates are to be obtained for more than one piece of equipment or implement, each of which is of the same identical type, only one photograph of one piece shall be required to be attached to the application.

Application prior to movement

5015. The application for an identification plate for special highway construction equipment shall be made before any such piece of equipment is moved over the highway.

Identification plates and cards

5016. Upon proper application and payment of the service charge, the department shall issue an identification plate and an identification card for the piece of equipment for which application is made.

Same Use

5017. Each identification plate issued under this section shall bear a distinctive number to identify the equipment for which it is issued. The owner, upon being issued a plate, shall attach it to the equipment for which it is issued and shall display the identification card issued by the department as provided by Section 4454. It shall be unlawful for any person to attach or use the plate upon any other equipment or vehicle. If the equipment is destroyed or the ownership thereof transferred to another person, the person to whom the plate was issued shall first remove the plate and, within 10 days after removing the plate, return it to the department, together with a notice, on a form approved by the department, that the equipment has been destroyed or the ownership thereof transferred to another person.

Cotton trailers

5018. Cotton trailers exempt from registration shall obtain and display a special identification plate provided for implements of husbandry, except that the service charge shall be ten dollars ($10) and the photograph provisions are waived. Such plate shall be renewed every five years by application and payment of the ten dollar ($10) service charge.

Article 9. Display of Plates, Tabs, and Stickers

Display

5200. When two license plates are issued by the department for a vehicle, they shall be attached to the vehicle for which they were issued, one in the front and the other in the rear. When one license plate is issued for use upon a vehicle, it shall be attached to the rear thereof.

Position

5201. License plates shall at all times be securely fastened to the vehicle for which they are issued so as to prevent the plates from swinging and shall be mounted not less than 12 inches nor more than 60 inches from the ground in a position to be clearly visible, and no covering shall be used on license

plates which is not of a type approved by the California Highway Patrol.

Period of display

5202. Every license plate issued by this State or any other jurisdiction within or without the United States shall remain attached during the period of its validity to the vehicle for which it is issued while being operated within this State or during the time the vehicle is being held for sale in this State, or until such time as a vehicle with special or identification plates is no longer entitled to such plates and no person shall operate, nor shall an owner knowingly permit to be operated, upon any highway any vehicle unless the license plate is so attached. Special permits issued in lieu of plates shall be attached and displayed on the vehicle for which issued during the period of their validity.

Surrender and removal

5203. This chapter does not apply to plates which the department pursuant to law has ordered to be surrendered, transferred to another vehicle, or removed.

Tabs

5204. Tabs shall indicate the year number for which issued, which tab, sticker, or other suitable device shall be attached to the rear license plate issued for the vehicle for the last preceding calendar year in which license plates were issued, and, when so attached, the license plates with such tab shall for the purposes of this code be deemed to be the license plates for the ensuing registration year.

Stickers

5205. The department may make appropriate rules and regulations for the use and display of stickers or devices issued in lieu of license plates, and shall publish a summary thereof.

Quarterly certificates or insignia

5206. Vehicles for which weight fees are paid on the quarterly basis shall display a certificate or insignia issued by the department, which shall state the quarter for which the vehicle is licensed.

Article 10. Registration of Trailer Coaches

Provisions applicable

5350. The provisions of this division shall apply to trailer coaches except as otherwise provided in this chapter.

Exceptions

5351. Sections 4452, 4604, 5904, 6052, and 9254, and subdivision (a) of Section 9552 do not apply to the registration or renewal of registration of any trailer coach.

Registration

5352. Subject to the exemptions stated in Section 5353, registration of any trailer coach in this State is required annually.

Exemptions

5353. The registration provisions of this chapter shall not apply to any of the following:

(a) Any trailer coach which is driven or moved upon a highway in conformance with the provisions of this code relating to dealers, manufacturers, transporters, or nonresidents or under a temporary permit issued by the department as authorized by Section 4156 hereof or under a one-trip permit issued by the department as authorized by Section 4003 when such permit is issued to a nonresident.

(b) Any unoccupied trailer coach which is part of an inventory of trailer coaches held for sale by a manufacturer or dealer in the course of his business.

5354. The registration of a foreign trailer coach owned by a nonresident shall be subject to and governed by Section 6700, except that any trailer coach shall not be exempt from registration after the expiration of the valid home state license plate on the trailer coach at the time the trailer coach last entered this State. Nonresident owner exemption

CHAPTER 2. TRANSFERS OF TITLE OR INTEREST

Article 1. Procedure to Transfer

5600. No transfer of the title or any interest in or to a vehicle registered under this code shall pass, and any attempted transfer shall not be effective, until the parties thereto have fulfilled either of the following requirements: Requirements

(a) The transferor has made proper endorsement and delivery of the certificate of ownership and delivery of the registration card to the transferee as provided in this code and the transferee has delivered to the department or has placed the certificate and card in the United States mail addressed to the department when and as required under this code with the proper transfer fee and thereby makes application for a transfer of registration except as otherwise provided in Sections 5905, 5906, 5907, and 5908.

(b) The transferor has delivered to the department or has placed in the United States mail addressed to the department the appropriate documents for the registration or transfer of registration of the vehicle pursuant to the sale or transfer except as provided in Section 5602.

5601. Section 5600 does not apply to involuntary transfers, as upon repossession by a vendor under a conditional contract of sale, or to transfers involving chattel mortgage liens subject to Chapter 3, commencing at Section 6300. Involuntary transfer

5602. An owner who has made a bona fide sale or transfer of a vehicle and has delivered possession thereof to a purchaser shall not by reason of any of the provisions of this code be deemed the owner of the vehicle so as to be subject to civil liability for the operation of the vehicle thereafter by another when the owner in addition to the foregoing has fulfilled either of the following requirements: Requirements for releasing liability

(a) When he has made proper endorsement and delivery of the certificate of ownership and delivered the certificate of registration as provided in this code.

(b) When he has delivered to the department or has placed in the United States mail, addressed to the department, either the notice as provided in Section 5900 or Section 5901 or appropriate documents for registration of the vehicle pursuant to the sale or transfer.

Transfer by legal owner

5603. A legal owner may assign his title or interest in or to a vehicle registered under this code to a person other than the owner without the consent of and without affecting the interest of the owner.

Notification of insurance coverage

5604. Every dealer who, upon transferring by sale, lease, or otherwise, any new or used vehicle of a type subject to registration, requires the transferee to insure the vehicle, and every lending agency which, as the holder of any security interest in any such vehicle, requires its obligor to insure the vehicle, shall, if the required insurance policy is obtained by the dealer or lending agency and the policy does not insure the transferee or obligor against damages resulting from the ownership or operation of the vehicle arising by reason of personal injury to or the death of any person, or from injury to property, notify the transferee or obligor of such fact in writing on a document other than the insurance policy, but the notice need not be given if the insurance is obtained by the dealer or lending agency because of the failure or refusal of the transferee or obligor to furnish insurance or to renew insurance in accordance with the terms of the contract of sale, encumbrance, or other loan agreement.

Article 2. Endorsement and Delivery of Documents

Transfer by legal owner

5750. Upon transfer of the title or any interest of the legal owner or owner in a vehicle registered under this code, the transferor shall write his signature, and the transferee shall write his signature and address, in the appropriate spaces provided upon the reverse side of the certificate of ownership issued for the vehicle.

Transfer by registered owner

5751. Upon transfer of the title or interest of the registered owner only in a vehicle registered under this code, the registered owner shall write his signature and address and the transferee shall write his signature and address in the appropriate spaces provided on the reverse side of the certificate of ownership for the vehicle, and the legal owner shall write his signature in the space provided for the new legal owner indicating that he is to retain his legal title and interest.

Endorsement when certificate unavailable

5752. When the required certificate of ownership is lost, stolen, damaged, or mutilated, application for transfer may be made upon a form provided by the department for a duplicate certificate of ownership. The transferor shall write his signature and address in the appropriate spaces provided upon the reverse side of the application and file the same together with the proper fees for duplicate certificate of ownership and transfer.

Delivery of certificate and card

5753. It is unlawful for any person to fail or neglect properly to endorse, date, and deliver the certificate of ownership and, when having possession, to deliver the registration card to a transferee who is lawfully entitled to a transfer of registration.

Article 3. Notice and Application

5900. Whenever the owner of a vehicle registered under this code sells or transfers his title or interest in, and delivers the possession of, the vehicle to another, the owner shall immediately notify the department of the sale or transfer giving the date thereof, the name and address of the owner and of the transferee and such description of the vehicle as may be required in the appropriate form provided for such purpose by the department. Notice by owners

5901. Every dealer upon transferring by sale, lease or otherwise any vehicle, whether new or used, of a type subject to registration under this code, shall, not later than the end of the next business day of the dealer, give written notice of the transfer to the department upon an appropriate form provided by it, but a dealer need not give the notice when selling or transferring a new unregistered vehicle to another dealer. Notice by dealers

5902. Whenever any person has received as transferee a properly endorsed certificate of ownership and the registration card of the vehicle described in the certificate and card, he shall within 10 days thereafter forward the certificate and card with the proper transfer fee to the department and thereby make application for a transfer of registration. Application for transfer

5903. Whenever any application for transfer is filed with the department between December 1st and February 4th, inclusive, the application for transfer shall be accompanied by the full annual renewal fees in addition to any other fees then due and payable. Renewal fees payable on transfer

5904. Whenever the ownership of any vehicle for which a certificate of ownership has been issued without registration under Section 4452 is transferred, an application for transfer shall be made as provided in this part. Application for vehicle not registered

5905. When a chattel mortgage or conditional sale contract describing a registered vehicle is satisfied, canceled, or released by the parties thereto duly registered as owner and legal owner respectively and thereafter within a period of 10 days a new chattel mortgage encumbering the vehicle is executed between the same parties, no application for transfer of registration by reason thereof shall be made and no new certificate of ownership or registration card shall be issued, and all provisions of this code relating to transfers of any title or interest in a vehicle and the registration of the transfers shall be deemed to have been fully complied with. Continuance of liens

5906. When the transferee of a vehicle is a dealer who holds the same for resale and operates or moves the same upon the highways under special plates, the dealer is not required to make application for transfer, but upon transferring his title or interest to another person he shall comply with this division. Operation without transfer

Trust receipts

5907. The transferee of a security interest in a registered vehicle pursuant to a trust receipt transaction, as defined in the Uniform Trust Receipts Law, commencing at Section 3012 of the Civil Code, who has possession of the certificate of ownership issued for such vehicle, if the certificate of ownership has been issued, need not make application for a transfer of registration and the Uniform Trust Receipts Law shall exclusively control the validity of the transferee's security interest.

Security interests

5908. The transferee of a security interest in the interest of a legal owner of a registered vehicle need not make application for a transfer of registration when the security interest arises from a pledge of a conditional sale contract, lease agreement, or chattel mortgage by the legal owner to the transferee.

Involuntary transfers

5909. (a) Whenever the title or interest of any owner or legal owner in or to a vehicle registered under this code passes to another otherwise than by voluntary transfer the new owner or legal owner may obtain a transfer of registration upon application therefor and upon presentation of the last certificate of ownership and registration card issued for the vehicle, if available, and any instruments or documents of authority or certified copies thereof as may be required by the department, or required by law, to evidence or effect a transfer of title or interest in or to chattels in such case.

(b) The department when satisfied of the genuineness and regularity of the transfer shall give notice by mail to the owner and legal owner of the vehicle as shown by the records of the department and five days after the giving of the notice, if still satisfied of the genuineness and regularity of such transfer, shall transfer the registration of the vehicle accordingly.

Transfer without probate

5910. Upon the death of an owner or legal owner of any vehicles registered under this code without the decedent leaving other property necessitating probate, the surviving husband or wife or other heir in the order named in Section 630 of the Probate Code, unless the vehicle is by will otherwise bequeathed, and irrespective of the value of the vehicle, may secure a transfer of registration of the title or interest of the deceased upon presenting to the department the appropriate certificate of ownership and registration card, if available, and a certified statement of the person setting forth the fact of survivorship or heirship, and the names and addresses of any other heirs, and, if required by the department, a certificate of the death of the deceased together with a statement that there are no creditors of the deceased or, if so, that the creditors of the deceased have been paid in full or the claims have been otherwise discharged.

Transfer when certificate or card unavailable

5911. Whenever application is made to the department for a transfer of registration of a vehicle to a new owner or legal owner and the applicant is unable to present the certificate of

ownership or registration card issued for the vehicle by reason of the same being lost or otherwise not available, the department may receive the application and examine into the circumstances of the case and may require the filing of affidavits or other information, and when the department is satisfied that the applicant is entitled to a transfer of registration, the department may transfer the registration of the vehicle, or reregister the vehicle under a new registration number, and issue a new certificate of ownership and registration card to the person or persons found to be entitled thereto.

Card held by department

5912. Whenever application is made to the department for a transfer of registration of a vehicle to a new owner or legal owner and the applicant is unable to present the registration card issued for the vehicle by reason of the same being in the possession of the department upon an application for renewal of registration, the department may transfer the registration of such vehicle upon production of the properly endorsed certificate of ownership to the vehicle and a temporary receipt upon a form prescribed by the department and containing such information as the department shall deem necessary, including, but not limited to, the license number assigned to the vehicle for the ensuing year, the amount of the fees payable upon renewal of registration, and the motor number of the vehicle.

Article 4. Transfer by Department

Transfer Registration

6050. The department upon receipt of a properly endorsed certificate of ownership, the proper registration card, and the required fee shall reregister the vehicle under its registration number in the name of the new owner and new legal owner, if any, and shall issue a new registration card and certificate of ownership as provided upon an original registration.

Same Under regular applications

6051. If the application for a transfer is made in the manner provided in this code the department shall not be required to withhold the transfer of any right, title, or interest in or to a vehicle if the application on its face appears to be genuine and regular and the department has received neither a request from any law enforcement agency that action on the application be deferred nor an order of a court of the United States or of the State of California restraining the transfer within two years prior thereto.

Same Vehicle not registered

6052. When application is made for transfer of the ownership of a vehicle for which a certificate of ownership has been issued without registration, upon payment of registration, transfer, and other fees required by law, the department shall issue the usual certificate of ownership and registration card unless the vehicle is not to be operated on the highways and the new owner submits an affidavit satisfactory to the department as to those facts required by subdivision (b) of Section 4452, in which case the new certificate of title and facsimile thereof may be issued as provided for in that section.

CHAPTER 3. FILING INSTRUMENTS EVIDENCING LIENS OR ENCUMBRANCES

Recording of chattel mortgage

6300. (a) No chattel mortgage on any vehicle registered under this code, irrespective of whether such registration was effected prior or subsequent to the execution of such mortgage is valid as against creditors or subsequent purchasers or encumbrancers until the mortgagee or his successor or assignee has deposited with the department, at its office in Sacramento, or at any other office as may be designated by the director, a properly endorsed certificate of ownership to the vehicle subject to the mortgage showing the chattel mortgagee as legal owner if the vehicle is then registered under this code, or, if the vehicle is not so registered, an application in usual form for an original registration, together with an application for registration of the chattel mortgagee as legal owner, and upon payment of the fees as provided in this code.

(b) Deposit of a certificate within 30 days after the date of a mortgage shall be deemed a deposit within a reasonable time.

Constructive notice of mortgage

6301. When the chattel mortgagee, his successor or assignee, has deposited with the department a properly endorsed certificate of ownership showing the mortgagee as legal owner or an application in usual form for an original registration, together with an application for registration of the chattel mortgagee as legal owner, the deposit constitutes constructive notice of the mortgage to creditors and subsequent purchasers and encumbrancers, but the mortgaged vehicle shall be subject to a lien for services and materials as provided in Chapter 6.5 of Title 14 of Part 4 of Division 3 of the Civil Code, commencing at Section 3068.

Mortgagee as legal owner

6302. Upon the deposit of an application for registration of a chattel mortgagee as legal owner and upon the payment of the fees as provided in this code, the department shall register the mortgagee, his successor or assignee as legal owner in the manner provided for the registration of motor vehicles under the provisions of this part.

Exclusive means of notice

6303. The method provided in this part for giving constructive notice of a chattel mortgage on a vehicle registered under this code is exclusive, the execution of the chattel mortgage need not be acknowledged or proved and certified, and any such chattel mortgage is excepted from the provisions of Sections 2957, 2959a, 2965 and 2966 of the Civil Code.

CHAPTER 4. PERMITS TO NONRESIDENT OWNERS

Article 1. Exemption of Nonresidents

Exemption

6700. A nonresident owner of a foreign vehicle of a type otherwise subject to registration under this code may, subject to exceptions and special provisions contained in this chapter, operate or permit the operation of the vehicle within this State

without registering the vehicle in, or paying any fees to, this State, subject to the condition that the vehicle at all times when operated in this State is duly registered in, and displays upon it valid license plates issued for the vehicle in, the place of residence of the owner.

Same Persons in military service

6701. Any nonresident owner of a foreign vehicle who is a member of the armed forces of the United States on active duty within this State shall be entitled to the exemption granted under Section 6700 under the conditions therein set forth. Any member of the Armed Forces, whether a resident or nonresident, shall also be entitled to exemption from registration in respect to a vehicle owned by him upon which there is displayed a valid license plate issued for the vehicle in a state where the presence of the owner was required by military orders at the time the license plate was issued.

Gainful employment

6702. Any nonresident owner of a vehicle of a type subject to registration in this State who, while temporarily living within this State, accepts gainful employment within this State shall be entitled to the exemption granted under Section 6700, but only until the expiration of the valid home state license plates on the vehicle at the time the nonresident accepted gainful employment within this State.

Resident exemption

6703. Any nonresident owner of a vehicle of a type subject to registration under this code who becomes a legal resident of this State shall be entitled to the exemption granted under Section 6700, but only until the expiration of the valid home state license plates on the vehicle at the time the owner became a resident of this State.

Established place of business in this State

6704. Every nonresident, including any foreign corporation, having an established place of business within this State and owning and regularly operating in the business any vehicle of a type subject to registration under this code shall register the vehicle under this code.

Article 2. Foreign Commercial Vehicles

Registration

6850. A nonresident owner of any foreign commercial vehicle shall register the vehicle in this State and pay the fees applicable thereto under this code except as provided in this article and Article 3, commencing at Section 8000, and except in the event the vehicle is lawfully registered as a private passenger vehicle in foreign jurisdiction in which the owner has his residence.

Leased semitrailers

6851. Any vehicle which is a two-wheel semitrailer offered for short-term lease to operators of private motor vehicles for the purpose of transporting the lessee's personal property and does not exceed (a) a maximum unladen weight of 1,000 pounds, (b) a maximum gross vehicular weight of 2,500 pounds, (c) a maximum outside width of 80 inches, and (d) a maximum loading area of 48 square feet, and is owned by a nonresident owner is exempt from registration and regis-

tration fees if the vehicle is registered in foreign jurisdiction in which the owner has his residence.

Reciprocity

6852. The nonresident owner of a foreign vehicle shall be granted such privileges and freedom from registration and payment of fees imposed by this code, or Part 5 of Division 2 of the Revenue and Taxation Code, commencing at Section 10701, as the foreign jurisdiction in which the foreign commercial vehicle is registered or licensed grants to like vehicles registered under this code or as provided in agreements, arrangements, or declarations made under Article 3, commencing at Section 8000.

Vehicles leased for use in this State

6853. Any vehicle owned by a nonresident owner not registered under this code, which vehicle is leased or rented to a user having an established place of business or residence in this State, for use on the highways of this State shall be subject to registration either by the owner or lessee of the vehicle, unless the vehicle is exempted from registration by the provisions of this division or under any agreement, arrangement, or declaration made pursuant to Article 3, commencing at Section 8000.

Exemptions in effect January 1, 1955

6854. Any foreign commercial vehicle, or vehicle leased or rented as described in Section 6853, which on January 1, 1955, was considered exempt from registration and the payment of fees imposed by this code or by Part 5 of Division 2 of the Revenue and Taxation Code, commencing at Section 10701, shall be considered to be so exempted, except as the reciprocal privileges herein continued may hereafter be affected by revision of the laws of this State or any foreign jurisdiction, irrespective of any determination made after January 1, 1955, that any such vehicle was not so exempted under Section 6851, 6852 or 6853.

Article 3. Reciprocity

Reciprocity agreements, etc.

8000. The Reciprocity Commission may enter into agreements or arrangements with duly authorized representatives of any foreign jurisdiction, provinces or country granting exemption to owners of or persons entitled to the possession of or right to operate commercial vehicles which are properly registered or licensed or for which fees have been paid in such jurisdictions, and upon which evidence of registration or payment of fees is conspicuously displayed, from the payment, wholly or partially, of any vehicle license, registration, or weight fees imposed under this code and Part 5 of Division 2 of the Revenue and Taxation Code, commencing at Section 10701.

Required provisions

8001. Such agreements or arrangements shall contain provisions by which owners of or persons entitled to the possession of or right to operate any commercial vehicles registered or licensed or upon which fees have been paid in this State

who operate vehicles of the same type upon the highways of one of the foreign jurisdictions may receive substantially equivalent exemptions, benefits and privileges, under terms and conditions which, in the commission's judgment, are best calculated to promote the interests of this State, as are extended to such persons or owners of vehicles of the same type from such jurisdictions in this State.

Agreements or arrangements

8002. It shall be incumbent upon the commission, wherever practicable, to enter into agreements or arrangements for the proportionate registration and licensing of vehicles or payment of fees therefor under Article 4, commencing at Section 8150.

Reciprocity for parties

8003. Agreements or arrangements may authorize owners of or persons entitled to the possession of or right to operate commercial vehicles who are residents of a foreign jurisdiction which is a party to the agreement or arrangement to register or license the vehicles in another jurisdiction which is a party thereto. Vehicles registered or licensed in one of the jurisdictions under such provision shall be exempt from registration or licensing requirements in the other jurisdictions which are parties thereto and shall be entitled to all exemptions, benefits and privileges granted with respect to other vehicles registered or licensed in the jurisdiction.

Withdrawal of privileges

8004. Agreements or arrangements may deny the exemptions, benefits and privileges granted thereunder to any person who violates conditions stated therein or who violates rules and regulations for the administration of reciprocal exemptions, benefits and privileges issued by the Reciprocity Commission.

Declarations of reciprocity

8005. The Reciprocity Commission is authorized to examine the legal requirements of motor vehicle registration, license and weight fee statutes of foreign jurisdictions which grant reciprocal privileges to out-of-state owners or persons but which do not authorize negotiation or execution of agreements by administrative officials and it is authorized to determine, by such examination, and to declare the extent and nature of the reciprocal exemptions, benefits and privileges to which owners of foreign commercial vehicles or other persons from such jurisdictions shall be entitled under the laws of this State.

Requirements of agreements and declarations

8006. All agreements, arrangements, declarations and rules and regulations authorized by this chapter shall be in writing and shall be approved by endorsement by Attorney General as to legality only, at which time they will become effective, and shall remain in effect until revoked by act of the commission. Original copies of such agreements, arrangements, declarations and rules and regulations shall be filed in the Office of the Director of Motor Vehicles who shall make copies available to the public upon request.

Report of commission

8007. The commission shall report all of its transactions under this chapter annually to the Legislature.

Article 4. Reciprocity With Bordering States

Reciprocity with bordering states

8050. The Reciprocity Commission may enter into agreements or arrangements with the duly authorized representatives of any state bordering this State as follows:

(a) The agreements or arrangements shall be applicable to commercial vehicles, or to a class of commercial vehicles to be specified in such agreement or arrangement.

(b) The agreement or arrangement shall be applicable only within an area in each state, situate along the boundary line between the two, to be substantially equal in size and usage as nearly as may be practicable, and to be described in such agreement or arrangement.

(c) The agreement or arrangement shall exempt the owners or persons entitled to the possession of or right to operate vehicles of the type or class specified therein, which are properly registered or licensed in such other state, and upon which evidence of registration is conspicuously displayed, from the payment, wholly or partially, of any vehicle license, registration or weight fee imposed under this code, and any fee or tax imposed under Parts 4 and 5, Division 2 of the Revenue and Taxation Code, while operating such vehicle in the area in this State described in such agreement or arrangement.

(d) The agreement or arrangement shall contain provisions by which the owners or persons entitled to the possession of or right to operate vehicles of the type or class specified therein, and registered or licensed in this State, shall receive substantially equivalent exemptions, benefits and privileges and terms and conditions while operating such vehicles in the area in the other state described in such agreement or arrangement as in the commission's judgment are best calculated to promote the interests of this State.

(e) The agreement or arrangement shall not require proportionate registration and licensing of vehicles provided for in this code.

(f) The agreement or arrangement may contain provisions denying the exemptions, benefits and privileges granted thereunder to any person who violates conditions stated therein or who violates rules and regulations for the administration of reciprocal exemptions, benefits and privileges issued by the Reciprocity Commission.

Article 5. Proportionate Registration and Licensing

Legislative declaration

8150. The Legislature declares that in enacting this article, it adheres to the principle that each state should have the freedom to develop the kind of highway user tax structure that it determines to be most appropriate to itself, that the method of taxation of interstate vehicles should not be a determining factor in developing its user tax structure, and that annual taxes or other taxes of the fixed fee type which are not imposed on a basis that reflects the amount of highway use

should be apportioned among the states, within limits of practicality, on the basis of vehicle miles traveled within each of the states.

Proportionate registration and licensing

8151. Any person engaged in operating fleets of three or more commercial vehicles in this State in interstate commerce, may, in lieu of registration of the vehicles under the general provisions of Division 3 of this code and Part 5 of Division 2 of the Revenue and Taxation Code, commencing at Section 10701, register and license each fleet for operation in this State by filing a verified application with the department.

"Interstate commerce"

8152. "Interstate commerce," for purposes of this article, means the operation of commercial vehicles during each year in two or more foreign jurisdictions.

Application

8153. The application shall declare the total mileage operated with each fleet of vehicles in all foreign jurisdictions and the total mileage operated by each fleet in this State during the preceding calendar year, or a preceding 12-month period as determined by the department, and shall describe and identify each vehicle in each fleet to be operated in this State during the ensuing license year. The application shall also designate a sufficient number of certain vehicles in each fleet to be registered and licensed under Division 3 (commencing at Sections 4000 and 12500) of this code and Part 5 (commencing at Section 7301) of Division 2, Revenue and Taxation Code, to produce total fee payments not less than an amount obtained by applying the proportion of in-state fleet miles to total fleet miles, as reported in the application, to the fees which would otherwise be required for complete licensing and registration of the fleet in this State or, in the discretion of the department with respect to any fleet, shall, in lieu of the designation of vehicles as heretofore in this section provided, be accompanied by a fee equal to the amount computed as heretofore in this section provided.

"Total fleet miles"

8154. "Total fleet miles" for the purpose of proration of vehicles in interstate commerce includes total fleet miles in this State, in other jurisdictions having proportionate registration and licensing provisions, in jurisdictions with which this State has reciprocity, either by law or pursuant to a reciprocal agreement, arrangement or declaration, and in such other jurisdictions which the department determines should be included under the circumstances in order to protect or promote the interests of this State.

Out-of-state mileage forms

8155. Mileage proportions for interstate fleets not operated in this State during the preceding year shall be determined by the department upon verified application on forms to be supplied by the department, upon request, which will show the operations of the preceding year in foreign jurisdictions and the estimated operation in this State. If no operations were conducted the previous year a full statement of the proposed method of operation shall accompany the application.

Filing date

8156. Applications under which fees are due and payable on or before the next following fourth day of February may be filed with the department on or after November 1st.

Registration and evidences of registration

8157. The department, notwithstanding Section 4151 of this code, shall register and issue a license plate or plates for the designated vehicles and shall issue distinctive stickers or other suitable devices for each other vehicle named in the application, or if no vehicles are designated when so provided by the department, then for every vehicle described and identified in the application, identifying it as an interstate fleet vehicle which shall be exempt from all further license, registration, and weight fee requirements of this State for any type of movement or operation if each of the vehicles is properly and duly licensed and registered in a foreign jurisdiction unless the department determines that such licensing and registration would be contrary to the protection or promotion of the interests of this State.

Vehicles added to fleet

8158. The provisions of this article shall apply to vehicles added to a fleet and operated in this State during the license year.

Nonresidents

8159. Nonresidents shall be entitled to proportional registration under this chapter unless the terms and conditions of any reciprocity agreement, arrangement, or declaration filed in the Office of the Director of Motor Vehicles under this chapter require otherwise.

Records

8160. Any person complying with the provisions of this article shall preserve the records on which the application is based for a period of four full years following the year upon which the application is based, and the applicant shall agree to make the records available to the department at its request and at its designated office for audit as to accuracy of computation and payments, or to pay the costs of an audit by the department or its duly appointed representative at the applicant's home office.

Failure to register

8161. If the department determines that the applicant should have registered more vehicles in this State under provisions of this article than registered or paid additional fees, it may deny him the right of any further benefits by reason of any reciprocal agreement or declaration until the fees, including those for the additional vehicles which should have been registered, have been paid.

Lien

8162. The fees determined to be due and owing under this article shall be a lien upon all vehicles of the applicant of a type subject to registration under this code, and the lien shall attach at the time the report of the audit of the department has been mailed to the applicant by the department and shall have the effect of an execution duly levied on the vehicles and shall so remain until the additional fees, so determined, are paid or a sufficient number of vehicles sold for the payment thereof. At least 10 days prior to the sale, notice thereof shall be given to any person appearing of record to have an interest

in the vehicle to be sold by registered mail addressed to such person at the address indicated in the record.

Penalty

8163. Any penalties for delinquency in payment of fees under Sections 9554 and 9555 and Section 10854 of the Revenue and Taxation Code shall be computed with respect to the fees required to be paid pursuant to this article if the fleet operator elects to pay fees pursuant to this chapter.

CHAPTER 5. OFFENSES AGAINST REGISTRATION LAWS AND SUSPENSION, REVOCATION, AND CANCELLATION OF REGISTRATION

General powers

8800. The department may suspend, cancel, or revoke the registration of a vehicle or a certificate of ownership, registration card, or license plate or any permit in any of the following events:

(a) When the department is satisfied that the registration or the certificate, card, plate, or permit was fraudulently obtained or erroneously issued.

(b) When the department determines that a registered vehicle is mechanically unfit or unsafe to be operated or moved upon the highways.

(c) When a registered vehicle has been dismantled or wrecked.

(d) When the department determines that the required fee has not been paid and the same is not paid upon reasonable notice and demand.

(e) When a registration card, license plate, or permit is knowingly displayed upon a vehicle other than the one for which issued.

(f) When the registration could have been refused when last issued or renewed.

(g) When the department determines that the owner or legal owner has committed any offense under Sections 20 (with respect to an application for the registration of a vehicle), 4000, 4159 to 4164, inclusive, 4454, 4456, 4461, 4463, 5202, 10750, and 10751, involving the registration or the certificate, card, plate, or permit to be suspended, canceled, or revoked.

(h) When the department is so authorized under any other provision of law.

Publicly owned vehicles

8801. The department may suspend, cancel, revoke, or renew any permanent registration made under Section 4155 when the department determines that it is advisable to reissue the registration.

Owner to return evidence of registration

8802. Whenever the department cancels, suspends, or revokes the registration of a vehicle or a certificate of ownership, registration card, or license plates, or the license of a dealer, manufacturer, or transporter, or any nonresident or other permit, the owner or person in possession shall immediately return the documents, plates, certificates, or other evidence of registration to the department.

CHAPTER 6. REGISTRATION AND WEIGHT FEES

Article 1. Exemptions

Diplomatic vehicles

9100. The fees specified in this code except fees for duplicate license plates, certificates or cards need not be paid for any vehicle of a type subject to registration under this code owned by any foreign government or by a consul or other official representative thereof duly recognized by the United States Department of State, such exemption to be effective upon application for recognition made to the Department of State.

Publicly operated vehicles

9101. No fees specified in this code, except fees not exempted under Section 9100, need be paid for any vehicle operated by the State, or by any county, city, district or political subdivision of the State, as lessee under a lease, lease-sale, or rental-purchase agreement which grants possession of the vehicle to the lessee for a period of 30 consecutive days or more.

Educational institution vehicles

9102. The fees specified in this code except fees for duplicate plates, certificates, or cards need not be paid for any vehicle owned by an educational institution of collegiate grade not conducted for profit and having an enrollment of 5,000 students or more and having an acreage of 5,000 acres or more, if such vehicle is used for fire-fighting purposes within the limits of the acreage of such institution and is operated principally on roads owned by such institution.

Publicly owned vehicles

9103. No fees specified in this code, except fees for duplicate plates, certificates, or cards need be paid for any vehicle of a type subject to registration under this code owned by the United States or by any state or political subdivision thereof or by any municipality duly organized under the Constitution or laws of this State, nor for any vehicle owned by and used exclusively in the operative work of any persons taxed for state purposes and exempt from the payment of license fees under the Constitution of this State.

Fire vehicles

9104. The fees specified in this code except fees for duplicate plates, certificates, or cards need not be paid for any vehicle of a type subject to registration under this code owned by a public fire department organized as a nonprofit corporation and used exclusively for fire-fighting purposes, nor for any vehicle owned by a voluntary fire department organized under the laws of this State and used exclusively for fire-fighting purposes.

Crippled and blind veterans

9105. The fees specified in this code except fees for duplicate plates, certificates, or cards need not be paid for any vehicle, other than a commercial vehicle, of a type subject to registration under this code owned by any veteran who has lost, or has lost the use of, both legs, or who has suffered permanent blindness as defined in Section 9183 of the Educa-

tion Code, as a result of injury or disease suffered while on active service with the armed forces of the United States.

The exemption granted by this section shall not extend to more than one vehicle owned by any such veteran.

Civil air partol vehicles

9106. The fees specified in this code, except fees for duplicate plates, certificates or cards, need not be paid for any vehicle of a type subject to registration under this code which is operated by the Civil Air Patrol, when the vehicle has been transferred to the Civil Air Patrol by the United States Government, or any agency thereof, if by federal regulation or directive the use of such vehicle is restricted to defined activities of the Civil Air Patrol, and if by federal regulation or directive the vehicle must be returned to the United States Government when no longer required or suited for use by the Civil Air Patrol. Such vehicles shall be registered as otherwise required under this code by the Civil Air Patrol and the Civil Air Patrol shall display a license plate or plates bearing distinguishing marks or symbols as specified in this code. which plate or plates shall be furnished by the department free of charge.

Article 2. Registration Fees

Fees

9250. On and before December 31, 1959, a registration fee of eight dollars ($8) shall be paid to the department for the registration of every vehicle of a type subject to registration, except as are expressly exempted under this code from the payment of registration fees, and except those referred to in Section 9253. On and after January 1, 1960, a registration fee of seven dollars ($7) shall be paid to the department for the registration of every vehicle of a type subject to registration, except as are expressly exempted under this code from the payment of registration fees, and except those referred to in Section 9253.

Electric passenger vehicles

9251. In addition to the registration fee specified in Section 9250, there shall be paid a registration fee of ten dollars ($10) for the registration of every electric passenger vehicle, except where the vehicle is subject to a different additional fee as provided in Section 9400.

Vehicles registered outside State

9252. In addition to the registration fee specified in Section 9250 and any weight fee, there shall be paid a service fee of six dollars ($6) for the original registration within this State of every vehicle previously registered outside this State. If the vehicle has been registered and operated in this State during the same year in which application for reregistration is made, a fee of one dollar ($1) only shall be paid

Station wagon fees

9253. On and before December 31, 1959, a registration fee of nine dollars ($9) shall be paid to the department for the registration of every station wagon, which is subject to registration. On and after January 1, 1960, a registration fee of eight dollars ($8) shall be paid to the department for the registration of every station wagon which is subject to registration.

Certificate without registration

9254. A service fee of five dollars ($5) shall be paid to the department for a certificate of ownership issued without registration of the vehicle.

Transfer of registration

9255. (a) Upon application for the transfer of the title or any interest of an owner or legal owner in or to a vehicle registered under this code, or for which a certificate of ownership has been issued without registration under Section 4452, other than upon a transfer to a chattel mortgagee and other than upon a transfer to a transferee not required under this code to obtain the issuance to him of a new certificate of ownership and registration card, there shall be paid the following fees:

(1) For a transfer by the owner _____ $2
(2) For a transfer by the legal owner _____ 2
(3) When application is presented showing a transfer by both the owner and legal owner _____ Total fee 2

Filing chattel mortgage

9256. Upon filing with the department an application for transfer of registration to the chattel mortgagee as provided herein there shall be paid to the department a fee of two dollars ($2) for each vehicle registered under this code described in and subject to the chattel mortgage.

Installation of engine or motor

9257. Every notice of the installation in a vehicle of a motor vehicle engine or motor required to be filed under Section 4161 shall be accompanied by a filing fee of two dollars ($2).

One-trip permit

9258. A fee of five dollars ($5) shall be paid to the department for each one-trip permit issued pursuant to Section 4003.

Fleet vehicle device

9259. A fee of two dollars ($2) shall be paid for each sticker or device issued under Section 8174.

Foreign commercial vehicle permit

9260. (a) The fee for a permit issued under Section 4004 is one-tenth of the appropriate fees in Division 3 of this code and Part 5 of Division 2 of the Revenue and Taxation Code, commencing at Section 10701, applicable thereto for each 30-day period or fraction thereof that the vehicle is to be so operated in this State.

Service fee

9261. A service fee of five dollars ($5) shall be paid for an identification plate for special highway construction or mobile equipment or implements of husbandry. Publicly owned special highway construction equipment and publicly owned special mobile equipment are exempt from the service charge.

Fees

9262. The following fees shall be paid to the department for special plates issued to manufacturers, transporters and dealers:

(1) (a) For the first set of special plates where in the discretion of the department an investigation is necessary _____ $58
(b) For the first set of special plates where no investigation is necessary or upon annual renewal _____ 8
(2) For each additional set of special plates _____ 8

9263. Any person acquiring a vehicle subject to registration under this code, for the purpose of wrecking or dismantling the same, who fails to forward to the department the documents required by Section 11505, within ninety (90) days after taking possession of the vehicle, and before dismantling and wrecking the vehicle, shall pay in addition to any other penalties an investigation service fee in the amount of five dollars ($5). Wrecking

9264. The fees for a license or certificate and special plates issued to automobile wreckers shall be: Wreckers' fees

(1)	For the certificate or license and the first set of special plates where in the discretion of the department an investigation is necessary	$55
(2)	For the first set of special plates where no investigation is necessary, or upon annual renewal	5
(3)	For each additional set of special plates	3

Should an automobile wrecker make application for registration or special plates as a dealer, then in that event he shall pay such additional fees as are set forth under Section 9262.

9265. Upon application for duplicates as permitted under this code, the following fees shall be paid: Duplicates

(a)	For a duplicate certificate of ownership or registration card or equipment identification receipts	$2
(b)	For any duplicate license plates, or substitute plates, or equipment identification plate for the same vehicle	2

Article 3. Weight Fees

9400. In addition to any other registration fee there shall be paid the following fees for the registration of commercial vehicles, except vehicles designed to transport property which are used exclusively to transport passengers without the owner thereof receiving compensation or profit for the transportation: Commercial vehicles

(a) For any electric vehicle designed, used, or maintained as described in this section, fees shall be paid for registration according to the following schedule:

	Unladen weight	Fee
(1)	Less than 6,000 lbs.	$48
(2)	6,000 lbs. or more but less than 10,000 lbs.	96
(3)	10,000 lbs. or more	128

(b) For any motor vehicle having not more than two axles and designed, used or maintained as described in this section,

other than an electric vehicle, fees shall be paid for registration according to the following schedule:

	Unladen weight	Fee
(1)	3,000 lbs. to and including 4,000 lbs.	$14
(2)	4,001 lbs. to and including 5,000 lbs.	27
(3)	5,001 lbs. to and including 6,000 lbs.	40
(4)	6,001 lbs. to and including 7,000 lbs.	54
(5)	7,001 lbs. to and including 8,000 lbs.	67
(6)	8,001 lbs. to and including 9,000 lbs.	80
(7)	9,001 lbs. to and including 10,000 lbs.	94
(8)	10,001 lbs. to and including 11,000 lbs.	107
(9)	11,001 lbs. to and including 12,000 lbs.	120
(10)	12,001 lbs. to and including 13,000 lbs.	134
(11)	13,001 lbs. to and including 14,000 lbs.	147
(12)	14,001 lbs. and over	160

(c) For any motor vehicle having three or more axles or for any trailer, semitrailer, pole or pipe dolly, or other dolly designed, used or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

	Unladen weight	Fee
(1)	2,000 lbs. to and including 3,000 lbs.	$11
(2)	3,001 lbs. to and including 4,000 lbs.	20
(3)	4,001 lbs. to and including 5,000 lbs.	40
(4)	5,001 lbs. to and including 6,000 lbs.	60
(5)	6,001 lbs. to and including 7,000 lbs.	80
(6)	7,001 lbs. to and including 8,000 lbs.	100
(7)	8,001 lbs. to and including 9,000 lbs.	120
(8)	9,001 lbs. to and including 10,000 lbs.	140
(9)	10,001 lbs. to and including 11,000 lbs.	160
(10)	11,001 lbs. to and including 12,000 lbs.	180
(11)	12,001 lbs. to and including 13,000 lbs.	200
(12)	13,001 lbs. to and including 14,000 lbs.	220
(13)	14,001 lbs. to and including 15,000 lbs.	240
(14)	15,001 lbs. and over	267

This section shall apply to the registration of every vehicle of a type subject to its provisions until December 31, 1959, and not thereafter.

Same

9401. In addition to any other registration fee, there shall be paid the following fees for the registration of commercial vehicles:

(a) For electric vehicles fees shall be paid for registration according to the following schedule:

	Unladen weight	Fee
(1)	Less than 6,000 lbs.	$44
(2)	6,000 lbs. or more, but less than 10,000 lbs.	88
(3)	10,000 lbs. or more	116

(b) For motor vehicles having not more than two axles, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

	Unladen weight	Fee
(1)	3,000 lbs. to and including 4,000 lbs.	$12
(2)	4,001 lbs. to and including 5,000 lbs.	24
(3)	5,001 lbs. to and including 6,000 lbs.	37
(4)	6,001 lbs. to and including 7,000 lbs.	49
(5)	7,001 lbs. to and including 8,000 lbs.	61
(6)	8,001 lbs. to and including 9,000 lbs.	73
(7)	9,001 lbs. to and including 10,000 lbs.	85
(8)	10,001 lbs. to and including 11,000 lbs.	98
(9)	11,001 lbs. to and including 12,000 lbs.	110
(10)	12,001 lbs. to and including 13,000 lbs.	122
(11)	13,001 lbs. to and including 14,000 lbs.	134
(12)	14,001 lbs. and over	146

(c) For motor vehicles having three or more axles or for any trailer, semitrailer, pole or pipe dolly, or other dolly, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

	Unladen weight	Fee
(1)	2,000 lbs. to and including 3,000 lbs.	$10
(2)	3,001 lbs. to and including 4,000 lbs.	18
(3)	4,001 lbs. to and including 5,000 lbs.	37
(4)	5,001 lbs. to and including 6,000 lbs.	55
(5)	6,001 lbs. to and including 7,000 lbs.	73
(6)	7,001 lbs. to and including 8,000 lbs.	92
(7)	8,001 lbs. to and including 9,000 lbs.	110
(8)	9,001 lbs. to and including 10,000 lbs.	128
(9)	10,001 lbs. to and including 11,000 lbs.	146
(10)	11,001 lbs. to and including 12,000 lbs.	165
(11)	12,001 lbs. to and including 13,000 lbs.	183
(12)	13,001 lbs. to and including 14,000 lbs.	201
(13)	14,001 lbs. to and including 15,000 lbs.	220
(14)	15,001 lbs. and over	244

(d) This section shall apply to the registration of every vehicle of a type subject to its provisions on and after January 1, 1960.

(e) With respect to fees paid under this section the references in Sections 9654 and 9655 of the Revenue and Taxation Code to Section 9400 of this code shall be deemed to refer to this section. On and after January 1, 1960, references in any provisions of this code or any other provisions of law to Section 9400 of this code shall be deemed to refer to this section.

Quarterly registration fee

9402. An additional fee of two dollars ($2) shall be charged each quarter whenever a person pays the fee under Section 9400 on the quarterly basis.

Carryalls

9403. Carryalls are exempt from the payment of the fees prescribed in Section 9400 when they are used solely for agri-

cultural purposes and their use on the highway is limited to traveling from one place of agricultural work to another, unladen.

Station wagons

9404. Station wagons, except those used in the transportation of passengers for hire, are exempted from the payment of weight fees provided for in Sections 9400 and 9401.

Any provision in this code notwithstanding, the owner of any station wagon may pay the appropriate weight fees, and the department shall issue license plates of the same type as are issued to vehicles which are required to pay weight fees.

Water-well boring rigs

9405. Agricultural water-well boring rigs are exempt from the fees provided in Section 9400.

Alterations or additions to vehicles

9406. Alterations or additions to registered vehicles for which fees have been paid under Section 9400 placing the vehicles in weight fee classifications under Section 9400 greater than the weight fees previously paid shall be reported to the department and at the same time the difference between the weight fee previously paid, reduced as provided in Section 9407, and the greater weight fee, reduced as provided in Section 9407, shall be paid to the department upon the operation of the vehicles in the greater weight fee classification under Section 9400.

Reduced fees

9407. Upon registration issued after the end of January of any year the fee required under Section 9400 shall be reduced by one-twelfth for each month which shall have elapsed since the beginning of such year, if the vehicle has not been operated on any highway during the elapsed time without payment of the required fee.

Credit for fees paid

9408. (a) Whenever any registered commercial vehicle for which fees have been paid under Section 9400 is withdrawn from service in this State before the expiration of the registration, the owner may surrender the registration card and license plates previously issued for the vehicle to the department and, within 90 days of the time of withdrawal, make application for the registration of another commercial vehicle which is subject to the fees specified in Section 9400.

(b) In such event and upon a proper showing of the facts, the department upon determining the fees payable under this division shall allow as credit thereon the unexpired portion, as of the month of the application, of the fee paid under Section 9400 for the previous registration, but, in addition to fees otherwise payable under this division less any such credit, shall charge and collect an additional fee of two dollars ($2) for issuance of such new registration.

Article 4. Payment of Fees

Registration fees

9550. All registration fees and all fees required of a manufacturer, transporter, or dealer for any special plates shall be paid at the time application is made to the department for the registration or plates.

9551. All fees required to be paid by an automobile wrecker, in accordance with this code, for any certificate or license, or special set of plates, shall be paid at the time application is made to the department therefor. Automobile wreckers

9552. (a) Whenever any vehicle is operated upon any highway of this State without the registration fee having first been paid as required by this code, such fee is delinquent. Delinquent fee

(b) Whenever any person has received as transferee a properly endorsed certificate of ownership and the registration card of the vehicle described in the certificate and card and the transfer fee has not been paid as required by this code within 10 days, the fee is delinquent.

(c) Whenever any person becomes an automobile wrecker without first having paid the license or certificate and special plate fees as required by this code, the fees are delinquent.

9553. (a) A penalty shall be added upon any application for annual renewal of registration made on or after February 5th except as provided in Section 4604. Penalties for delinquency

(b) A penalty shall be added upon any application for renewal of any special plate or plates made on or after December 1st.

(c) Except as otherwise provided in this section, if any fee is not paid within 30 days after the same becomes delinquent a penalty shall be added thereto.

9554. In every event the penalty shall be equal to the fee after the same has been computed as provided in Sections 9405 and 9559 and shall be collected therewith, except that the penalty for delinquency in respect to any transfer shall be two dollars ($2), and shall apply only to the last transfer. Amount of penalty

9555. Whenever any trailer coach is in this State without the registration fee having first been paid as required by this code, the fee is delinquent. Delinquent trailer coach fees

9556. Whenever any person or organization authorized by the department under Section 4610 receives an application for annual renewal of registration accompanied by the proper fee and endorses a receipt or validates a registration card or potential registration card in respect to the application for renewal of registration prior to midnight of February 4th in any year, the application and payment of fees shall not be deemed delinquent or subject to penalty except that the person or organization so receiving the application and fees shall transmit the application and fees to the department as promptly as practicable in the immediate course of business. Delinquent renewal of registration

9557. (a) No penalty shall be imposed for delinquent payment of any fee required to be paid under this code in the event any instrument for effective payment of such fee is placed in the United States mail or in any postal box maintained by the United States Post Office Department with sufficient identification in an envelope with postage thereon prepaid and addressed to the Department of Motor Vehicles at Sacramento, or to one of the regularly established branch offices of the department or to any person or organization Transmittal of fees by mail

authorized by the department under Section 4610, prior to the date or time said fee becomes delinquent.

(b) Any person so mailing an instrument for payment of any fee may file with the department an affidavit showing compliance with the provisions of this section. The affidavit shall be accepted by the department as prima facie evidence of such mailing.

Fees paid by check

9558. If a check in payment of a fee or penalty is not paid by the bank on which it is drawn on its first presentation, the person tendering the check remains liable for the payment of the fee, or fee and penalty, as if he had not tendered the check. The department in its discretion may redeposit a check in payment of the fee, or the fee and penalty, the second time without assessing additional penalties.

Computation

9559. In computing any registration or weight fee or penalty imposed by this code, whether on a proration or otherwise, a fraction of a dollar is disregarded, unless it exceeds fifty cents ($0.50), in which case it is treated as one full dollar ($1). Computation of any penalty shall be made from the fee after the same has been computed as provided in this section.

Any fee or penalty in an amount of fifty cents ($0.50) or less shall be deemed to be one dollar ($1).

CHAPTER 5. QUARTERLY PAYMENT OF WEIGHT FEES

Quarterly basis

9700. With respect to vehicles subject to additional registration fees under Section 9400, such fees may be paid for a three-month period for one-fourth the regular fee, at the beginning of any calendar quarter.

Adjustment for non-operated vehicles

9701. Upon a quarterly registration issued after the end of the first month of any quarter, the quarterly fee shall be reduced by one-third for each full calendar month which has elapsed since the beginning of the quarter, if the vehicle has not been operated on any highway during the elapsed time without payment of the required fee.

Expiration and renewal

9702. Every quarterly vehicle registration and every certificate or insignia issued under this section shall expire at midnight on the last day of the quarter for which issued and shall be renewed quarterly. The department may upon payment of the proper fees renew the registration of the vehicles for the next succeeding quarter or for the remainder of the calendar year.

Application for renewal

9703. Application for renewal of a vehicle registration expiring on the date above mentioned shall be made by the owner within the first five days of the next succeeding quarter and shall be made by presentation of the certificate or insignia last issued for the vehicle or by presentation of a potential certificate or insignia issued by the department for use at the time of renewal and by payment of the full quarterly fee for the vehicle, as provided in this section, or, if renewal is for the

remainder of the calendar year, by payment of the annual fee provided by Section 9400, as reduced pursuant to Section 9406.

Penalty

9704. A penalty shall be added and collected upon any application for quarterly renewal of registration made on or after the sixth day of any quarter if the vehicle has been operated upon the highways during any of the first five days of such quarter. The penalty shall be equal to the quarterly registration fee due under this section.

Application for non-operated vehicle

9705. When the quarterly registration of any vehicle expires and the vehicle is not thereafter operated upon the highways, any application for quarterly renewal of registration made subsequent to the fifth day of the quarter following the expiration of the registration and for succeeding quarters in which the vehicle has not been registered shall be accompanied by a certificate of nonoperation. The application and certificate shall be received by the department upon payment of the proper fees for the current quarter. No penalty shall be collected for any such fees imposed by this code if the department receives the application and certificate of nonoperation within five days after the date the vehicle is first operated during the current quarter.

Temporary use of prior registration evidences

9706. When application for renewal of registration of a vehicle has been made as required in Sections 9703 and 9705, the vehicle may be operated on the highways until the new certificate or insignia of current registration has been received from the department, upon condition that there be displayed on the vehicle, in addition to the license plates or validating devices issued to the vehicle for the previous year, the certificate or insignia issued to the vehicle for the previous quarter.

CHAPTER 6. ENFORCEMENT OF LIENS

Lien for fee and penalty

9800. Every registration or transfer fee and any penalty added thereto, from the date the same become due, constitute a lien upon the vehicle for which due.

Seizure of vehicle

9801. Except as otherwise provided, the department shall collect the fee and any penalty by seizure of the vehicle from the person or persons in possession thereof, if any, and by the sale of such vehicle. The Department of the California Highway Patrol shall assist with the seizure and impounding of such vehicle.

Notice of sale

9802. Notice of the sale shall be given by the department to the legal owner, if there is both a legal and a registered owner, of the vehicle at least 10 days prior to the date of the sale by registered mail addressed to such owner at his last known address appearing on the records of the department.

Right of redemption

9803. At any time before the sale any legal owner so notified may pay the department the full amount of the delinquent fee and penalty, plus any costs incurred by the department in arranging for the sale, in which event the sale shall not be held and the vehicle seized shall be returned by the department to the person entitled to its possession.

Sale

9804. The Registrar of Vehicles or his authorized representative shall conduct the sale in the same manner as provided by law for the seizure and sale of personal property by the assessor for the collection of taxes due on personal property.

Sale of low-valued vehicle

9805. When a vehicle that has been seized to satisfy a lien of the department for fees and penalties is appraised at a value not exceeding twenty-five dollars ($25), the department may bid for the vehicle through the officer or employee conducting the sale, an amount not to exceed the amount of the lien held by the department.

Acquisition by department

9806. In all cases where there are no bids offered for the vehicle, or if the highest bid offered does not exceed ten dollars ($10), the vehicle shall become the property of the department as compensation for cost to the department in conducting the sale.

Procedure where sale impractical

9807. When the department determines that the cost of collection of any fee, penalty, or both, by seizure and sale as provided will exceed the proceeds to be realized therefrom the department need not pursue this method of collection. The provisions of this subdivision shall be limited to vehicles of a value of fifty dollars ($50) or less as appraised by an officer or employee of the Department of Motor Vehicles or the Department of the California Highway Patrol. The department shall indicate its intention to refrain from collection of fees or penalties by seizure and sale as provided herein by affixing an appropriate notice to each vehicle concerned.

Disposition

9808. If the vehicle is acquired by the department, it shall not be registered by the department at any time thereafter, but shall be reduced to junk and sold. The proceeds, if any, of the sale shall be deposited in the Motor Vehicle Fund.

Statute of limitation

9809. Every lien and every cause of action for any delinquent fee or penalty under this code shall expire at the expiration of three years from the date the fee became due.

DIVISION 4. SPECIAL ANTITHEFT LAWS

CHAPTER 1. REPORTS OF STOLEN VEHICLES

Police reports

10500. Every peace officer upon receiving a report based on reliable information that any vehicle registered under this code has been stolen or that license plates for any vehicle have been lost or stolen shall, not later than 48 hours after receiving such information, report the theft or loss to the Department of the California Highway Patrol unless prior thereto information has been received of the recovery of the vehicle or plates. The officer upon receiving information of the recovery of any vehicle or plates, which he has previously reported as stolen or lost, shall immediately report the fact of the recovery to said department.

False report of theft

10501. It is unlawful for any person to make or file a false or fraudulent report of theft of a vehicle required to be regis-

tered under this code with any law enforcement agency with intent to deceive.

Reports by owner

10502. The owner or legal owner of a vehicle registered under this code which has been stolen or embezzled may notify the Department of the California Highway Patrol of the theft or embezzlement but in the event of an embezzlement may make the report only after having procured the issuance of a warrant for the arrest of the person charged with such embezzlement.

Every owner or legal owner who has given any such notice shall notify the Department of the California Highway Patrol of a recovery of the vehicle.

Notice to department

10503. The Department of the California Highway Patrol upon receiving notice under this chapter that a vehicle has been stolen or embezzled, or that a vehicle reported stolen or embezzled has been recovered, shall notify the Department of Motor Vehicles of the reported theft, embezzlement or recovery.

Action by department

10504. The department upon receiving a report of a stolen or embezzled vehicle shall place an appropriate notice in the engine or vehicle identification and license number files, which notice shall remain in the files until such time as the department is notified by the Department of the California Highway Patrol that the vehicle has been recovered.

A report of a stolen or embezzled vehicle is effective for a period of not less than one year from the date first reported or longer as the department may determine.

Notification of transfer

10505. Upon the transfer of registration of a vehicle reported as stolen or embezzled, the department shall immediately notify the reporting agency of such fact.

Chapter 2. Reports of Stored Vehicles

Records of garage and trailer park keepers

10650. (a) Every keeper of a garage or trailer park shall keep a written record of every vehicle of a type subject to registration under this code stored therein for compensation for a period longer than 12 hours.

(b) The record shall contain the name and address of the person storing the same and a brief description of the vehicle including the name or make, the motor or other number of the vehicle, and the license number shown by the license plates or registration card, if either of the latter is attached to the vehicle in a clearly discernible place.

(c) All records shall be open to inspection by any peace officer.

Notification of legal owner by garage

10651. When a vehicle has been in the care of a garage, repair shop, or trailer park, for storage, safekeeping, or parking for 60 days and the charge for the care, storage, safekeeping, or parking has not been received by the garage, repair shop, or trailer park, and the owner of the vehicle is not the legal owner thereof, the garage, repair shop, or trailer park shall notify the legal owner in writing either by personal serv-

ice or by registered letter addressed to the legal owner named in the registration certificate.

Report of vehicles

10652. Whenever any vehicle of a type subject to registration under this code has been stored in a garage or parked in a trailer park or public parking area maintained by a bridge and highway district for 30 days and the ownership of the vehicle is unknown to the keeper thereof, he shall report the presence of the vehicle to the sheriff's office of the county or the police department of the city wherein the garage, trailer park, or parking area is located. At the same time, whether the name of the registered owner is known or not, the keeper shall report such fact to the Department of California Highway Patrol by receipted mail, which shall at once notify the legal owner as of record.

Report of vehicles showing bullet marks

10653. Whenever any vehicle of a type subject to registration under this code which shows evidence of having been struck by a bullet is stored in a garage or repair shop, the keeper thereof shall within 24 hours after receiving the vehicle report such fact to the sheriff's office of the county or police department of the city wherein the garage or repair shop is located, giving the motor or other number of the vehicle, the license number if ascertainable, and the name and address of the person storing the same or the name and address of the owner shown by the registration card, if the same is attached to the vehicle in a clearly discernible place.

Renting of private building

10654. Every person other than the keeper of a garage renting any private building used as a private garage or space therein for the storage of a vehicle of a type subject to registration under this code, when the agreement to rent includes only the building or space therein, shall within 24 hours after the vehicle is stored therein report such fact together with the name of the tenant, and a description of the vehicle, including the name or make, the motor or other number of the vehicle, and the license number to the sheriff's office of the county or the police department of the city wherein the building is located. "Private garage" as used in this section does not include a public warehouse or public garage.

Failure to keep records

10655. No person required to keep a record or make a report under this chapter shall wilfully fail, refuse, or neglect to comply with this chapter.

Inspection of vehicles

10656. The director, deputy director, registrar, deputy registrar, and investigators of the department may inspect any vehicle of a type required to be registered under this code in any garage, repair shop, parking lot, used car lot, automobile wreckers lot, or other similar establishment for the purpose of investigating the title and registration of vehicles and inspection of vehicles wrecked or dismantled.

CHAPTER 3. ALTERATION OR REMOVAL OF NUMBERS

Altering or changing

10750. (a) No person shall intentionally deface, destroy, or alter the motor number, other distinguishing number, or

identification mark of a vehicle required or employed for registration purposes without written authorization from the department, nor shall any person place or stamp any serial, motor, or other number or mark upon a vehicle, except one assigned thereto by the department.

(b) This section does not prohibit the restoration by an owner of an original motor, or other number or mark when the restoration is authorized by the department, nor prevent any manufacturer from placing in the ordinary course of business numbers or marks upon new motor vehicles or new parts thereof.

Manufacturers' numbers or weight ratings

10751. No person shall knowingly buy, receive, dispose of, sell, offer for sale, or have in his possession any motor vehicle, or motor removed from a motor vehicle, from which the manufacturer's serial or motor number or manufacturer's gross vehicle weight rating or other distinguishing number or identification mark or number placed thereon under assignment from the department has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity or manufacturer's gross vehicle weight rating of the motor vehicle or motor.

CHAPTER 4. THEFT AND INJURY OF VEHICLES

Application

10850. The provisions of this chapter apply to vehicles upon the highways and elsewhere throughout the State.

Theft and unlawful driving of a vehicle

10851. Any person who drives or takes a vehicle not his own, without the consent of the owner thereof, and with intent either permanently or temporarily to deprive the owner thereof of his title to or possession of the vehicle, whether with or without intent to steal the same, or any person who is a party or accessory to or an accomplice in the driving or unauthorized taking or stealing is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one year nor more than five years or in the county jail for not more than one year or by a fine of not more than five thousand dollars ($5,000) or by both such fine and imprisonment. The consent of the owner of a vehicle to its taking or driving shall not in any case be presumed or implied because of such owner's consent on a previous occasion to the taking or driving of the vehicle by the same or a different person.

Breaking or removing parts

10852. No person shall either individually or in association with one or more other persons, wilfully injure or tamper with any vehicle or the contents thereof or break or remove any part of a vehicle without the consent of the owner.

Malicious mischief

10853. No person shall with intent to commit any malicious mischief, injury, or other crime, climb into or upon a vehicle whether it is in motion or at rest, nor shall any person attempt to manipulate any of the levers, starting mechanism, brakes, or other mechanism or device of a vehicle while the

same is at rest and unattended, nor shall any person set in motion any vehicle while the same is at rest and unattended.

Unlawful use by bailee

10854. Every person having the storage, care, safe-keeping, custody, or possession of any vehicle of a type subject to registration under this code who, without the consent of the owner, takes, hires, runs, drives, or uses the vehicle or who takes or removes any part thereof is guilty of a misdemeanor and upon conviction shall be punished by a fine of not exceeding one thousand dollars ($1,000) or by imprisonment in the county jail for not exceeding one year or by both.

Leased and rented vehicles

10855. Whenever any person who has leased or rented a vehicle wilfully and intentionally fails to return the vehicle to its owner within five days after the lease or rental agreement has expired, that person shall be presumed to have embezzled the vehicle.

DIVISION 5. OCCUPATIONAL LICENSING AND BUSINESS REGULATIONS

CHAPTER 1. DRIVING SCHOOLS AND DRIVING INSTRUCTORS

License required

11100. No person shall operate a driver training school or engage in the business of giving instruction for hire in the driving of motor vehicles or in the preparation of an applicant for examination given by the department for a driver's license, unless a license therefor has been secured from the department.

Schools and persons exempt

11101. The provisions of this chapter shall not apply in any event to public schools or to educational institutions in which driving instruction is part of the curriculum, to automobile dealers or their salesmen giving instruction without charge to purchasers of motor vehicles, or to employers giving instruction to their employees.

Requirements for driving school operators

11102. (a) Every person, in order to qualify to operate a driving school shall meet the following requirements:

(1) Be of good moral character.

(2) Maintain an established place of business open to the public. No office or place of business shall be established within 200 feet of any building used by the department as an office after September 8, 1953.

(3) Have the equipment necessary to the giving of proper instruction in the operation of motor vehicles.

(4) Pay to the department an examination fee of two hundred dollars ($200) which shall entitle the applicant to three examinations within a period of one year, and a license fee of fifty dollars ($50).

(b) If the application for a license is for the purpose of operating a school in which the person making application will be the sole instructor, the applicant shall have worked for an established licensed driver training school for a period of not less than one year, except that this subdivision does not apply to any person who holds a general secondary credential

or a special secondary credential in public safety, including driver education and driver training.

11103. A driving school operator shall maintain bodily injury and property damage liability insurance on motor vehicles while being used in driving instruction, insuring the liability of the driving school, the driving instructor and any person taking instruction in at least the following amounts: twenty thousand dollars ($20,000) for bodily injury to or death of one person in any one accident and, subject to the limit for one person, forty thousand dollars ($40,000) for bodily injury to or death of two or more persons in any one accident, and the amount of ten thousand dollars ($10,000) for damage to property of others in any one accident. Insurance requirements

Evidence of such insurance coverage in the form of a certificate from the insurance carrier shall be filed with the department and the certificate shall stipulate that the insurance shall not be canceled except upon 10 days prior written notice to the department

11104. Every person in order to qualify as an instructor for a driving school shall meet the following requirements: Requirements of instructors

(a) Be of good moral character.

(b) Pass such examination as the department shall require on traffic laws, safe driving practices, operation of motor vehicles, and qualifications of teacher.

(c) Be physically able to safely operate a motor vehicle and to train others in the operation of motor vehicles.

(d) Hold a valid California driver's license.

(e) Pay to the department an application fee of ten dollars ($10).

11105. (a) The department shall issue a license certificate to each applicant to conduct a driver school or to each driving instructor when it is satisfied that he has met the qualifications required under this chapter. The license shall be for a period of four years unless canceled, suspended, or revoked by the department. The license may be renewed subject to the same conditions as the original license. Issuance of licenses

11106. Pending the satisfaction of the department that the applicant has met the requirements under this chapter, it may issue to any person applying for an instructor's or driving school license a temporary permit. The temporary permit shall permit the operation of a driving school or the giving of instructions for a period not to exceed 60 days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant to the license. Such temporary permit may not be renewed or extended and shall be invalid when the applicant's license has been issued or refused. Temporary permit

11107. (a) The Department of Motor Vehicles may refuse to issue a license certificate to any applicant to conduct a driver school or to any driving instructor when it is satisfied that: Refusal to issue license

(1) The applicant has not met the qualifications required under this chapter.

(2) The applicant was previously the holder of a license under this chapter, which was revoked or suspended, which license in the case of revocation was never reissued by the department, or which in the case of suspension was never reinstated.

(3) The applicant has been convicted in a court of record or has done any act or series of acts or is guilty of conduct which would be a cause for suspension or revocation under Section 11110.

(4) One or more of the partners, if the applicant be a partnership, or one or more of the directors, employees, or officers of the corporation, if a corporation be the applicant, was previously the holder of a license issued under this chapter, which was revoked or suspended, which license in the case of revocation was never reissued or in the case of suspension was never reinstated, or that one or more of such partners, directors, employees, or officers, as the case may be, though not previously the holder of a license, was convicted or has done any act or series of acts or been guilty of conduct which would be a cause for revocation or suspension under Section 3108; or has been convicted of a felony.

(5) By reason of the facts and circumstances touching the organization, control and management of the partnership or corporation business it is likely that the policy of the business will be directed, controlled or managed by an individual who by reason of the conviction, act, series of acts or conduct described in subparagraphs (3) and (4) above, would be ineligible for a license and that by licensing the corporation or partnership the purposes of this division would likely be defeated.

(b) Upon refusal of the department to issue a license, the applicant shall be entitled to demand in writing a hearing before the director or his representative within 60 days after notice of refusal.

The hearing shall be conducted pursuant to Chapter 5, Part 1, Division 3, Title 2 of the Government Code.

Records of licensee

11108. Every licensee under this division shall keep a record showing the name and address of each person given instruction and the instruction permit number of such person or license number of every person given instruction in the driving of a motor vehicle, and shall show the particular type of instruction given and how much time was devoted to each type of instruction. The records shall be open to the inspection of the department at all reasonable times, but shall be for the confidential use of the department.

Vehicles of licensee

11109. Every licensee under this chapter shall maintain all vehicles used in driver training in safe mechanical condition at all times.

11110. The department may cancel, suspend, or revoke, or refuse to renew any license under the provisions of this chapter: Cancellation, etc.

(a) Whenever the department is satisfied that the licensee fails to meet the requirements to receive or hold a license under this chapter.

(b) Whenever the licensee fails to keep the records required by this chapter.

(c) Whenever the licensee permits fraud or engages in fraudulent practices either with reference to the applicant or the department, or induces or countenances fraud or fraudulent practices on the part of any applicant for a driver's license.

(d) Whenever the holder fails to comply with any provisions of this chapter or any of the regulations or requirements of the department made pursuant thereto.

(e) Whenever the licensee represents himself as an agent or employee of the department or uses advertising designed or which would reasonably have the effect of leading persons to believe that such licensee was in fact an employee or representative of the department.

(f) Whenever the licensee or any employee or agent of such licensee solicits driver training or instruction in an office of the department or within 200 feet of any such office.

(g) Whenever the licensee is convicted of driving an automobile while under the influence of intoxicating liquor or of violating Sections 20001, 20002, 20003, 20004, 20005, 20006, 23104, 23105, or 23106 of this code or Sections 192 or 193 of the Penal Code.

(h) Whenever the licensee has been convicted of any crime, does any act or series of acts, or is guilty of conduct, which conviction, action or conduct manifests a disability or unfitness to perform properly the licensee's occupational duties or lack of good moral character even though unrelated to proper performance of such occupational duties, and whenever disability or unfitness to perform properly the occupational duties of the licensee is the basis of suspension or revocation, the referee, hearing officer or board makes a specific finding as to the manner in which the conviction, action or conduct manifests such disability or unfitness, which finding is to be incorporated in the order suspending or revoking the license.

11111. (a) Every licensee under this chapter is entitled to notice and hearing prior to cancellation, suspension or revocation of the license of the licensee by the department except that the department shall forthwith suspend such license without a hearing for failure of the licensee to meet and maintain the requirements of Section 11102(a)3 or 11104(d). Hearings

(b) The notice and hearings provided for in this division shall be pursuant to and governed by the provisions of Chapter 5, Part 1, Division 3, Title 2 of the Government Code.

(c) Any action of the department in suspending, canceling, or revoking, or failing to renew a license may be reviewed by any court of competent jurisdiction.

CHAPTER 2. LAMP AND BRAKE TESTING STATIONS

Official testing stations

11300. The Department of the California Highway Patrol may designate, furnish instructions to, and supervise official stations for adjusting lamps or brakes upon vehicles to conform with the provisions of this code. The department may prescribe the qualifications of any station as a condition to designating the station as an official station and further may suspend or revoke such designation upon determining that the business of the station is improperly conducted.

Issuance of certificate

11301. Whenever a station upon an inspection or after an adjustment, made in conformity with the instructions of the department, determines that the lamps or the brakes upon any vehicle conform with the requirements of this code, it shall issue to the owner or driver of the vehicle a certificate of adjustment on a form prescribed by the Department of the California Highway Patrol which certificate shall contain the date of issuance, the make and registration number of the vehicle, the name of the owner of the vehicle, and the official designation of the station.

CHAPTER 3. WRECKERS

Application for license

11500. Before an automobile wrecker may dismantle or wreck vehicles subject to registration under this code, he shall make application to the department upon an appropriate form for, and shall have received, a license containing a general distinguishing number and one or more pair of special plates. The applicant shall submit proof of his status as a bona fide automobile wrecker as may reasonably be required by the department.

Issuance of license

11501. The department shall approve or reject the application and, if approved, shall issue to the applicant a license containing the applicant's name and address, the name under which the business is to be conducted, and its address, and the general distinguishing number assigned to the applicant.

Issuance of plates

11502. The department shall issue special plates as applied for, which shall have displayed thereon the general distinguishing number assigned to the applicant.

Renewal of plates

11503. Special plates issued under this division shall expire at midnight on the thirty-first day of December of each year and new plates for the ensuing year may be obtained by the person to whom the expired plates were issued, upon application to the department and payment of the fee provided in this code.

The application shall be made by the person to whom the special plates were issued between November 1st and midnight of November 30th preceding such expiration date and shall be

made by presenting the application form provided by the department and by payment of the full annual renewal fee for the plates.

Operation of vehicles under special plates

11504. An automobile wrecker owning or controlling any vehicle of a type required to be registered or transferred under this code, may operate or move the same upon the highways without subjecting the vehicle to registration or transfer, or both, solely for the purpose of moving the same from its then location to the established place of business of the automobile wrecker, if there is displayed on the vehicle, in the manner prescribed in Sections 5200 and 5201, special plates issued to the automobile wrecker as provided in this division.

Return evidences of registration

11505. Any person desiring to dismantle or wreck any vehicle subject to registration under this code shall forward to the department the certificate of ownership, registration card, and the license plate or plates last issued therefor before beginning to dismantle or wreck the vehicle. The department may issue without charge to the person a certificate of dismantling, containing a brief description of the vehicle, including insofar as data may exist with respect to the vehicle, the make, type, serial number and motor number, or any other number of the vehicle.

Report of vehicles sold as salvage

11506. (a) Whenever a vehicle subject to registration is sold as salvage as a result of a total loss insurance settlement, the insurance company or its authorized agent shall within 10 days from settlement of the loss with its insured, forward the endorsed ownership certificate or other evidence of title to the department at its headquarters office.

(b) Upon sale of the salvage vehicle the insurance company shall issue a bill of sale to the purchaser on a form to be prescribed and supplied by the department. The department shall accept such bill of sale in lieu of the ownership certificate or other evidence of title for purposes mentioned in Division 3 of this code when accompanied by an appropriate application or other documents and fees as therein required.

(c) When the salvage vehicle is rebuilt and to be restored to operation, the vehicle shall not be licensed for operation or the ownership thereof transferred until there is submitted to the department with the prescribed bill of sale an appropriate application, other documents and fees required, and a certificate of inspection signed by an employee of the department attesting to its mechanical fitness and safety.

(d) When a total loss insurance settlement between the insurance company and its insured results in the retention of the salvage vehicle by the insured, the insurance company or its authorized agent shall within 10 days from the date of settlement notify the department of such retention by its insured upon a form to be prescribed and supplied by the department.

Duplicate certificates, etc.

11507. In the event the applicant for a certificate of dismantling is unable to furnish the certificate of ownership, registration card, or license plates last issued for the vehicle, the

department may receive the application, examine into the circumstances of the case and may require the filing of suitable affidavits or other information or documents. When satisfied that applicant is entitled to a certificate of dismantling, the department may issue the certificate.

No duplicate certificate of ownership, duplicate registration card, or license plates will be issued when a certificate of dismantling is applied for, and no fees shall be required for the aforesaid affidavit or any stolen, lost, or damaged certificate, card, or plates, or duplicates thereof, unless the vehicle is subsequently registered.

Transfer of vehicle

11508. When any person acquires a vehicle as transferee for the purpose of dismantling or wrecking the same, the title to the vehicle shall be transferred to the person without payment of any transfer fee or prior unpaid transfer fee upon application for the issuance of a certificate of dismantling.

Application for transfer not required

11509. When the transferee of a vehicle is an automobile wrecker who holds the same for wrecking or dismantling purposes and is licensed by the department as an automobile wrecker, the automobile wrecker is not required to make application for transfer of the vehicle, but upon transferring his title or interest to another person, he shall indorse his signature upon the certificate of ownership, deliver the certificate and registration card to the other person, and give notice of the transfer to the department upon the appropriate form provided by it.

Registration

11510. No vehicle for which a certificate of dismantling has been issued may subsequently be registered until it has been inspected by the department and found to be in a safe mechanical condition and equipped with safety glass.

Suspending or refusal to renew license or special plates

11511. (a) The department after notice and hearing may suspend, revoke or refuse to renew a license, or the special plates issued to an automobile wrecker, upon determining that the automobile wrecker is not lawfully entitled thereto or has made, or knowingly or negligently permitted, any illegal use of such plates or license, or has committed fraud in the registration of vehicles, or failed to give notices of transfers when and as required of him by this code, or fails to surrender to the department certificates of ownership, registration cards or license plates last issued for vehicles before beginning to dismantle or wreck the vehicles.

(b) The department may pending a hearing, temporarily suspend or refuse to renew the license or special plates issued to an automobile wrecker for a period not to exceed 30 days, if the director finds that such action is required in the public interest. In any such case a hearing shall be held and a decision thereon issued within 30 days after notice of the temporary suspension.

(c) Every hearing as provided for in this section shall be pursuant to the provisions of Chapter 5, Part 1, Division 3, Title 2 of the Government Code, commencing at Section 11500.

11512. (a) Upon refusal of the department to issue a license, special plates, or certificate of dismantling to an automobile wrecker the applicant shall be entitled to demand in writing a hearing before the director or his representative within 60 days after notice of refusal. Refusal to issue

(b) The hearing shall be conducted pursuant to Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, commencing at Section 11500.

11513. Any person desiring to dismantle or wreck any vehicle shall maintain a record of all vehicles dismantled or wrecked, which shall contain the name and address of the person from whom the vehicle was purchased or acquired and the date thereof, the registration number last assigned to the vehicle and a brief description of the vehicle, including insofar as the data may exist with respect to a given vehicle, the make, type, serial number and motor number, or any other number of the vehicle. The record shall be open to inspection during business hours by any peace officer or investigator of the department. Records of wreckers

11514. It shall be prima facie evidence that a vehicle in a dismantled condition has been dismantled by the person having possession thereof. Presumption of dismantling

11515. The provisions of this division do not apply to work or service vehicles owned by an automobile wrecker. Service vehicles

CHAPTER 4. MANUFACTURERS, TRANSPORTERS, DEALERS, AND SALESMEN

Article 1. Issuance of Licenses and Certificates to Manufacturers, Transporters, and Dealers

11700. No person shall act as a dealer without having first procured from the department a license and certificate as required in Section 11701. License required

11701. Every manufacturer of, transporter of, or dealer in vehicles of a type subject to registration shall make application to the department for a license and certificate containing a general distinguishing number. The applicant shall submit proof of his status as a bona fide manufacturer, transporter, or dealer as may reasonably be required by the department. Application

11702. The department may issue, or for reasonable cause shown, refuse to issue a license and certificate to any applicant applying for a manufacturer's, transporter's, or dealer's license and certificate. Authority to refuse

11703. The department may refuse to issue a license and certificate to a manufacturer, transporter, or dealer, when it determines: Same

(a) The applicant was previously the holder of a license and certificate issued under this chapter, which license and certificate were revoked for cause and never reissued by the department, or which license and certificate were suspended for cause and the terms of suspension have not been fulfilled.

(b) That one or more of the partners, if the applicant be a partnership, or one or more of the stockholders or officers of the corporation, if a corporation be the applicant, was previously the holder of a license and certificate, issued under the authority of this chapter, which were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated, and,

(1) That by reason of the facts and circumstances touching the organization, control, and management of the partnership or corporation business the policy of such business will be directed, controlled, or managed by individuals who, by reason of their conviction of violations of the provisions of this code, would be ineligible for a license and that by licensing such corporation or partnership the purposes of this code would likely be defeated, or,

(2) The applicant, or one of the partners, if the applicant be a partnership, or one or more of the officers of the corporation, if a corporation be the applicant, or one or more of the stockholders if the policy of such business will be directed, controlled, or managed by such stockholder or stockholders, has ever been convicted of a felony or a crime involving moral turpitude.

Form of application

11704. The department shall prescribe and provide forms to be used for application for licenses to be issued under the terms and provisions of this part and require of such applicants, as a condition precedent to issuance of such license, such information touching on and concerning the applicant's character, honesty, integrity and reputation as it may consider necessary; provided, however, that every application for a dealer's license shall contain, in addition to such information as the department may require, a statement of the following facts:

(a) The name and residence address of the applicant and the trade name, if any, under which he intends to conduct his business; and if the applicant be a copartnership, the name and residence address of each member thereof, whether a limited or general partner, and the name under which the partnership business is to be conducted; and if the applicant be a corporation, the name of the corporation and the name and address of each of its principal officers and directors.

(b) A complete description, including the city, town or village with the street and number, if any, of the established place of business and such other and additional place or places of business as shall be operated and maintained by the applicant in conjunction with the established place of business.

(c) If the application be for a dealer's license, the name or names of the new motor vehicle or vehicles that the applicant has been enfranchised to sell or exchange and the name or names and address of the manufacturer or distributor who has enfranchised the applicant.

(d) Upon receipt of an application accompanied with the appropriate fee, the department shall within sixty (60) days,

make a thorough investigation of the information contained in the application.

Suspension, revocation, refusal of renewal

11705. The department after notice and hearing may suspend, revoke or refuse to renew the license and certificate issued to a dealer, transporter, or manufacturer upon determining that any said person is not lawfully entitled thereto, has made or knowingly or negligently permitted any illegal use of the special plates issued to said person, or has violated one or more of the terms and provisions of Division 3 (commencing at Section 4000) of this code, or has been convicted of a felony or a crime involving moral turpitude.

Every hearing as provided for in this section shall be pursuant to the provisions of Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Temporary suspension

11706. The department may, pending a hearing, temporarily suspend or refuse to renew the license and certificates or special plates issued to a manufacturer, transporter, or dealer, for a period not to exceed 30 days, if the director finds that such action is required in the public interest. In any such case a hearing shall be held and a decision thereon issued within 30 days after notice of the temporary suspension.

Every hearing as provided for in this section shall be pursuant to the provisions of Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Terms and conditions

11707. The department may, for just cause shown, revoke or suspend a license and certificate on such terms and conditions and for such period of time as shall appear fair and just to the director; provided, however, that no such license and certificate shall be revoked or suspended except that it shall first be shown that the licensee has been duly convicted by a hearing officer or court of competent jurisdiction of the violation of one or more of the terms and provisions of Division 3 (commencing at Section 4000) of this code.

Hearings

11708. (a) Upon refusal of the department to issue a license and certificate or special plates to a manufacturer, transporter, or dealer the applicant shall be entitled to demand in writing a hearing before the director or his representative within 60 days after notice of refusal.

(b) The hearing shall be conducted pursuant to the provisions of Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Signs or devices on established place of business

11709. A dealer's established place of business and such other sites or locations as may be operated and maintained by such dealers in conjunction with their established place of business shall have posted in a conspicuous place in each and every location the certificate and license issued by the department and shall have erected or posted thereon such signs or devices providing information relating to the dealer's name, the location and address of such dealer's established place of business to enable any person doing business with such dealer to

identify him properly. Every such sign erected or posted on an established place of business, shall have an area of not less than two square feet per side displayed, and shall contain lettering of sufficient size to enable the sign to be read from a distance of at least 50 feet

Bond, service of process

11710. (a) Before any dealer's license shall be issued or renewed by the department to any applicant therefor, the said applicant shall procure and file with the department a good and sufficient bond in the amount of five thousand dollars ($5,000) with corporate surety thereon, duly licensed to do business within the State of California approved as to form by the Attorney General, and conditioned that said applicant shall not practice any fraud, make any fraudulent representation which will cause a monetary loss to a purchaser, seller, financing agency, or governmental agency.

(b) Liability under such bond is to remain at five thousand dollars ($5,000). If the amount of liability under the bond is decreased or there is outstanding a final court judgment for which the dealer and bonding company is liable, the dealer's license shall be automatically suspended. In order to reinstate the license and certificate, the licensee shall either file an additional bond or restore the bond on file to the original amount, or shall terminate the outstanding judgment for which he and the bonding company are liable.

(c) From and after the effective date of this section, a dealer's license, or renewal of such license, shall not be issued to any applicant therefor, unless and until such applicant shall file with the department a good and sufficient instrument in writing in which he shall appoint the director as the true and lawful agent of said applicant upon whom all process may be served in any action, or actions, which may thereafter be commenced against said applicant, arising out of any claim for damages suffered by any firm, person, association or corporation, by reason of the violation of said applicant of any of the terms and provisions of this code or any condition of the dealer's bond. The applicant shall stipulate and agree in said appointment that any process directed to said applicant, when personal service of process upon him cannot be made in this State after due diligence, in such a case which is served upon the director, or in the event of his absence from his office, upon any employee in charge of the office of such director, shall be of the same legal force and effect as if served upon said applicant personally. Said applicant shall further stipulate and agree in writing that the agency created by said appointment shall continue for and during the period covered by any license that may be issued and so long thereafter as the applicant may be made to answer in damages for a violation of this code or any condition of his bond, as aforesaid. The instrument appointing the director as the agent for the applicant for service of process shall be acknowledged by the applicant before a notary public. In any case wherein the licensee be served with process by service thereof upon the

director three (3) copies of said process together with a fee in the amount of five dollars ($5) shall be left with said director. Not later than two (2) days after the service of said process upon him, the director shall mail one copy thereof to the licensee addressed to such licensee at his principal place of business, as the same appears of record in the office of the department, postpaid, by registered mail with request for return receipt. One copy shall be mailed to the surety on the applicant's bond at the address of the surety given in said bond, postpaid and registered with request for return receipt. The remaining copy shall be retained on file with the director; provided, however, that where the licensee is served with process by service thereof upon the director, the licensee shall have and be allowed thirty (30) days from and after the service thereof within which to answer any complaint or other pleading which may be filed in said cause; and provided further, that for purposes of venue, where the licensee is served with process by service thereof upon the director, the service shall be deemed to have been made upon the licensee in the county in which he has or last had his established place of business.

Fraud

11711. (a) If any person shall suffer any loss or damage by reason of any fraud practiced on him or fraudulent representation made to him by a licensed dealer or one of such dealer's salesmen acting for the dealer, in his behalf, or within the scope of the employment of such salesman; provided, such person has possession of a written instrument furnished by the licensee, containing stipulated provisions and guarantees which the person believes have been violated by the licensee, or shall suffer any loss or damage by reason of the violation by such dealer or salesman of any of the provisions of Division 3 of this code, such person shall have a right of action against such dealer, his said salesman, and the surety upon the dealer's bond, in an amount not to exceed the value of the vehicle purchased from or sold to the dealer.

(b) If the State or any political subdivision thereof shall suffer any loss or damage by reason of any fraud practiced on the State or fraudulent representation made to the State by a licensed dealer, or one of such dealer's representatives acting for the dealer, in his behalf, or within the scope of employment of such representatives, or shall suffer any loss or damage by reason of the violation of such dealer or representative of any of the provisions of Division 3 of this code, or Division 2, Part 5 of the Revenue and Taxation Code, the State or any political subdivision thereof, through the department, shall have a right of action against such dealer, his representative, and the surety upon the dealer's bond in an amount not to exceed the value of the vehicles involved.

Change of established place of business

11712. (a) The department shall not issue a dealer's license to any applicant therefor who has not an established place of business as is defined in this code. Should the dealer change the site or location of his established place of business, he shall immediately upon making such change so notify the

department. Should a dealer for any reason whatsoever, cease to be in possession of an established place of business from and on which he conducts the business for which he is licensed, he shall immediately notify the department and upon demand by the department shall deliver to the department such dealer's license and certificate, dealer's special plate or plates, and all report of sale books in his possession.

(b) Should the dealer change to, or add another franchise for the sale of new vehicles, or cancel or, for any cause whatever, otherwise lose a franchise for the sale of new vehicles, he shall immediately so notify the department.

Unlawful acts

11713. It shall be unlawful and a violation of this code for the holder of any license issued under this chapter:

(a) To intentionally publish or circulate any advertising which is misleading or inaccurate in any material particular or which misrepresents any of the products sold or furnished by a licensed dealer.

(b) To advertise or offer for sale or exchange in any manner, any vehicle not actually for sale at the premises of such dealer or available to said dealer from the manufacturer or distributor of such vehicle at the time of the advertisement or offer.

(c) To fail within 48 hours in writing to withdraw any advertisement of a vehicle that has been sold or withdrawn from sale.

(d) To advertise or represent a vehicle as a new vehicle if said vehicle falls within the purview of Section 666 of this code.

(e) To knowingly purchase, sell or otherwise acquire or dispose of a stolen motor vehicle.

(f) To engage in the business for which licensee is licensed without having in force and effect a good and sufficient bond with corporate surety as hereinbefore provided.

(g) For any licensed dealer to engage in the business for which such dealer is licensed without at all times maintaining an established place of business as required by this code.

(h) To include as an added cost to the selling price of a vehicle, an amount for licensing or transfer of title of the vehicle, which amount is not due to the State unless such amount has in fact been paid by the dealer prior to such sale.

Issuance of license and certificate

11714. (a) The department, upon granting a license and certificate, shall issue to the applicant a certificate and license containing the applicant's name and address and the general distinguishing number assigned to the applicant.

(b) The department shall also issue special plates as applied for which shall have displayed thereon the general distinguishing number assigned to the applicant. Each plate so issued shall also contain a number or symbol identifying the same from every other plate bearing a like general distinguishing number.

(c) The department shall also furnish books and forms as it may determine necessary. Said books and forms are and

shall remain the property of the department and may be taken up at any time for inspection.

Operation under special plates

11715. (a) A manufacturer or dealer owning any vehicle of a type otherwise required to be registered hereunder may operate or move the same upon the highways without registering each such vehicle upon condition that any such vehicle display thereon special plates issued to such owner as provided in this chapter, in addition to other license plates or permits already assigned and attached to the vehicle in the manner prescribed in Sections 5200 to 5203, inclusive. Such vehicles may also be moved or operated for the purpose of towing or transporting by any lawful method other vehicles when the towing or transporting vehicle is being delivered for sale only.

(b) A transporter may operate or move any owned or lawfully possessed vehicle of like type by any lawful method upon the highways solely for the purpose of delivery upon condition that there be displayed upon each vehicle in contact with the highway special license plates issued to such transporter as provided in this chapter, in addition to any license plates or permits already assigned and attached to the vehicle in the manner prescribed in Sections 5200 to 5203, inclusive. Such vehicles may be used for the purpose of towing or transporting by any lawful method other vehicles when the towing or transporting vehicle is being delivered for sale or to the owner thereof.

(c) The provisions of this section do not apply to any manufacturer, transporter or dealer operating or moving a vehicle as provided in Section 11716.

(d) The provisions of this chapter do not apply to work or service vehicles owned by a manufacturer, transporter or dealer. They do not apply to vehicles owned and leased by dealers, nor to any unregistered vehicles used to transport more than one load of other vehicles for the purpose of sale.

Operation without plates

11716. A manufacturer, transporter or a dealer in the course of his business may operate or move any vehicle of a type otherwise required to be registered hereunder without registering the same, and without license or special plates attached thereto, from a vessel, railroad depot or warehouse over the highways to a warehouse or salesroom upon first having obtained a written permit authorizing such operation from the department.

Expiration

11717. (a) Every special plate, license, and certificate issued hereunder shall expire at midnight on the thirty-first day of December of each year and a new plate or plates, license, and certificate for the ensuing year may be obtained by the person to whom any such expired plate or plates, license, and certificates was issued upon application to the department and payment of the fee provided in this code.

(b) Every application for the renewal of a special plate or plates, license, and certificate which expires on the date

above mentioned shall be made by the person to whom issued between November 1st and midnight of November 30th preceding such expiration date and shall be made by presenting the application form provided by the department and by payment of the full annual renewal fee for such plate or plates, license, and certificate.

Article 2. Vehicle Salesmen

License required

11800. It shall be unlawful for any person to act as a vehicle salesman without having first procured a license issued by the department.

Application forms

11801. Application forms for a vehicle salesman license shall be furnished by the department, and shall contain provisions for:

1. Name and address of the applicant.
2. Names and addresses of two character references.
3. Whether the applicant has ever been convicted of a felony in connection with the activity of a vehicle salesman.
4. Whether the applicant has ever had a court judgment rendered for which he has been liable as a result of having misrepresented a vehicle.
5. Such other information which will touch on the moral character or fitness of the applicant.
6. Name, address, license number and certification of a licensed dealer employing the applicant.

Authority

11802. (a) The department shall issue a vehicle salesman's license when satisfied that the applicant has furnished the required information, and that he intends in good faith to act as a vehicle salesman, and has paid the fees as required in Section 11809.

(b) The department may refuse to issue, or suspend or revoke a license, when satisfied that:

1. The information contained in an application is incorrect.
2. The applicant or licensee, based on the information contained in the application or by subsequent investigation, is not of good moral character.
3. The applicant or licensee has outstanding an unpaid final court judgment rendered in connection with the activity of a vehicle salesman.

Refusal procedure

11803. If the department refuses to issue, suspends or revokes a vehicle salesman license, the applicant or licensee shall be entitled to an appropriate hearing. Such hearing shall be conducted pursuant to Chapter 5 (commencing at Section 11500), of Part 1, Division 3, Title 2 of the Government Code.

Display of license

11804. The license provided for herein, upon issuance thereof by the department to the licensee, shall forthwith be delivered to and posted in a conspicuous place on the premises of the dealer employing said licensee, and shall be thereafter continuously exhibited in such a public place while said salesman is employed by such employer. In the event a vehicle

salesman's employment is terminated, the license shall be forwarded to the department by the dealer.

Automatic suspension of license

11805. In the event any vehicle salesman ceases to be employed by a licensed dealer, his license to act as a vehicle salesman shall be automatically suspended and his right to act as a vehicle salesman shall thereupon immediately cease, and he shall not engage in the activity of a vehicle salesman until reemployed by a licensed dealer. Every licensed vehicle salesman shall report every change of residence address within five days of such change. Failure to report, nullifies the validity of license.

Single employer

11806. A vehicle salesman, as defined herein, shall not engage in such activity other than for the account of or for and on behalf of a single employer, who shall be a licensed dealer.

Expiration

11807. Every vehicle salesman's license issued hereunder shall expire at midnight on the thirtieth day of June of each year.

Renewal

11808. Every application for the renewal of a vehicle salesman's license which expires on the thirtieth day of June shall be made by the person to whom issued between May 1st and midnight of May 31st preceding such expiration date and shall be made by presenting the application form provided by the department and by payment of the full annual renewal fee for such license.

Fees

11809. The following fee shall be paid to the department for the issuance of a license to do business as a vehicle salesman:

(a) For the issuance of the original license or upon annual renewal _____$10

DIVISION 6. OPERATORS' AND CHAUFFEURS' LICENSES

CHAPTER 1. ISSUANCE OF LICENSES, EXPIRATION, AND RENEWAL

Article 1. Persons Required to Be Licensed, Exemptions, and Age Limits

License required

12500. (a) No person shall drive a motor vehicle upon a highway unless he then holds a driver's license issued under this code, except such persons as are expressly exempted under this code.

(b) An operator's license issued hereunder shall entitle the licensee to operate any vehicle or combination of vehicles except as provided in subdivision (c).

(c) No person shall operate upon a highway a motor vehicle having an unladen weight in excess of 12,000 pounds, nor operate any motor vehicle towing a vehicle having a gross weight in excess of 6,000 pounds, except special mobile equipment or an implement of husbandry, unless he then holds a valid chauffeur's license permitting such operation or a valid

operator's license which has been endorsed by the department permitting such operation, except such persons as are expressly exempted under this code.

This subdivision shall not apply to any person who held a valid operator's license on September 11, 1957, until the expiration of such license.

(d) It is a misdemeanor for any person to drive a motor vehicle upon a highway as a chauffeur unless he then holds a chauffeur's license duly issued under this code, except such persons as are expressly exempted under this code.

Persons exempt

12501. The following persons are not required to obtain a driver's license:

(a) An officer or employee of the United States, while operating a motor vehicle owned or controlled by the United States on the business of the United States.

(b) Any person while driving or operating implements of husbandry incidentally operated or moved over a highway.

(c) Any person while operating a self-propelled wheelchair or invalid tricycle.

Nonresident operator or chauffeur

12502. (a) A nonresident over the age of 21 years having in his immediate possession a valid operator's license issued to him in his home state or country may operate a motor vehicle in this State as an operator only for not to exceed one year without obtaining a license under this code.

(b) A nonresident over the age of 21 years having in his immediate possession a valid chauffeur's license issued to him in his home state or country may operate a motor vehicle in this State without obtaining a license under this code, but the nonresident shall be licensed as a chauffeur under the provisions of this code before he may accept regular employment as a chauffeur within this State.

Unlicensed nonresident

12503. A nonresident over the age of 21 years whose home state or country does not require the licensing of operators or chauffeurs may operate a foreign vehicle owned by him for not to exceed 30 days without obtaining a license under this code.

Nonresident minors

12504. The provisions of Sections 12502 and 12503 shall apply to any nonresident over the age of 16 years but under the age of 21 years, except that the maximum period during which such nonresident may operate a motor vehicle in this State without obtaining a driver's license shall be limited to a period of 10 days immediately following the entry of the nonresident into this State.

Residence

12505. For the purposes of this division, any person who, while residing in this State, accepts gainful employment within this State, is a resident of this State.

Temporary licenses

12506. The department may issue to any person applying for an operator's license, a temporary operator's license, and to any person applying for a chauffeur's license, a temporary chauffeur's license. A temporary license shall permit the operation of a motor vehicle upon the highways for a period of 60 days, when the licensee has the license in his immediate pos-

session, and while the department is completing its investigation and determination of all facts relative to the applicant's right to receive a license. The temporary license is invalid when the applicant's license has been issued or refused.

Same Minors

12507. The department may issue to any person 16 or more years of age, but under 21 years of age, a temporary operator's license if he has:

(a) Satisfactorily completed a course in automobile driver training approved by the Division of Drivers' Licenses in any secondary school of California maintained under Article 11 of Chapter 1 of Division 5 of the Education Code, commencing at Section 10200.

(b) Complied with Chapter 2 of Division 9, commencing at Section 17700.

Limited term license

12508. When in the opinion of the department it would be in the interest of safety, the department may issue, in individual cases, to any applicant for a driver's license, a license limited in duration to less than the regular term. Upon the expiration of a limited term license the department may extend its duration for an additional period without fee but the duration of the license and extensions shall not exceed the term of a regular license.

Instruction permits

12509. Any person who is otherwise qualified for the issuance of a driver's license unless prohibited under Section 12514 of this code may apply to the department for an instruction permit. The department for good cause may issue to the applicant an instruction permit which shall entitle the applicant while having the permit in his immediate possession to drive a motor vehicle upon the highways for a period not exceeding six months when accompanied by, and under the immediate supervision of, a licensed driver 18 years of age or over, but the applicant need not be so accompanied when operating a motorcycle. The department may further restrict the permits as it may determine to be appropriate to assure the safe operation of a motor vehicle by the permittee.

Operator as chauffeur

12510. Any person duly licensed as an operator under this code may after application for a chauffeur's license and pending examination and action by the department thereon, drive a motor vehicle on the highways as a chauffeur.

Chauffeur as operator

12511. Any person duly licensed as a chauffeur under this code need not procure an operator's license.

Age limit for operators

12512. Except as otherwise provided in this code, no operator's license shall be issued to any person under the age of 16 years, except that any minor 15 years and 6 months of age who has successfully completed a course in automobile driver training maintained pursuant to Division 5, Chapter 1, Article 11, of the Education Code in a secondary school or private or parochial school of secondary level may be issued an operator's license.

Junior permits Issuance

12513. (a) Upon application, successful completion of tests and compliance with Sections 17700 to 17705, inclusive, the department may issue a junior permit to any person 14

years of age, but less than 16, who establishes eligibility as required by this section. A person is eligible when, in the opinion of the department, any one or more of the following circumstances exist:

1. School or other transportation facilities are inadequate for regular attendance at school and at activities authorized by the school. The application for a junior permit shall be accompanied by a signed statement from the school principal verifying such facts. A junior permit issued under this subsection shall be restricted to operating a vehicle from residence to the school and return.

2. Reasonable transportation facilities are inadequate and operation of a vehicle by a minor is necessary due to illness of a family member. The application shall be accompanied by a signed statement from a physician familiar with the condition, containing a diagnosis and probable date when sufficient recovery will have been made to terminate the emergency.

3. Transportation facilities are inadequate, and use of a motor vehicle is necessary in the transportation to and from the employment of the applicant and the applicant's income from such employment is essential in the support of the family, or where the applicant's operation of a motor vehicle is essential to an enterprise from which an appreciable portion of the income of the family will be derived. The application shall be accompanied by a signed statement from the parents or the guardian, setting forth the reasons a permit is necessary under this subsection.

(b) The existence of public transportation at reasonable intervals within one mile of the residence of the applicant may be considered adequate grounds for refusal of a junior permit.

(c) The department shall impose restrictions upon junior permits appropriate to the conditions and area under which they are intended to be used.

Same
Duration and revocation

12514. (a) Junior permits issued pursuant to Section 12513 shall not be valid for a period exceeding that established on the original request as the approximate date the minor's operation of a vehicle will no longer be necessary. In any event, no permit shall be valid on or after the sixteenth birthday of the applicant.

(b) The department may revoke any permit when such action appears necessary for the welfare of the minor or in the interests of safety.

(c) In the event conditions or location of residence, which required the minor's operation of a vehicle, change prior to expiration of the permit the department may cancel such permit.

(d) Upon determination that the permittee has operated a vehicle in violation of restrictions, the department shall revoke such permit.

(e) A junior permit shall be construed to be a form of operator's license and shall be subject to all provisions of this

code applying to operator's licenses, except as modified in this section and Section 12513.5.

(f) An instruction permit valid for a period not to exceed six months may be issued after eligibility has been established under Section 12513.5.

12515. No chauffeur's license shall be issued to any person under the age of 18 years. Age for chauffeurs

12516. It is unlawful for any person under the age of 18 years to drive a school bus transporting pupils to or from school. Age for driving school bus

12517. No person shall operate a school bus in the transportation of pupils to or from a private school unless such person holds a valid operator's or chauffeur's license and a school bus driver's certificate issued by the department under the same standards and requirements as are applied to public school bus drivers at the time of issuance of the certificate. Private school bus operator's qualifications

Article 2. Student Licenses

12650. (a) Any student over 14 years of age taking a course in automobile driver training, maintained pursuant to Article 11 of Chapter 1 of Division 5 of the Education Code, commencing at Section 10200, in a secondary school or enrolled in a driver training course offered by a private or parochial school of secondary level may apply to the principal of the school for a student license. Application

(b) The application shall be signed by the applicant before the principal of the school, or a staff member assigned to such duty. The application shall be accompanied by a statement signed by the parents or guardian or person having custody of the minor, consenting to the issuance of a student license to the student and accepting liability for civil damages arising out of the student's driving a motor vehicle upon a highway as provided for in Division 9 (commencing at Section 17000) of this code.

12651. The principal or staff member assigned such duty may issue or reissue a student license without cost whenever in his opinion the applicant is qualified to take the course of instruction and has filed a proper application therefor. Issuance

Upon the issuance of a student license the application, together with the statement of consent signed by the parents, or other persons required to sign, shall be forwarded to the department for filing.

12652. A student license shall limit the operation of a motor vehicle to such times as the licensee is taking driver training in connection with the driver education program and then only at the direction and under the supervision of the instructor and shall be valid only for the period covered by the course and for not more than one year from the date of issuance. Limitations

12653. A student license may be canceled by the principal of the school or by the department whenever, in the opinion Cancellation

of either, the safety of the licensee or other persons requires the action and shall be canceled upon the written request of the parent or other person who signed the consent to issue the license.

All student licenses shall be surrendered and returned to the department whenever canceled or upon completion of the course of instruction for which issued.

Instruction permits

12654. The department may issue an instruction permit to any physically and mentally qualified person taking a course in driver instruction in a public school without further examination. The instruction permit shall be restricted to the operation of a motor vehicle when accompanied by and under the immediate supervision of a regularly certificated teacher for the purpose of instruction.

Article 3. Issuance and Renewal of Licenses

Applications

12800. Every application for a driver's license shall contain the following information:

(a) The applicant's true full name, age, sex, and residence address.

(b) A brief description of the applicant for the purpose of identification.

(c) The kind of license applied for.

(d) Whether the applicant has ever previously been licensed as a driver and, if so, when and in what state or country and whether or not the license has been suspended or revoked and, if so, the date of and reason for the suspension or revocation.

(e) Whether the applicant has ever previously been refused a driver's license in this State and, if so, the date of and the reason for the refusal.

(f) Whether the applicant has previously operated a motor vehicle and, if so, for what length of time.

(g) Whether the applicant has the normal use of both hands and feet.

(h) Whether the applicant has ever been afflicted with epilepsy, paralysis, insanity, or other disability or disease affecting his ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(i) Whether the applicant understands traffic signs and signals.

(j) Any other information necessary to enable the department to determine whether the applicant is entitled to a license under this code.

Chauffeur's license

12801. An applicant for a chauffeur's license may state the type of vehicle or combination of vehicles the applicant desires to operate.

Signature and verification

12802. Every application shall be signed and verified by the applicant before a person authorized to administer oaths and, if the applicant is a minor, the application shall also be signed and verified as provided in Chapter 2 of Division 9, commencing at Section 17700.

12803. Upon application for an original license, except student licenses, the department shall require an examination of the applicant and shall make provision therefor before an officer or employee or authorized representative of the department in the county wherein the applicant resides. Examinations

12804. (a) The examination shall include a test of the applicant's knowledge and understanding of the provisions of this code governing the operation of vehicles upon the highways, the ability to read and understand simple English used in highway traffic and directional signs, his understanding of traffic signs and signals and the applicant shall be required to give an actual demonstration of his ability to exercise ordinary and reasonable control in operating a motor vehicle by driving the same under the supervision of an examining officer. The examination shall also include a test of the hearing and eyesight of the applicant and such other matters as may be necessary to determine the applicant's mental and physical fitness to operate a motor vehicle upon the highways and whether any ground exists for refusal of a license under this code. Driver's examination

(b) In addition, an applicant for a chauffeur's license shall be required to submit to an examination appropriate to the type of vehicle or combination of vehicles he desires a license to drive.

(c) Every applicant for an endorsement on his operator's license permitting him to operate a motor vehicle having an unladen weight in excess of 12,000 pounds or to tow any vehicle having a gross weight in excess of 6,000 pounds shall be required to submit to an examination appropriate to the vehicle or combination of vehicles he desires to drive.

12805. The department shall not issue or renew a driver's license to any person: Refusal of license Grounds

(a) Who is not of legal age to receive the license.

(b) Who is an habitual drunkard or addicted to the use of narcotic drugs or an habitual user of any other drug rendering the person incapable of safely operating a motor vehicle.

(c) Who is insane or feeble-minded or an idiot, imbecile, or epileptic.

(d) Who is unable as shown by examination to understand traffic signs or signals or who does not have a reasonable knowledge of the provisions of this code governing the operations of vehicles upon the highways.

(e) When it appears by examination or other evidence that such person is unable to operate a motor vehicle upon a highway safely because of physical or mental defect or lack of skill.

(f) Who is unable to read and understand simple English used in highway traffic and directional signs. The provisions of this subdivision shall not apply to any person holding an operator's or chauffeur's license issued by this State and valid on September 11, 1957.

Grounds not requiring refusal

12806. Any physical or mental defect of the applicant which in the opinion of the department does not affect the applicant's ability to exercise reasonable and ordinary control in operating a motor vehicle upon the highway shall not prevent the issuance of a license to the applicant.

Additional grounds for refusal

12807. The department shall not issue or renew a driver's license to any person:

(a) When a license previously issued to the person under this code has been suspended until the expiration of the period of the suspension, unless cause for suspension has been removed.

(b) When a license previously issued to the person under this code has been revoked until the expiration of one year after the date of the revocation, except where a different period of revocation is prescribed by this code, or unless the cause for revocation has been removed.

(c) When the department has been notified by a court that the licensee has violated his written promise to appear in court, unless the department has received a certificate signed by the magistrate or clerk of the court hearing the case in which the promise was given showing that the case has been adjudicated.

Record of applicant

12808. The department shall, before issuing or renewing any license, check the record of the applicant for conviction of traffic violations and traffic accidents.

The department shall, before issuing or renewing any license, check the record of the applicant for notices of failure to appear in court filed with it and shall withhold or shall not issue a license to any applicant who has violated his written promise to appear in court unless the department has received a certificate signed by the magistrate or clerk of the court hearing the case in which the promise was given showing that the case has been adjudicated. In lieu of the certificate of adjudication, a notice from the court stating that the original records have been lost or destroyed shall permit the department to issue a license.

Grounds permitting refusal

12809. The department may refuse to issue or renew a driver's license to any person:

(a) If the department is satisfied that the applicant is not entitled to the license under this code.

(b) If the applicant has failed to furnish the department the information required in the application or reasonable additional information requested by the department.

(c) If the department determines that the applicant has made or permitted unlawful use of any driver's license.

(d) If the department determines that the applicant has used a false or fictitious name in any application for a license, or has knowingly made a false statement or knowingly concealed a material fact, or otherwise committed any fraud in any such application.

(e) If the department determines that the applicant is a negligent or incompetent operator of a motor vehicle.

12810. In determining the violation point count, any conviction under Section 14601, 20002, 20007, 23102, 23103, or 23104 of this code shall be given a value of two points and any other traffic conviction involving the safe operation of a motor vehicle upon the highway shall be given a value of one point; provided, that conviction for only one violation arising from one occasion of arrest or citation shall be counted in determining the violation point count for the purposes of this section. Traffic violation point count and negligent operation defined

Any person whose driving record shows a violation point count of four or more points in 12 months, six or more points in 24 months or eight or more points in 36 months shall be prima facie presumed to be a negligent operator of a motor vehicle.

Any accident in which the operator is deemed by the department to be responsible shall be given a value of one point.

In applying the provisions of this section to a driver, the department shall give due consideration to the amount of use or mileage traveled in the operation of a motor vehicle.

12811. When the department determines that the applicant is lawfully entitled to a license it shall issue to the person an operator's or chauffeur's license as applied for. The license shall state whether it is an operator's or chauffeur's license and shall bear thereon the distinguishing number assigned to the applicant, the date of expiration, the name, age, and residence address of the licensee, a brief description and photograph of the licensee for the purpose of identification and space for the signature of the licensee. Issuance and contents of license

Each license shall also contain a space for the endorsement thereon of a record of each suspension or revocation thereof.

The department shall use such process or processes in the issuance of licenses, that prohibit as near as possible, the ability to alter or reproduce the license, or prohibit the ability to superimpose a photograph on such license without ready detection.

12812. The department may issue: (1) a general chauffeur's license; (2) a restricted chauffeur's license; (3) an operator's license; (4) an endorsed operator's license permitting the operation of motor vehicles having an unladen weight in excess of 12,000 pounds and the towing of vehicles having a gross weight in excess of 6,000 pounds. Types of licenses

12813. (a) The department upon issuing a driver's license shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of, or special mechanical control devices required on, a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee. Restricted

(b) The department may issue either a special restricted license or may set forth the restrictions upon the usual license

form and upon issuing a restricted chauffeur's license shall indicate thereon the type of vehicle or combination of vehicles the licensee is licensed to operate.

Renewal

12814. Application for renewal of a license shall be made by the person to whom the license was issued. The department may in its discretion require an examination of the applicant as upon an original application or, in the case of a chauffeur's license, may require a physical examination only.

Licenses lost, destroyed, etc

12815. In the event a driver's license issued under this code is lost, destroyed or mutilated, the person to whom it was issued may obtain a duplicate upon furnishing satisfactory proof of such fact to the department. Any person who loses a driver's license and who, after obtaining a duplicate, finds the original license shall immediately surrender the original license to the department. In no event shall any person be entitled to have in his possession more than one valid operator's and one valid chauffeur's license issued to him under this code.

Term of license

12816. (a) Every original driver's license issued after September 10, 1957, shall expire on the anniversary of the date of birth of the applicant in the third year following the date of the application for the license.

(b) Renewal of any driver's license shall be made for a term which shall expire on the anniversary of the date of birth of the applicant in the fifth year following the expiration of the license renewed except that an original driver's license or such renewal of a license shall expire on the anniversary of the date of birth of the applicant in the second year following the application for an original, or the expiration of the license renewed if within the past two years the applicant has:

1. Except for parking violations, been convicted of two or more violations of Division 11 (commencing at Section 21000) of this code, if licensed as an operator, or four or more violations if licensed as a chauffeur.

2. Been convicted of any felony in the commission of which a motor vehicle was used.

(c) The department may accept application for a renewal of a driver's license made not more than six months prior to the date of expiration and the renewal license when issued shall expire as stated in subdivision (b) above. If renewal is not applied for within 30 days after expiration of the license, the application and fee shall be considered the same as an application for an original license to be issued for the term indicated in subdivision (a) above.

Persons in armed forces

12817. A driver's license issued under this code to any person who enters the United States armed forces, if valid and in force and effect at the time the person enters the service, shall continue in full force and effect so long as the service continues and for not to exceed 30 days following the date on which the holder of such license is honorably separated from such service, unless the license is sooner suspended, canceled, or revoked for cause as provided by law. The license is valid

only when in the immediate possession of the licensee while driving and the licensee has his discharge or separation papers, if he has been discharged or separated from the service, in his immediate possession.

Article 4. Signature and Display of Licenses

12950. Every person licensed under this code shall write his usual signature with pen and ink in the space provided for that purpose on the license issued to him, immediately on receipt thereof, and the license is not valid until so signed, except that if the department issues a form of license which bears the facsimile signature of the applicant as shown upon the application, the license is valid even though not so signed. Signature

12951. The licensee shall have the license issued to him in his immediate possession at all times when driving a motor vehicle upon a highway and when driving shall display the same upon demand of a peace officer enforcing the provisions of this code. Possession

Any charge under this section shall be dismissed when the person charged produces in court a driver's license duly issued to such person and valid at the time of his arrest, except that upon a third or subsequent charge under this section the court in its discretion may dismiss the charge.

12952. A licensee shall display his driver's license upon request of a magistrate or judge before whom he may be brought for violation of any traffic law. Display of license to court

Chapter 2. Suspension or Revocation of Licenses

Article 1. General Provisions

13100. When used in reference to a driver's license, "cancellation" means that an operator's or chauffeur's license certificate is terminated without prejudice and must be surrendered. Any person whose license has been canceled may immediately apply for a license. Cancellation of license may be made only when specifically authorized in this code or when a license has been issued through error or voluntarily surrendered to the department. "Cancellation"

13101. When used in reference to a driver's license, "revocation" means that the person's privilege to drive a motor vehicle is terminated and a new driver's license may be obtained after the period of revocation. "Revocation"

13102. When used in reference to a driver's license, "suspension" means that the person's privilege to drive a motor vehicle upon a highway is temporarily withdrawn. "Suspension"

Article 2. Suspension or Revocation by Court

13200. Whenever any person licensed under this code is convicted of a violation of any provision of this code relating to the speed of vehicles or a violation of Section 23103 the Speeding or reckless driving

court may, unless this code makes mandatory a revocation by the department, suspend the privilege of the person to operate a motor vehicle for a period of not to exceed 30 days upon a first conviction, for a period of not to exceed 60 days upon a second conviction, and for a period of not to exceed six months upon a third or any subsequent conviction.

Certain misdemeanors

13201. A court may suspend the privilege of any person to operate a motor vehicle, for a period not exceeding six months, upon conviction of any of the following offenses:

(a) Driving while under the influence of intoxicating liquor under Section 23102.

(b) Failure of the driver of a vehicle involved in an accident to stop or otherwise comply with the provisions of Section 20002.

(c) Reckless driving proximately causing bodily injury to any person under Section 23104.

(d) Failure of the driver of a vehicle to stop at a railway grade crossing as required by Section 22452.

Illegal narcotics

13202. A court may suspend or revoke the privilege of any person to operate a motor vehicle upon conviction of any narcotic offense as defined in Division 10 of the Health and Safety Code, commencing at Section 11000, when the use of a motor vehicle was involved in, or incidental to, the commission of the offense.

The period of time for suspension or the period after revocation during which the person may not apply for a license shall be determined by the court.

Limitations on suspensions

13203. In no event shall a court revoke or suspend the privilege of any person to operate a motor vehicle or as a condition of probation prohibit the operation of a motor vehicle for a period of time longer than that specified in this code. Any such prohibited order of a court, whether imposed as a condition of probation or otherwise, shall be null and void, and the department shall restore or reissue a license to any person entitled thereto irrespective of any such invalid order of a court.

Equivalents of conviction

13204. For the purposes of this chapter, a plea of guilty or a judgment of guilty, whether probation is granted or not, or a forfeiture of bail, constitutes a conviction of any of the crimes mentioned in this code, except those relating to unlawful parking of vehicles.

Nonresidents

13205. The privileges of a nonresident to operate vehicles in this State may be suspended or revoked under the provisions of this chapter in the same manner and to the same extent as the privileges of a resident driver.

Surrender of license

13206. Whenever a court suspends the privilege of a person to operate a motor vehicle, the court shall require the person's license to be surrendered to it. Unless required by the provisions of Section 13550 to send the license to the department, the court shall retain the license during the period of suspension and return it to the licensee at the end of the period after indorsing thereon a record of the suspension.

13207. Whenever a court suspends the privilege of any person to operate a motor vehicle, the suspension shall apply to all driver's licenses held by him, and all licenses shall be surrendered to the court. Suspension: Licenses affected

Article 3. Suspension and Revocation by Department

13350. The department shall immediately revoke the privilege of any person to operate a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of any of the following crimes or offenses: Required revocation

(1) Manslaughter resulting from the operation of a motor vehicle.

(2) Driving when addicted to the use, or under the influence of a narcotic drug under Section 23105.

(3) Failure of the driver of a vehicle involved in an accident resulting in injury or death to any person to stop or otherwise comply with Section 20001.

(4) Upon three or more convictions upon violation of Section 20002, 23103, or 23104 within a period of 12 months from the time of the first conviction, or upon a combination of three or more of any such convictions within a like period.

(5) Any felony in the commission of which a motor vehicle is used, except as provided for in Section 13550, 13552, or 13553.

13351. The privilege revoked under Section 13350 shall not be renewed until the expiration of one year after the date of revocation and until the person whose privilege was revoked gives proof of ability to respond in damages as defined in Section 16430. Renewal of privilege

13352. The department shall immediately suspend or revoke the privilege of any person to operate a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of driving a motor vehicle while under the influence of intoxicating liquor. The suspension or revocation shall be as follows: Influence of liquor

(a) Upon a first such conviction other than under Section 23101 such privilege shall be suspended for a period of 90 days, unless the court in case of the first conviction only suspends such privilege under authority of Section 13201 or recommends no suspension.

(b) Upon a first such conviction under Section 23101 such privilege shall be suspended for one year and shall not be reinstated until such person gives proof of ability to respond in damages as defined in Section 16430.

(c) Upon a second such conviction within seven years, such privilege shall be suspended for one year and shall not be reinstated unless and until such person gives proof of ability to respond in damages as defined in Section 16430.

(d) Upon a second such conviction under Section 23101 within three years, such privilege shall be permanently revoked.

(e) Upon a third or subsequent such conviction within 10 years such privilege shall be revoked and shall not be reinstated for a period of three years and until such person files proof of ability to respond in damages as defined in Section 16430.

Beginning of suspension

13353. Every suspension under Section 13352 shall begin to run from the date the license is surrendered to the judge as required, or if for any reason the license is not surrendered to the judge at the time of conviction, the suspension shall run from the date the licensee is notified of the suspension by the department.

Influence of liquor

13354. The department may suspend or revoke the privilege of a person to operate a motor vehicle upon a conviction of the licensee of operating a vehicle while under the influence of intoxicating liquor.

Juvenile offenders

13355. The department shall revoke the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court to have committed any of the following offenses:

(a) Manslaughter arising from the operation of a motor vehicle.

(b) Operating a vehicle while a habitual user of narcotic drugs or while under the influence of intoxicating liquor or narcotic drugs.

(c) Failure of the driver of a vehicle involved in an accident resulting in injury or death to any person to stop or otherwise comply with Section 20001 hereof.

(d) Three or more offenses of violating Section 20002, 20007, 23103, or 23104 within a period of 12 months from the time of the first offense, or upon a combination of three or more of any such offenses within a like period.

Each judge of a juvenile court shall immediately report such findings to the department.

Recommendation of juvenile court

13356. Upon the recommendation of the judge of a juvenile court the department shall also revoke or suspend the privilege of any person to operate a motor vehicle who has been found to have committed any of the following offenses:

(a) Reckless driving.

(b) Failure to stop in the event of an accident as provided for in Section 20002 or 20007.

(c) Two or more offenses within a period of six months of violating the provisions of this code limiting the speed of vehicles

(d) A violation of this code punishable as a felony or of the provisions of the Penal Code relating to the grand theft of a motor vehicle.

Effective date of revocation or suspension, juveniles

13357. Every revocation or suspension under Section 13355 or Section 13356 shall begin to run from the date the license is surrendered to the judge or, if for any reason the license is not surrendered to the judge at the time of the findings,

the revocation or suspension shall run from the date notice of the action by the department is served.

Juvenile licenses

13358. Upon the recommendation of the judge of the juvenile court, any duly constituted referee of a juvenile court or a juvenile probation officer of any county, the department may suspend or revoke the privilege of any minor within the jurisdiction of such juvenile court to operate a motor vehicle.

Grounds for revocation

13359. The department may revoke the privilege of any person to operate a motor vehicle upon any of the grounds which authorize the refusal to issue a license.

Violation of restrictions

13360. Upon receiving satisfactory evidence of any violation of the restrictions of a driver's license, the department may suspend or revoke the same.

Grounds for suspension

13361. The department may suspend the privilege of any person to operate a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of any of the following crimes or offenses:

(a) Failure to stop in the event of an accident under Section 20002.

(b) A second or subsequent conviction of reckless driving under Section 23103 or upon a first conviction under Section 23104.

(c) Failure to stop upon striking an unattended vehicle under Section 20007.

In any case under this section the department is authorized to require proof of ability to respond in damages as defined in Section 16430.

Surrender of license erroneously issued

13362. The department may require the surrender to it of any driver's license which has been issued erroneously or which contains any erroneous or false statement, or which does not contain any notation required by law or by the department. In the event a licensee does not surrender the license upon proper demand, the department may suspend the licensee's privilege to operate a motor vehicle The suspension shall continue until the correction of the license by the department or until issuance of another license or temporary license in lieu thereof.

Conviction in another state

13363. The department may, in its discretion, suspend or revoke the privilege of any resident or nonresident to drive a motor vehicle in this State upon receiving notice of the conviction of the person within the United States or its territories or the Dominion of Canada of an offense therein which, if committed in this State, would be grounds for the suspension or revocation of the privilege to operate a motor vehicle

Suspension while license suspended or revoked

13364. The department, upon receiving a record of the conviction of any person upon a charge of violating Section 14601 by driving during the period of any term of revocation or suspension, whether or not proof of ability to respond in damages was also required, shall suspend the driving privilege of the person for a period of six months effective upon the termination of all outstanding term revocations and suspensions.

Extension of time proof to be maintained

13365. The department, upon receiving a record of the conviction of any person upon a charge of violating Section 14601 by driving during a period of any revocation or suspension pending the filing of proof of ability to respond in damages but when no term revocation or suspension was outstanding, shall require that proof be maintained for an additional period of six months following the time the requirement of maintaining proof would otherwise be terminated.

Effective date of suspension or revocation

13366. Whenever in this code the department is required to suspend or revoke the privilege of a person to operate a motor vehicle upon the conviction of such person of violating this code, such suspension or revocation shall begin upon a plea, finding or verdict of guilty.

Article 4. Procedure

Surrender of licenses. To court

13550. Whenever any person is convicted of any offense for which this code makes mandatory the revocation or suspension by the department of the privilege of the person to operate a motor vehicle, or is convicted under Section 23102, unless, under Section 13352 the court recommends that there be no suspension, the privilege of the person to operate a motor vehicle is suspended or revoked until the department takes the action required by this code, and the court in which the conviction is had shall require the surrender to it of all driver's licenses issued to the person convicted and the court shall within 10 days after the conviction forward the same with the required report of such conviction to the department.

Same To department

13551. Whenever the department revokes or suspends the privilege of any person to operate a motor vehicle, the revocation or suspension shall apply to all driver's licenses held by him, and all such licenses shall be surrendered to the department unless previously surrendered to the court. Whenever the department cancels an operator's or chauffeur's license, the license shall be surrendered to the department. All suspended licenses shall be retained by the department. Upon the expiration of the period of suspension by the department of any license, the department shall return the license to the licensee, or may grant him a new one.

Nonresidents

13552. (a) The privileges of a nonresident to operate vehicles in this State may be suspended or revoked under the provisions of this chapter in the same manner and to the same extent as the privileges of a resident driver.

(b) Any nonresident, whether or not licensed to drive in a foreign jurisdiction, who operates a motor vehicle upon a highway after his privilege of operating a motor vehicle in this State has been suspended or revoked is in violation of Section 14601.

(c) Whenever the department revokes or suspends the privileges of a nonresident to operate vehicles in this State, it shall send a certified copy of the order to the proper authorities in the state wherein the person is a resident.

13553. Whenever a court or the department suspends or revokes the privilege of any person to operate a motor vehicle and the person does not hold a valid driver's license, or has never applied for or received a driver's license in this State, the person shall be subject to any and all penalties and disabilities provided in this code for a violation of the terms and conditions of a suspension or revocation of the privilege to operate a motor vehicle. Unlicensed persons

13554. For the purposes of this chapter, a plea of guilty or a judgment of guilty, whether probation is granted or not, or a forfeiture of bail, constitutes a conviction of any of the crimes mentioned in this code, except those relating to unlawful parking of vehicles. Equivalents of conviction

13555. A termination of probation and dismissal of charges pursuant to Section 1203.4 of the Penal Code does not affect any revocation or suspension of the privilege of the probationer to operate a motor vehicle under this chapter, except Section 13364. The probationer's prior conviction shall be considered a conviction for the purpose of revoking or suspending such privilege on the ground of two or more convictions. Termination of probation and dismissal of charges

13556. (a) Unless otherwise specifically provided in this chapter, no suspension of a license by the department shall be for a longer period than six months. Suspension limit

(b) Any discretionary suspension, the ending of which is dependent upon an action by the person suspended and which has been in effect for eight years, may be ended at the election of the department.

Chapter 3. Investigation and Hearing

Article 1. Investigation and Re-examination

13800. The department may conduct an investigation to determine whether the privilege of any person to operate a motor vehicle should be suspended or revoked or whether terms or conditions of probation should be imposed upon receiving information or upon a showing by its records: Investigations by department

(a) That the licensee has been involved as a driver in any accident causing death or personal injury or serious damage to property.

(b) That the licensee has been involved in three or more accidents within a period of 12 consecutive months.

(c) That the licensee is a reckless, negligent, or incompetent driver of a motor vehicle.

(d) That the licensee has permitted an unlawful or fraudulent use of his driver's license.

(e) That any ground exists for which a license might be refused.

13801. In addition to the investigation, the department may require the re-examination of the licensee, and shall give 10 days' written notice of the time and place thereof. If the licensee refuses or fails to submit to the re-examination, the Re-examination by department

department may peremptorily suspend the driving privilege of the person until such time as the licensee shall have submitted to re-examination. The suspension shall be effective upon notice.

Special consideration for chauffeurs

13802. In applying the provisions of Section 13800 the department shall give due consideration to the more frequent use of motor vehicles by chauffeurs.

Article 2. Notice

Notice required

13950. Whenever the department determines upon investigation or re-examination that any of the grounds for re-examination are true, or that the safety of the person investigated or re-examined or other persons upon the highways requires such action, and it proposes to revoke or suspend the driving privilege of the person or proposes to impose terms of probation on his driving privilege, notice and an opportunity to be heard shall be given before taking the action.

Upon refusal of license

13951. Whenever the department proposes to refuse to issue or renew a driver's license, it shall notify the applicant of such fact and give him an opportunity to be heard.

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13952. The notice shall contain a statement setting forth the proposed action and the grounds therefor, and notify the person of his right to a hearing as provided in this part, or the department, at the time it gives notice of its intention to act may set the date of hearing, giving 10 days' notice thereof.

Alternative action

13953. In the alternative to the procedure under Sections 13950, 13951, and 13952 and in the event the department determines upon investigation or re-examination that the safety of the person subject to investigation or re-examination or other persons upon the highways require such action, the department shall forthwith and without hearing suspend or revoke the privilege of the person to operate a motor vehicle or impose reasonable terms and conditions of probation which shall be relative to the safe operation of a motor vehicle. No order or suspension or revocation or the imposition of terms or conditions of probation shall become effective until 10 days after the giving of written notice thereof to the person affected, except that the department shall have authority to make any such order effective immediately upon the giving of notice when in its opinion because of the mental or physical condition of the person such immediate action is required for the safety of the driver or other persons upon the highways.

Article 3. Hearing

Demand for hearing

14100. Whenever the department has given notice or taken or proposes action under Sections 13950, 13951, and 13952, the person receiving the notice or subject to the action taken or proposed to be taken may, in writing and within 10 days, either demand an informal hearing or a formal hearing which shall be granted, except as provided in Section 13953.

An application for a hearing shall not operate to stay the action by the department for which notice is given.

No hearing

14101. A person is not entitled to a hearing either:

(a) Whenever the action by the department is made mandatory by the provisions of this code.

(b) When the person has previously been given an opportunity with appropriate notice for either an informal or formal hearing.

No formal hearing

14102. A person is not entitled to a formal hearing whenever action by the department is taken on grounds ascertainable on examination or re-examination under this code.

Waiver of hearing

14103. Failure to respond to a notice given under this chapter within 10 days is a waiver of the right to a hearing, and the department may take action without hearing, or the department may, upon request of the person whose privilege of driving is in question, or at its own option, reopen the question, take evidence, change, or set aside any order theretofore made, or grant either an informal or a formal hearing.

Informal hearing

14104. (a) Whenever an informal hearing is granted as provided in this part, it shall be conducted in a completely informal manner, the only requirement being that the applicant or licensee shall have the opportunity to make or file a written answer or statement in which he may controvert any point at issue or present any evidence or arguments for the consideration of the department, or the person may present orally to the department any evidence or statement pertinent to the question and submit the question for determination by the department.

The department may consider any of the records or reports referred to in Section 14108.

Same Findings and decision

14105. Upon the conclusion of an informal hearing the referee or board shall make findings on the matter under consideration and may prepare and submit recommendations to the department. After a review of the records, evidence, and findings, the department shall render its decision concerning the matter under consideration and shall notify the person involved. The decision is effective upon notice

Same Reopening case

14106. The department may, upon the request of the person whose privilege of driving is in question, or, at its own option, reopen the question, take further evidence, or change or set aside any order theretofore made.

Formal hearing

14107. Whenever the department grants a formal hearing as provided in this part, the department shall fix a time and place for hearing as early as may be arranged in the county where the applicant or licensee resides, and shall give 10 days' notice of the hearing to the applicant or licensee, except that the hearing may be set for a different place with the concurrence of the applicant or licensee and the period of notice may be waived.

Any formal hearing shall be conducted by the director or by a referee or hearing board appointed by him from officers or employees of the department.

Same: Evidence

14108. At any formal hearing the department shall consider its official records and may receive sworn testimony and shall be entitled to receive as evidence either at the hearing or subsequent to the hearing and with the consent of the applicant or licensee and use as proof concerning any fact relating to the ability of the applicant or licensee to safely operate a motor vehicle any or all of the following:

(a) Reports of attending or examining physicians.

(b) Reports of special investigators appointed by the director or department to investigate and report upon any facts relating to the ability of the person to operate a vehicle safely.

(c) Properly authenticated reports of hospital records, excerpts from expert testimony received by the department or a hearing board upon similar issues of scientific fact in other cases and the prior decisions of the director upon such issues.

Findings of referee or board

14109. Upon the conclusion of a formal hearing the referee or board shall make findings on the matters under consideration and may prepare and submit recommendations to the director.

Decision of director

14110. The director, upon review of the records, evidence, and of the findings, if any, shall render his decision concerning the refusal to issue or renew a driver's license, the imposing of terms or conditions of probation, or concerning the suspension or revocation of the privilege of operating a motor vehicle, or in those cases in which an action has been previously taken by the department, the director shall render his decision sustaining, modifying, or reversing the order of suspension or revocation or the refusal to issue a license or the order imposing terms or conditions of probation, or he may set aside the prior action of the department and direct that probation be granted to the applicant or licensee and fix the terms and conditions of the probation.

Effect of decision

14111. The decision of the director following any formal hearing shall be effective on notice. The decision shall not be subject to modification for a period of one year thereafter except where the cause for which the action was taken has been removed.

Formal hearing procedure

14112. All matters in a formal hearing not covered by this part shall be governed, as far as applicable, by the provisions of the Government Code relating to administrative hearings, and particularly by Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

Article 4. Probation

Probation

14250. Whenever by any provision of this code the department has discretionary authority to suspend or revoke the privilege of a person to operate a motor vehicle, the department may in lieu of suspension or revocation place the person on probation, issuing a probationary license with such reasonable terms and conditions as shall be deemed by the department to be appropriate.

14251. The department shall have authority to terminate or to modify the terms or conditions of any order of probation whenever good cause appears therefor. Termination or modification

14252. The department upon receiving satisfactory evidence of a violation of any of the terms or conditions of probation imposed under this code, may withdraw the probationary license and order the suspension or revocation of the privilege to operate a motor vehicle. Withdrawal of probationary license

14253. Unless probation was imposed for a cause which is continuing, the probationer, after not less than one year, may request in writing the termination of the probation and the return of his regular license. Upon a showing that there has been no violation of the terms or conditions of the probation for a period of one year immediately preceding the request, the department shall terminate the probation and either restore to the person his driver's license or require an application for a new license. Termination

Article 5. Review of Orders

14400. Nothing in this code shall be deemed to prevent a review or other action as may be permitted by the Constitution and laws of this State by a court of competent jurisdiction of any order of the department refusing, canceling, suspending, or revoking the privilege of a person to operate a motor vehicle. Court review

Chapter 4. Violation of License Provisions

14600. (a) Whenever any person after applying for or receiving a driver's license moves from the address named in the application or in the license issued to him, he shall within 10 days thereafter notify the department in writing of his old and new address. Notice of change of address

(b) The department may thereupon change the address as shown upon the license or application or, should the department for any reason fail to so change the address upon the license, then the licensee shall mark out the former address on the face of the license and type or write the new address in ink on the reverse of the license with the date and signature of the licensee.

14601. No person shall drive a motor vehicle upon a highway at any time when his driving privilege is suspended or revoked or when a license or permit to drive a motor vehicle has been refused and no license has been issued to him under the provisions of this code, and the person so driving has knowledge of either such fact. Driving when license refused, etc

14602. (a) Whenever a person is convicted for driving while his driving privilege has been suspended or revoked with respect to a motor vehicle of which he is the owner, the court, at the time sentence is imposed on the person, may order the motor vehicle impounded in such manner as the court may determine, for a period of not to exceed six months for a first Impounding vehicles

conviction, and not to exceed 12 months for a second or subsequent conviction. The cost of keeping the vehicle shall be a lien thereon, pursuant to Chapter 6.5 of Title 14 of Part 4 of Division 3 of the Civil Code, commencing at Section 3067.

(b) Regardless of the foregoing, any motor vehicle impounded pursuant to this section which is subject to a chattel mortgage, conditional sale contract, or lease contract shall be released by the court to the legal owner upon the filing of an affidavit by the legal owner that the chattel mortgage, conditional sale contract, or lease contract is in default and shall be delivered to the legal owner upon payment of the accrued cost of keeping the motor vehicle.

Violation of restrictions

14603. No person shall operate a vehicle in violation of the provisions of a restricted license issued to him.

Employment of unlicensed chauffeur

14604. No person shall employ or hire as a chauffeur of a motor vehicle any person not then licensed as a chauffeur under this code.

Operation in parking facilities

14605. (a) No person shall operate a motor vehicle within an off-street parking facility unless he is licensed as an operator or chauffeur under the provisions of this code.

(b) No operator of an off-street parking facility shall hire or retain in his employment an attendant whose duties involve the operating of motor vehicles unless such attendant, at all times during such employment, is licensed as an operator or chauffeur under the provisions of this code.

Permitting unlicensed persons to drive

14606. No person shall knowingly permit or authorize the driving of a motor vehicle, owned by him or under his control, upon the highways by any person, either as operator or chauffeur, unless the person is then licensed under this code.

Same Minors

14607. No person shall cause or knowingly permit his child, ward, or employee under the age of 21 years to drive a motor vehicle upon the highways, either as operator or chauffeur, unless such child, ward, or employee is then licensed under this code.

Rental of vehicles

14608. No person shall rent a motor vehicle to another unless:

(a) The person to whom the vehicle is rented is licensed under this code or is a nonresident who is licensed under the laws of the state or country of his residence.

(b) The person renting to another person has inspected the driver's license of the person to whom the vehicle is to be rented and compared the signature thereon with the signature of such person written in his presence.

Records of rentals

14609. Every person renting a motor vehicle to another person shall keep a record of the registration number of the motor vehicle rented, the name, address, and license number of the person to whom the vehicle is rented, and the date and place when and where the license was issued.

Unlawful use of license

14610. It is unlawful for any person:

(a) To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious, or fraudulently altered driver's license.

(b) To lend his driver's license to any other person or knowingly permit the use thereof by another.

(c) To display or represent any driver's license not issued to him as being his license.

(d) To fail or refuse to surrender to the department upon its lawful demand any driver's license which has been suspended, revoked or canceled.

(e) To permit any unlawful use of a driver's license issued to him.

(f) To do any act forbidden or fail to perform any act required by this division.

(g) To photograph, photostat, duplicate, or in any way reproduce any driver's license or facsimile thereof in such a manner that it could be mistaken for a valid license, or to display or have in his possession any such photograph, photostat, duplicate, reproduction, or facsimile unless authorized by the provisions of this code.

CHAPTER 5. LICENSE FEES

Fee for drivers' licenses

14900. (a) Upon application for an original driver's license or for the renewal of a driver's license there shall be paid the department a fee of three dollars ($3). The payment of the fee shall entitle the person paying same to make application for a driver's license and to three examinations within a period of six months. A person licensed as an operator who is qualified to receive a chauffeur's license may be issued a chauffeur's license for the unexpired term of his operator's license without an additional fee upon application and surrender of his operator's license.

The term "driver's license" as used in this section includes all licenses of every kind issued under Division 6 of this code.

(b) Any person who, by reason of physical disabilities, is unable to move about as a pedestrian shall be exempt from the fee provided in this section, but only in the event the license issued to such person restricts such person to the operation of a self-propelled wheelchair or invalid tricycle.

Duplicate license

14901. Upon an application for a duplicate driver's license there shall be paid the department a fee of one dollar ($1).

DIVISION 7. FINANCIAL RESPONSIBILITY LAWS

CHAPTER 1. SECURITY FOLLOWING ACCIDENT

Article 1. Reports of Accidents

Reports required

16000. The driver of every motor vehicle which is in any manner involved in an accident originating from the operation of a motor vehicle on any street or highway which accident has resulted in damage to the property of any one person in excess of one hundred dollars ($100) or in bodily injury or

in the death of any person shall within 15 days after the accident, report the accident on a form approved by the department to the office of the department at Sacramento, subject to the provisions in this article.

Driverless runaway vehicle

16001. If the vehicle involved was a driverless runaway vehicle and was parked with the express or implied permission of the registered owner, the registered owner of the vehicle shall be construed to have been the driver of the vehicle for the purposes of this chapter.

Vehicle of employer

16002. If the driver at the time of the accident was driving a motor vehicle owned, operated, or leased by the employer of the driver and with the permission of the employer, then the driver shall within five days after the accident report the accident to his employer on a form approved by the employer. Within 10 days after receipt of the report the employer shall transmit a report on a form approved by the department to the office of the department at Sacramento, except that an employer need not transmit the report to the department when the vehicle involved in the accident is owned or operated as described in Section 16051 or 16055 or is owned or operated by any person or corporation who has filed with the department a certificate of an insurance carrier or surety company that there is in effect a policy or bond meeting the requirements of Section 16060 and when the insurance policy or bond was in full force and effect in respect to the vehicle at the time of the accident.

Driver incapacity

16003. If any driver is physically incapable of making the report, and is not the owner of the motor vehicle involved in the accident, the owner shall, as soon as he learns of the accident, report the matter in writing to the department. The driver or the owner shall make such other and additional reports relating to the accident as the department shall require.

Suspension for failure to report

16004. The department may suspend the driving privilege of any person who wilfully fails, refuses, or neglects to make a report of an accident as required in this article.

Use of reports

16005. (a) All reports and supplemental reports required by this chapter including insurance information forms and the total amounts of security required for deposit as determined by the department from the reports shall be without prejudice to the individual so reporting and shall be for the confidential use of the department and any other state department needing the same, except that the department shall disclose from the reports and security deposit records:

(1) The names and addresses of persons involved in the accident.

(2) The registration numbers and descriptions of vehicles involved in the accident.

(3) The date, time, and location of the accident.

(4) The exemption from security requirement which has been established under Section 16050.

(5) That security has been deposited or that suspension action has been taken by the department.

(6) Names and addresses of insurance carriers.

(b) This information may be given to any person having a proper interest therein including:

(1) The driver or drivers involved, or the employer, parent, or legal guardian thereof.

(2) The authorized representative of any person involved in the accident.

(3) Any person injured in the accident.

(4) The owners of vehicles or property damaged in the accident.

Article 2. Security

Security

16020. Unless the driver involved in an accident described in Section 16000 complies with one of the conditions for exemption specified in Section 16050, the driver shall deposit security in a sum which shall be sufficient in the judgment of the department to satisfy any final judgment or judgments in any amount for bodily injury or in excess of one hundred dollars ($100) for property damage resulting from such accident as may be recovered against such driver or owner subject to the maximum limits required The department shall determine the amount of security deposit upon the basis of the reports or other evidence submitted to it but shall not require a deposit of security for the benefit of any person when evidence has not been submitted by such person or on his behalf as to the extent of his injuries or the damage to his property within fifty (50) days following the date of the accident.

No deposit for spouse or child

16021. For purposes of this chapter a driver shall not be required to deposit security on behalf of his spouse or his minor child.

Employer deposit of security

16022. If the driver at the time of an accident was driving a motor vehicle owned, operated, or leased by the employer of the driver and with the permission of the employer, the security provisions of this chapter do apply to the employer and the suspension provisions of this chapter shall apply to the registration of all vehicles not covered by insurance, bond, or self-insurance certificate at the time of the accident which vehicles were owned, operated, or leased by the employer and shall not apply to the driver.

Form of security

16023. The security shall be in the form of money or its equivalent as determined by the department and shall be in amounts of not more than ten thousand dollars ($10,000) because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of not more than twenty thousand dollars ($20,000) because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not more than five thousand dollars ($5,000) because of injury to or destruction of property of others in any one accident.

Reduction of amount

16024. The department may reduce the amount of security ordered in any case if, in its judgment, the amount ordered is

excessive. In case the security originally ordered has been deposited, the excess on deposit over the reduced amount shall be returned to the depositor or his personal representative forthwith, notwithstanding the provisions of Section 16027. The State Controller shall draw his warrant on the State Treasurer for the refund of any portion of a security deposit as ordered by the department under this section.

Custody

16025. Security deposited in compliance with the requirements of this chapter shall be deposited by the department in the special deposit fund with the State Treasurer for the purpose of this section.

Disposition

16026. The security shall be available for the following purposes:

(a) Payment of a final judgment in any amount for bodily injury or in excess of one hundred dollars ($100) for property damage, rendered against the driver or drivers on whose behalf the deposit was made, for damages arising out of the accident in an action at law, begun not later than one year after the date of the accident, or within one year after the date of deposit of any security under subdivision (c) of Section 16053.

(b) Payment of any settlement agreement covering any claim arising out of the accident.

(c) Payment of any final judgment rendered as a result of default under any duly acknowledged settlement agreement.

Every distribution of funds from the security deposit shall be subject to the limits of the department's evaluation on behalf of a claimant but not in excess of the maximum amounts provided in this chapter for bodily injury and for property damage.

Refund of deposits

16027. (a) Whenever all judgments or settled claims referred to in this chapter have been discharged, or a period of one year has elapsed following the accident or following the deposit of security under subdivision (c) of Section 16053 and no action at law involving any of the claims was instituted and is pending, any security remaining on deposit shall be refunded to the person making the deposit or to a person designated by him.

(b) In the event that the deposit or any balance thereof is determined by the department to be refundable under the provisions of this section but remains unclaimed by the depositor or any other person entitled thereto for a period of five years following the date of such determination, the unclaimed deposit shall then be transferred to the Motor Vehicle Fund.

Article 3. Exemptions

Exemptions

16050. In order to be exempt from the requirements of security every driver or employer involved in an accident and required to report such accident by Section 16000 shall establish to the satisfaction of the department that the provisions

of this article are applicable to his responsibilities arising out of the accident.

16051. Exemption may be established by filing a report indicating that the motor vehicle involved in the accident was owned or leased by or under the direction of the United States, this State, or any political subdivision of this State or municipality thereof. Publicly owned vehicles

16052. Exemption may be established by filing evidence with the department indicating: No damage, etc.

(a) That no injury or damage was caused in the accident to the person or property of any one other than the driver or owner of the vehicle.

(b) That at the time of the accident the vehicle was parked, unless the vehicle was parked at a place where the parking was at the time of the accident prohibited under some applicable law or ordinance.

16053. Exemption may be established by filing evidence satisfactory to the department: Releases, etc.

(a) That the driver has been released from liability by all other persons injured or damaged in the accident A covenant not to sue shall relieve the parties thereto as to each other from the security requirements of this chapter. The department may accept, for the purposes of this chapter only, evidence of a release from liability executed by a natural guardian or legal guardian on behalf of a minor without the approval of any court or judge.

(b) That all judgments that may arise out of damages or injuries sustained in the accident have been rendered in favor of the driver or have been satisfied by him.

(c) That a duly acknowledged settlement agreement with respect to all damages or injuries arising out of the accident has been executed by the driver.

In the event of a default in any payment under the agreement, and upon notice of such default, the department shall forthwith suspend the driving privilege of the person defaulting and the privilege shall not be restored until either:

(1) Such driver deposits and thereafter maintains security as required in Article 2 or in such amount as the department may then determine.

(2) One year has elapsed following the date when such security was required and during such period no action at law upon the agreement or for damages arising out of such accident has been instituted and is pending.

16054. The department may accept evidence of a payment to a driver or to the owner of a vehicle involved in any accident by the insurance carrier of any other person involved in the accident on account of damage to property or bodily injury as effective to relieve the driver or owner from the security and suspension provisions of this chapter in respect to any claim for property damaged or bodily injury arising out of the accident by the person on whose behalf such payment has been made. A payment to the insurance carrier of a driver Evidence of payment by or to insurer

or owner having a right of subrogation is equivalent to a payment to the driver or owner.

Self-insurer

16055. Exemption may be established if the owner of the motor vehicle involved in the accident was a self-insurer. Any person in whose name more than 25 motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department as provided in this article.

Certificate of self-insurance

16056. (a) The department may in its discretion, upon application, issue a certificate of self-insurance when it is satisfied that the applicant in whose name more than 25 vehicles are registered is possessed and will continue to be possessed of ability to pay judgments obtained against him. The certificate may be issued authorizing the applicant to act as a self-insurer for either property damage or bodily injury or both. Any person duly qualified under the laws or ordinances of any city or county to act as self-insurer and then acting as such, shall upon filing with the department satisfactory evidence thereof, along with the application as may be required by the department, be entitled to receive a certificate of self-insurance.

(b) Upon not less than five days' notice and a hearing pursuant to the notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within 30 days after the judgment has become final and has not been stayed or satisfied shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

Insurance policy or bond

16057. Exemption may be established by filing with the department satisfactory evidence:

(a) That the owner had an automobile liability policy or bond in effect at the time of the accident with respect to the driver or the motor vehicle involved in the accident, unless it is established that at the time of the accident the motor vehicle was being operated without the owner's permission, express or implied, or was parked by a driver who had been operating the vehicle without permission. The policy or bond shall meet the requirements of Section 16059.

(b) That the driver of the motor vehicle involved in the accident, if he was not the owner of such motor vehicle, had in effect at the time of the accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him which policy or bond shall comply with the requirements of Section 16059.

(c) That such liability as may arise from the driver's operation of the motor vehicle involved in the accident is, in the judgment of the department covered by some form of liability insurance or bond which complies with the requirements of Section 16059.

Same: Evidence

16058. Evidence of insurance or bond coverage shall be submitted in conformance with the requirements of Section

16060. In the event of notice to the department by the company which issued one of the above stated policies or bonds that coverage was not in effect or that liability was denied for a specific accident due to violation of exclusions, endorsements, or conditions of the policy or bond, then the policy or bond shall not operate to establish an exemption as provided for by Section 16057.

Same Requirements

16059. (a) No policy or bond shall be effective under Section 16057 unless issued by an insurance company or surety company authorized to do business in this State, except as provided in subdivision (b) of this section, nor unless the policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than ten thousand dollars ($10,000) because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, to a limit of not less than twenty thousand dollars ($20,000) because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to, or destruction of property, to a limit of not less than five thousand dollars ($5,000) because of injury to or destruction of property of others in any one accident.

(b) No policy or bond shall be effective under Section 16057 with respect to any vehicle which was not registered in this State or was a vehicle which was registered elsewhere than in this State at the effective date of the policy or bond or the most recent renewal thereof, unless the insurance company or surety company issuing the policy or bond is authorized to do business in this State, or if the company is not authorized to do business in this State, unless it executes a power of attorney authorizing the department to accept service on its behalf of notice or process in any action upon the policy or bond arising out of an accident mentioned in subdivision (a).

Notice by insurer to department

16060. Upon receipt of notice of an accident from the department, the insurance company or surety company named in the notice shall notify the department within such time and in such manner as the department may require whenever the policy or bond was not in effect at the time of the accident.

Article 4. Suspensions

Suspensions

16080. Whenever a driver has failed within 50 days after an accident to establish his exemption from security and has failed to deposit security within 10 days after notice by the department specifying the amount of security, the department shall suspend the privilege of the driver to drive a motor vehicle, including the driving privilege of a nonresident in this State. The suspension shall become effective not later than the seventy-sixth day after receipt of the accident report by the department.

Nonapplication to chauffeurs

16081. The privilege of a person to drive as a chauffeur in the course of his employment shall not be suspended under

this chapter even though his privilege to drive is otherwise suspended under this chapter.

Duration of suspension

16082. The privilege of driving a motor vehicle suspended as provided in Section 16080 shall remain suspended and shall not be renewed nor shall a license be issued to the person whose driving privilege has been suspended until either:

(a) The person complies with the requirements of Section 16050.

(b) The person deposits or there is deposited on his behalf the security required under this article.

(c) One year has elapsed following the date of the accident and no evidence has been filed with the department that during such period an action at law arising out of such accident has been instituted, and is pending. Proof of ability to respond in damages as prescribed by Section 16430, is an additional requirement for reinstatement of the driving privilege under this subdivision. The department shall waive the requirement for proof of ability to respond in damages and upon request shall cancel any bond or certificate of insurance, or shall direct the return to the person entitled thereto of any money or securities deposited as proof of financial responsibility, at any time as specified in Sections 16480 and 16481.

Suspension for foreign violations

16083. The department shall suspend the driving privilege of any resident of this State upon receiving notice from another state that the person's driving privilege in that state has been suspended for failure to meet the security provisions of the law in that state, if the suspension in that state was taken on grounds that would have resulted in a suspension in this State.

Correction of errors

16084. Whenever the department has taken any action or has failed to take any action under this chapter by reason of having received erroneous information, or by reason of having received no information, it shall take appropriate action to carry out the purposes and effect of this chapter upon receiving correct information. The provisions of this section shall not be deemed to require the department to increase the amount of any deposit after it has been ordered under this chapter.

Article 5. Suspension of Registration of Motor Vehicles Involved in Accidents

Suspensions

16100. Whenever both the owner and operator of a motor vehicle involved in an accident which is required to be reported to the department have failed within fifty (50) days after such accident to establish exemption from security requirements and have failed to deposit security within ten (10) days after notice by the department specifying the amount of security, the department, in addition to suspending the driving privilege of the driver, shall also suspend and require delivery to the department of the California registration card and license plates assigned to the motor vehicle, except that the suspension of registration shall not apply upon filing of evi-

dence with the department that the vehicle was not, at the time of the accident, being operated with the permission, express or implied, of the owner. The suspension shall become effective not later than the seventy-sixth day after receipt by the department of the required accident report.

Out-of-state suspension

16101. The department shall suspend the registration card and license plates of the motor vehicle of any resident of this State upon receiving notice from another state that his nonresident privileges to operate such motor vehicle in that state have been suspended for failure to meet the security provisions of the law in that state, if the suspension in that state was taken on grounds that would have been grounds for suspension in this State.

Storage of vehicle

16102. Whenever the registration card and license plates of any motor vehicle are suspended pursuant to Section 16100, the owner of the motor vehicle shall forthwith cause it to be stored at the expense of the owner, in such private or public garage or storage place or places in this State as the owner may select and shall continue the storage for such period of time as is provided in this chapter.

Application to nonresidents

16103. Whenever the owner of a motor vehicle involved in an accident which is required to be reported to the department is a nonresident, the suspension provisions of Section 16100 shall apply to the privilege of operating the motor vehicle within this State and the motor vehicle shall be stored by the nonresident owner as provided in Section 16102.

Duty of owner after suspension

16104. Immediately upon the suspension becoming effective, the owner or his representative shall forthwith return the California registration card and license plates assigned to the motor vehicle to the department. If the owner fails to return the registration card and license plates, the department is authorized to take possession thereof or to direct any appropriate police officer to take possession thereof and to return the same to the department.

Duration of suspension and storage

16105. The suspension and storage of such motor vehicle shall continue until either:

(a) The owner or driver has complied with one of the conditions for exemption from security requirements.

(b) Security has been deposited.

(c) All judgments or claims referred to in this division have been discharged.

(d) A period of one year has elapsed following the date of such accident or following the date when such security was required, and during such time no action at law for any damages arising out of the accident or upon a duly acknowledged settlement agreement has been instituted and is pending.

(e) Possession of the vehicle has been taken by or for a legal owner thereof or by or for another lienholder.

(f) Possession of the vehicle has been taken by or for a licensed automobile wrecker for the purpose of dismantling the vehicle and an application for the issuance of a certificate of dismantling has been made.

Release of motor vehicle to execution

16106. If a final judgment has been recovered in an action arising out of the accident against the owner of the motor vehicle stored pursuant to this article, this article shall not prevent the seizure of the vehicle under an execution issued pursuant to the judgment.

Sale of motor vehicles and completion of transfer

16107. (a) No owner, other than a legal owner, shall sell or transfer title, or any other interest therein, in a motor vehicle from the time it has been involved in an accident requiring a report until either:

(1) The conditions for exemption specified in Sections 16051, 16052, 16055, 16056, 16057, and 16058 have in fact been complied with or exist, or that the conditions for exemption specified in Sections 16053 and 16054 have been complied with, whether or not a report or evidence thereof has been filed with the department; provided, that nothing herein shall excuse the filing of a report or evidence which may be required to establish exemption from suspension of the privilege to drive or suspension of registration.

(2) Security has been deposited as required by Sections 16020, 16021, and 16022.

(3) Suspension and storage of such motor vehicle has been terminated as provided in Sections 16055, 16056, and 16057.

(4) Security has been deposited with the department in an amount which the department is satisfied is equivalent to the value of said vehicle or the owner's interest therein, but not exceeding the amount of security fixed by the department. If the department has not fixed the amount of security at the time of such proposed sale or transfer, the department shall refund to the depositor any amount by which said deposit may exceed the amount of security thereafter fixed by the department.

(5) Fifty (50) days have elapsed since the date of accident without evidence of injury or damage having been submitted.

(b) The department shall transfer registration of ownership and terminate suspension of a vehicle which is subject to suspension, or has been suspended under the provisions of Section 16027, upon receipt of the required fee, the registration card, and an endorsed certificate of ownership including the statement required by subdivision (d) of Section 4451, unless the department is satisfied that the interest of the new owner and legal owner, if any, in the vehicle was acquired with knowledge on their part that the registration was suspended, or was not acquired in good faith and for value. If the certificate of ownership does not contain provision for the statement required by subdivision (d) of Section 4451, the department shall accept in lieu thereof a separate document containing said statement, or if no such statement is presented to the department, it may require in lieu thereof such information as the department deems necessary to establish that the interest of the new owner and legal owner, if any, was acquired in good faith and for value and without knowledge that the registration was suspended.

16108. Nothing in this article shall affect the interest of any legal owner or other lienholder of a vehicle, the registration of which is suspended or subject to suspension, nor any right or remedy of such person, including the right to take possession thereof, nor the interest or rights of any lessor of such vehicle, subject to payment by such persons of the accrued cost, if any, of storage charges within the limitation provided in Section 3068 of the Civil Code. Rights and remedies of lienholders

16109. Any person who violates any of the provisions of this article is guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars ($1,000) for each offense or by imprisonment in the county jail for not more than ninety (90) days, or both. Penalties

CHAPTER 2. SUSPENSIONS FOLLOWING UNSATISFIED JUDGMENTS

Article 1. Definitions

16250. As used in Chapters 2 and 3 of this division, "judgment" means a final judgment of any court of competent jurisdiction in this or any other state or of the United States against a person as defendant upon a cause of action. "Judgment"

16251. As used in Chapters 2 and 3 of this division, "cause of action" means any cause of action for damage to property in excess of one hundred dollars ($100) or for damage in any amount on account of bodily injury to or death of any person resulting from the operation by the defendant or any other person of any motor vehicle upon a highway, except a cause of action based upon statutory liability by reason of signing the application of a minor for a driver's license. "Cause of action"

Article 2. Suspension of Driving Privilege and Registration

16370. The department shall suspend the privilege of any person to operate a motor vehicle and the registration cards and license plates issued for all motor vehicles registered in the name of such person, upon receiving a copy of a judgment, and a certificate of facts relative to the judgment, on a form provided by the department, indicating that the person has failed for a period of 30 days to satisfy a judgment rendered against him. Judgment unsatisfied

16371. The suspension shall remain in effect, and no motor vehicle shall be registered in the name of the judgment debtor nor any license issued to such person unless the judgment is satisfied in full or to the extent provided in this chapter and until the judgment debtor gives proof of ability to respond in damages as provided in Chapter 3, subject to the exemption stated in Section 16375. Period of suspension

16372. A discharge in bankruptcy following the rendering of the judgment shall not relieve the judgment debtor Bankruptcy

from any of the requirements of Chapters 2 and 3 of this division.

Court report of judgments

16373. The clerk of a court, or the judge of a court which has no clerk, shall forward to the department a certified copy of any judgment or a certified copy of the docket entries in an action resulting in a judgment for damages, and a certificate of facts relative to such judgment, on a form provided by the department, the rendering and nonpayment of which judgment requires the department to suspend the driver's license and registrations in the name of the judgment debtor. The document shall be forwarded immediately upon the expiration of 30 days after the judgment has become final and when the judgment has not been stayed or satisfied within the amounts specified in this chapter as shown by the records of the court.

Judgments not covered by proof

16374. Whenever after a judgment is satisfied and proof of ability to respond in damages is given, another judgment is rendered against the same person for any accident occurring prior to the date of the giving of such proof and the person fails to satisfy the latter judgment within the amounts specified in this chapter within 15 days after the same became final, then the department shall again suspend the driver's license of the judgment debtor and the registration cards and license plates issued for all motor vehicles registered in the name of such judgment debtor as owner and shall not renew the same and shall not issue to him any driver's license or a registration card or license plate for any motor vehicle while the latter judgment remains unsatisfied and subsisting within the amounts specified in this chapter.

Affidavit of insurance

16375. Any person whose driver's license or certificate of registration has been suspended, or is about to be suspended or shall become subject to suspension under this chapter, may relieve himself from the effect of the judgment by filing with the department an affidavit stating that at the time of the accident upon which the judgment has been rendered he was insured, that the insurer is liable to pay such judgment, and the reason, if known, why the insurance company has not paid the judgment. He shall also file the original policy of insurance or a certified copy thereof, if available, and such other documents as the department may require to show that the loss, injury, or damage for which the judgment was rendered, was covered by the policy of insurance.

If the department is satisfied from such papers that the insurer was authorized to issue the policy of insurance in this State at the time of issuing the policy and that such insurer is liable to pay such judgment, at least to the extent and for the amounts provided in this chapter, the department shall not suspend the license or certificate, or if already suspended, shall reinstate them.

Action against nonresident

16376 If the person against whom judgment is rendered is a nonresident and the person fails within said time to satisfy the same in full or to the extent specified in this chapter, all

privileges of operating a motor vehicle in this State given to the person under this code and all nonresident permits for any foreign motor vehicles owned by him shall be suspended while the judgment remains in effect and unsatisfied until the nonresident gives proof of his ability to respond in damages in the manner and to the extent provided in Chapter 3 for accidents occurring after the date of the giving of proof.

The department shall forward a certified copy of the judgment of a court of record or a certified copy of the docket of a court not of record to the appropriate officer in charge of the registration of vehicles or the licensing of drivers thereof in the state of which the person is a resident.

When judgment deemed satisfied

16377. Every judgment shall for the purposes of this chapter be deemed satisfied:

(a) When ten thousand dollars ($10,000) has been credited, upon any judgment in excess of that amount, or upon all judgments, collectively, which together total in excess of that amount, for personal injury to or death of one person as a result of any one accident.

(b) When, subject to the limit of ten thousand dollars ($10,000) as to one person, the sum of twenty thousand dollars ($20,000) has been credited, upon any judgment in excess of that amount, or upon all judgments, collectively, which together total in excess of that amount, for personal injury to or death of more than one person as a result of any one accident.

(c) When five thousand dollars ($5,000) has been credited, upon any judgment in excess of that amount, or upon all judgments, collectively, each of which is in excess of one hundred dollars ($100), and which together total in excess of five thousand dollars ($5,000), for damage to property of others as a result of any one accident.

CHAPTER 3. PROOF OF ABILITY TO RESPOND IN DAMAGES

Article 1. Proof Requirements

Proof required

16430. Proof of ability to respond in damages when required by this code means proof of ability to respond in damages resulting from the ownership or operation of a motor vehicle and arising by reason of personal injury to, or death of, any one person, of at least ten thousand dollars ($10,000), and, subject to the limit of ten thousand dollars ($10,000) for each person injured or killed, of at least twenty thousand dollars ($20,000) for such injury to, or the death of, two or more persons in any one accident, and for damages to property (in excess of one hundred dollars ($100)), of at least five thousand dollars ($5,000) resulting from any one accident. Proof of ability to respond in damages may be given in any manner authorized in this chapter.

Certificate of insurer

16431. Proof of ability to respond in damages may be given by the written certificate or certificates of any insurance car-

rier duly authorized to do business within the State, that it has issued to or for the benefit of the person named therein a motor vehicle liability policy as defined in Section 16450, which, at the date of the certificate or certificates, is in full force and effect. In addition the certificate shall designate by explicit description or by other appropriate reference all motor vehicles with respect to which coverage is granted by the policy certified to.

Contents of insurance certificates

16432. The department shall not accept any insurance certificate or certificates unless the same covers all motor vehicles registered in the name of the person furnishing such proof, except that this provision shall not apply to vehicles in storage if the current license plates and registration cards are surrendered to the department in Sacramento.

Cancellation of policy

16433. A certificate or certificates shall certify that the motor vehicle liability policy therein cited shall not be canceled except upon 10 days prior written notice to the department.

Proof by bond

16434. Proof of ability to respond in damages may be given by the bond of a surety company duly authorized to do business within the State, or a bond of individual sureties each owning unencumbered real estate, approved by a judge of a court of record. The bond shall be conditioned for the payment of the amount specified in Section 16430, and shall provide for the entry of judgment on motion of the State in favor of any holder of any final judgment on account of damages to property over one hundred dollars ($100) in amount, or injury to any person caused by the operation of such person's motor vehicle, in the same manner as provided in Section 942 of the Code of Civil Procedure for the entry of judgment upon appeal bonds.

Proof by deposit of money

16435. Proof of ability to respond in damages may be given by the deposit with the department of twenty-five thousand dollars ($25,000) which amount shall be deposited in a special deposit account with the State Controller for the purpose of this section. The department shall not accept a deposit of money where any judgment theretofore recovered against such person as a result of damages arising from the operation of any motor vehicle shall not have been paid in full.

Proof by self-insurer

16436. Proof of ability to respond in damages may be given by the written certificate of a self-insurer holding a certificate of self-insurance for bodily injury and property damage issued by the department.

The certification shall name the employee in whose behalf it is filed and shall bind the self-insurer in a like manner and to the same amounts as provided for in Section 16430 for damages arising from the operation of a motor vehicle by the employee within the scope of his employment by the self-insurer. In such case, the department shall restrict any operator's or chauffeur's license issued to such employee to the operation of motor vehicles owned by the self-insurer within the scope of his employment by the self-insurer.

The certificate shall be canceled upon 10 days prior written notice to the department by the self-insurer.

Article 2. Insurance Policy

16450. A "motor vehicle liability policy," as used in Chapters 2, 3 and 4 of this Division, means an owner's policy or an operator's policy, or both, of liability insurance, certified as provided in Section 16431 as proof of ability to respond in damages, issued by an insurance carrier authorized to transact such business in this State to or for the benefit of the person named therein as assured. "Motor vehicle liability policy"

16451. An owner's policy of liability insurance shall: Owner's policy

(a) Designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby intended to be granted.

(b) Insure the person named therein and any other person, as insured, using any described motor vehicle with the express or implied permission of said assured, against loss from the liability imposed by law for damages arising out of ownership, maintenance, or use of such motor vehicle within the continental limits of the United States to the extent and aggregate amount, exclusive of interest and costs, with respect to each motor vehicle, of ten thousand dollars ($10,000) for bodily injury to or death of each person as a result of any one accident and, subject to said limit as to one person, the amount of twenty thousand dollars ($20,000) for bodily injury to or death of all persons as a result of any one accident and the amount of five thousand dollars ($5,000) for damage to property of others as a result of any one accident.

16452. An operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed on him by law for damages arising out of use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance. Operator's policy

16453. Any motor vehicle liability policy may grant any lawful coverage in excess of or in addition to the coverage herein specified or contain any agreements, provisions or stipulations not in conflict with the provisions of this code and not otherwise contrary to law. Permitted provisions

16454. Any motor vehicle liability policy need not cover any liability for injury to the assured or any liability of the assured assumed by or imposed upon the assured under any workmen's compensation law nor any liability for damage to property in charge of the assured or the assured's employees or agents. Workmen's compensation

16455. The provisions of Section 16451 shall not apply to vehicles in storage if the current license plates and registration cards are surrendered to the department in Sacramento Stored vehicles

Restrictions on driver's license

16456. Unless the certificate or certificates filed with the department, evidencing the issuance of a motor vehicle liability policy show that the person in whose behalf they are filed is covered in the operation of all vehicles owned by him or registered in his name, and any motor vehicle not owned or registered in his name, the department shall place an appropriate restriction on any driver's license issued to the person

Violation of restricted license

16457. No person shall operate any motor vehicle not covered by the certificate or certificates filed by him with the department as proof of ability to respond in damages. The department may, upon receiving satisfactory evidence of any violation of the restrictions of such license, suspend or revoke the same. No person shall operate a vehicle in violation of the provisions of a restricted license issued to him

Article 3. Release of Proof

Release of proof

16480. The department shall upon request cancel any bond or any certificate of insurance, or the department shall direct the return to the person entitled thereto of any money or securities deposited pursuant to this code as proof of ability to respond in damages, or the department shall waive the requirement of filing proof of ability to respond in damages in any of the following events:

(a) When the person is no longer required to maintain such proof under the provisions of this code.

(b) At any time after three years from the date the proof was required when, during the three-year period immediately preceding the request, the person required to furnish the proof: (1) has not been convicted of any offense authorizing or requiring the suspension or revocation of a license by the department, and (2) has not suffered suspension or revocation of license upon order of the department or a court arising from a conviction of a violation of the law.

(c) Upon the death of the person on whose behalf such proof was filed.

(d) In the event of the permanent incapacity of such person to operate a motor vehicle if such person surrenders for cancellation his driver's license and, if suspended under the provisions of Section 16370, the registration cards and license plates issued for all motor vehicles registered in his name to the department.

Restrictions

16481. Any proof requirement in this code may be ended at the election of the department eight years after the date the proof was required if the records of the department do not show existence of any of the circumstances set forth in paragraph (b) of Section 16480.

The department shall not release such proof: (1) If any action for damages upon a liability referred to in this code is then pending, or (2) if any judgment upon any such liability is outstanding and unsatisfied.

An affidavit of the applicant of the nonexistence of such facts shall be prima facie evidence thereof.

Restoration of privileges when judgment unsatisfied

16482. Any person whose privilege to operate a motor vehicle or whose privilege to register a motor vehicle has been suspended because of failure to satisfy a judgment and the judgment has been outstanding for a period of five years or more, the person may be relieved of the penalties therein provided and the privilege of the person to operate and register a motor vehicle may be restored in the event the person files with the department and thereafter maintains proof of ability to respond in damages notwithstanding that the judgment which gave rise to the order of suspension has not been paid or fully satisfied.

Substitution of proof

16483. The department shall cancel any bond or any certificate of insurance or direct the return of any money or securities to the person entitled thereto, upon the substitution and acceptance of other adequate proof of ability to respond in damages pursuant to this code

Failure of proof

16484. Whenever any evidence of proof of ability to respond in damages filed by any person under the provisions of this code no longer fulfills the purpose for which required the department shall require other evidence of ability to respond in damages as required by Article 1, commencing at Section 16430, and shall suspend the privilege of the person to operate a motor vehicle upon a highway The suspension shall also include the registration card and license plates issued for all motor vehicles registered in the name of the person if the original suspension resulted from an unsatisfied judgment. The suspension shall remain in effect until adequate proof of ability to respond in damages is filed with the department by the person.

Installment payments of civil judgments

16485. The department shall not suspend a license or registration of a motor vehicle and shall restore any suspended license or registration following nonpayment of a final judgment when the judgment debtor gives proof of financial responsibility for future damages and when the trial court in which the judgment was rendered orders the payment of the judgment in installments and while the payment of any installment payment is not in default Whenever the trial court orders the payment of a judgment in installments as provided in this section, it shall forward a certified copy of the order to the department, together with a certified copy of judgment or certified copy of the docket entries in an action resulting in a judgment for damages and a certificate of facts relative to the judgment on a form provided by the department.

Same Conditions

16486. The trial court may order the payment of a judgment in installments only when the defendant is not insured or the insurance policy covering the automobile involved in the accident, for the ownership or operation of which the defendant is held liable, is not sufficient to pay the amount of the judgment, and then only as to such portion of the judgment not covered by the insurance policy. The order shall fix the

amounts and times of payment of the installments and shall be without prejudice to any other legal remedies available to the judgment creditor.

Default in payments

16487. In the event that it is made to appear to the court that the judgment debtor has failed to pay any installment as permitted by the order of the court, the court shall give notice of the default to the department and the department shall forthwith suspend the driving privilege and registration certificates and registration plates of the judgment debtor until the judgment is satisfied as provided in this chapter.

CHAPTER 4. COMMERCIAL PASSENGER VEHICLES

Ability to respond in damages required

16500. Every owner of a vehicle used in the transportation of passengers for hire, including taxicabs, when the operation of the vehicle is not subject to regulation by the Public Utilities Commission, shall maintain, whenever he may be engaged in conducting such operations, ability to respond in damages resulting from the ownership or operation of the vehicle and arising by reason of personal injury to, or death of, any one person, of at least ten thousand dollars ($10,000), and, subject to the limit of ten thousand dollars ($10,000) for each person injured or killed, of at least twenty thousand dollars ($20,000) for such injury to, or the death of, two or more persons in any one accident, and for damages to property of at least five thousand dollars ($5,000) resulting from any one accident. Ability to respond in damages may be maintained by either:

(a) Being insured under a motor vehicle liability policy against such liability.

(b) Obtaining a bond of the same kind, and containing the same provisions, as those bonds specified in Section 16434.

(c) By depositing with the department twenty-five thousand dollars ($25,000), which amount shall be deposited in a special deposit account with the State Controller for the purpose of this section.

(d) Qualifying as a self-insurer under Section 16056.

The department shall return the deposit to the person entitled thereto when he is no longer required to maintain ability to respond in damages as required by this section or upon his death.

Power of local authorities

16501. The provisions of this chapter shall not prevent local authorities, within the reasonable exercise of the police power, from adopting rules and regulations, by ordinance or resolution, licensing and regulating the operation of any vehicle for hire.

Violations

16502. No owner shall use, or with his consent permit the use of, any vehicle used in the transportation of passengers for hire, without maintaining ability to respond in damages as required by this chapter.

Suspension of registration

16503. The department shall suspend the registration of all vehicles used in the transportation of passengers for hire, except vehicles subject to regulation by the Public Utilities

Commission, which are registered in the name of any person convicted of violating Section 16502 immediately upon receipt of a duly certified abstract of the record of the court in which the person was convicted.

The suspension shall remain in effect and no such vehicle shall be registered in the name of the person until he gives the department proof of his ability to respond in damages as required in Section 16500.

DIVISION 9. CIVIL LIABILITY

CHAPTER 1. CIVIL LIABILITY OF OWNERS AND OPERATORS OF VEHICLES

Article 1. Public Agencies

17000. As used in this chapter, "public agency" means the State, any county, municipal corporation, district and political subdivision of the State, or the State Compensation Insurance Fund. "Public agency"

17001. Any public agency owning any motor vehicle is responsible to every person who sustains any damage by reason of death, or injury to person or property as the result of the negligent operation of the motor vehicle by an officer, agent, or employee or as the result of the negligent operation of any other motor vehicle by any officer, agent, or employee when acting within the scope of his office, agency, or employment. The injured person may sue the public agency in any court of competent jurisdiction in this State in the manner directed by law. Liability

17002. If there is recovery under this chapter against a public agency, it shall be subrogated to all the rights of the person injured against the officer, agent, or employee and may recover from the officer, agent, or employee the total amount of any judgment and costs recovered against the public agency, together with costs therein. Subrogation

17003. Any public agency may insure against liability under this chapter in any insurance company authorized to transact the business of such insurance in the State of California, and the premium for the insurance shall be a proper charge against the general fund of the public agency. Purchase of liability insurance

17004. No member of any police or fire department maintained by a county, city, or district, and no member of the California Highway Patrol or employee of the Division of Forestry, is liable for civil damages on account of personal injury to or death of any person or damage to property resulting from the operation in the line of duty, of an authorized emergency vehicle while responding to an emergency call or when in the immediate pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm or emergency call. Authorized emergency vehicles

Article 2. Private Owners

Liability

17150. Every owner of a motor vehicle is liable and responsible for the death of or injury to person or property resulting from negligence in the operation of the motor vehicle, in the business of the owner or otherwise, by any person using or operating the same with the permission, express or implied, of the owner, and the negligence of such person shall be imputed to the owner for all purposes of civil damages.

Limitation of liability for imputed negligence

17151. The liability of an owner for imputed negligence imposed by this chapter and not arising through the relationship of principal and agent or master and servant is limited to the amount of five thousand dollars ($5,000) for the death of or injury to one person in any one accident and, subject to the limit as to one person, is limited to the amount of ten thousand dollars ($10,000) for the death of or injury to more than one person in any one accident and is limited to the amount of five thousand dollars ($5,000) for damage to property of others in any one accident.

Liability of operator

17152. In any action against an owner on account of imputed negligence as imposed by Section 17150 the operator of the vehicle whose negligence is imputed to the owner shall be made a party defendant if personal service of process can be had upon the operator within this State. Upon recovery of judgment, recourse shall first be had against the property of the operator so served.

Subrogation of owner

17153. If there is recovery under this chapter against an owner based on imputed negligence, the owner is subrogated to all the rights of the person injured or whose property has been injured and may recover from the operator the total amount of any judgment and costs recovered against the owner.

Bailee as operator

17154. If the bailee of an owner with the permission, express or implied, of the owner permits another to operate the motor vehicle of the owner, then the bailee and the driver shall both be deemed operators of the vehicle of the owner within the meaning of Sections 17152 and 17153.

Settlement of claims

17155. Where two or more persons are injured or killed in one accident, the owner may settle and pay any bona fide claims for damages arising out of personal injuries or death, whether reduced to judgment or not, and the payments shall diminish to the extent thereof the owner's total liability on account of the accident. Payments aggregating the full sum of ten thousand dollars ($10,000) shall extinguish all liability of the owner for death or personal injury arising out of the accident which exists by reason of imputed negligence, pursuant to this chapter, and did not arise through the negligence of the owner nor through the relationship of principal and agent or master and servant.

Vendee as owner

17156. If a motor vehicle is sold under a contract of conditional sale whereby the title to such motor vehicle remains in the vendor, such vendor or his assignee shall not be deemed

an owner within the provisions of this chapter relating to imputed negligence, but the vendee or his assignee shall be deemed the owner notwithstanding the terms of such contract, until the vendor or his assignee retake possession of the motor vehicle. A chattel mortgagee of a motor vehicle out of possession is not an owner within the provisions of this chapter relating to imputed negligence.

Abatement on death

17157. No action based on imputed negligence under this chapter shall abate by reason of the death of any injured person or of any person liable or responsible under the provisions of this chapter. In any action for physical injury based on imputed negligence under this chapter by the executor, administrator, or personal representative of any deceased person, the damages recoverable shall be the same as those recoverable under Section 956 of the Civil Code.

Liability to "guest"

17158. No person who as a guest accepts a ride in any vehicle upon a highway without giving compensation for such ride, nor any other person, has any right of action for civil damages against the driver of the vehicle or against any other person legally liable for the conduct of the driver on account of personal injury to or the death of the guest during the ride, unless the plaintiff in any such action establishes that the injury or death proximately resulted from the intoxication or wilful misconduct of the driver.

Article 3. Liability for Damage to Highway

Wilful or negligent damage

17300. Any person who wilfully or negligently damages any street, highway, or appurtenances, including, but not limited to, guard rails, signs, traffic signals, and similar facilities, is liable for the cost of the repair or replacement thereof.

The liability stated in this section applies to an owner of a vehicle operated with his permission, as provided in Article 2, commencing at Section 17150, and shall include liability for the cost of necessary safety precautions, such as warning traffic, the removal of debris resulting from accidents, or providing detours.

The Department of Public Works and local authorities in respect to highways under their respective jurisdictions are authorized to present claims for liability under this section and to bring actions for recovery thereon, and to settle and compromise in their discretion claims arising under this section.

Illegal operation of vehicle

17301. (a) Any person driving any vehicle, object, or contrivance over a highway or bridge is liable for all damages which the highway or bridge may sustain as a result of any illegal operation, driving or moving of the vehicle, object, or contrivance, or as a result of operating, driving, or moving any vehicle, object, or contrivance weighing in excess of the maximum weight specified in this code which is operated under a special permit issued by the Department of Public Works.

(b) Whenever the driver is not the owner of the vehicle, object, or contrivance but is operating, driving, or moving the same with the express or implied permission of the owner, the owner and driver are jointly and severally liable for the damage.

Damage from weight or size

17302. The driver, or the owner and driver, jointly, as the case may be, are also liable for all damages which any highway or bridge sustains as the result of any operation, driving, or moving of any vehicle which exceeds any of the limitations imposed by Division 15 (commencing at Section 35000), Chapter 1 of Division 13 (commencing at Section 29000), Section 21461 with respect to a sign erected under Section 35655, and Sections 21712 and 23114 even though the vehicle is exempted from the limitations by Sections 35001, 35103, 35104, 35105, 35106, 35108, 35250, 35400, 35414, or 35415.

Recovery of damages

17303. Damages under Sections 17301 and 17302 may be recovered in a civil action brought by the authorities in control of the highway or bridge.

Article 4. Service of Process

"Nonresident"

17450. As used in this chapter, "nonresident" means a person who is not a resident of this State at the time the accident or collision occurs.

Service of process on nonresident

17451. The acceptance by a nonresident of the rights and privileges conferred upon him by this code or any use of the highways of this State as evidenced by the operation by himself or agent of a motor vehicle upon the highways of this State or in the event the nonresident is the owner of a motor vehicle then by the operation of the vehicle upon the highways of this State by any person with his express or implied permission, is equivalent to an appointment by the nonresident of the director or his successor in office to be his true and lawful attorney upon whom may be served all lawful processes in any action or proceeding against the nonresident operator or nonresident owner growing out of any accident or collision resulting from the operation of any motor vehicle upon the highways of this State by himself or agent, which appointment shall also be irrevocable and binding upon his executor or administrator.

Service on personal representative

17452. Where the nonresident has died prior to the commencement of an action brought pursuant to this article, service of process shall be made on the executor or administrator of the nonresident in the same manner and on the same notice as is provided in the case of the nonresident. Where an action has been duly commenced under the provisions of this article by service upon a defendant who dies thereafter, the court shall allow the action to be continued against his executor or administrator upon motion with such notice as the court deems proper.

Agreement of validity of process

17453. The acceptance of rights and privileges under this code or use of the highways of this State shall be a significa-

tion of the irrevocable agreement of the nonresident, binding as well upon his executor or administrator, that process against him which is served in the manner provided in this article shall be of the same legal force and validity as if served on him personally in this State.

Service and proof of process

17454. Service of process shall be made by leaving a copy of the summons and complaint with a fee of two dollars ($2) for each nonresident to be so served in the hands of the director or in his office at Sacramento and such service shall be a sufficient service on the nonresident subject to compliance with Section 17455.

Notice by registered mail

17455. A notice of service and a copy of the summons and complaint shall be forthwith sent by registered mail by the plaintiff or his attorney to the defendant. Personal service of the notice and a copy of the summons and complaint upon the defendant wherever found outside this State shall be the equivalent of service by mail.

Proof of service

17456. Proof of compliance with Section 17455 shall be made in the event of service by mail by affidavit of the plaintiff or his attorney showing said mailing, together with the return receipt of the United States post office bearing the signature of the defendant. The affidavit and receipt shall be appended to the original summons which shall be filed with the court from out of which the summons issued within such time as the court may allow for the return of the summons.

In the event of personal service outside this State, compliance with Section 17455 may be proved by the return of any duly constituted public officer, qualified to serve like process of and in the state or jurisdiction where the defendant is found, showing such service to have been made. The return shall be appended to the original summons which shall be filed as aforesaid.

Continuance

17457. The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action.

Records of process served

17458. The director shall keep a record of all process served upon him under this article which record shall show the day and hour of service.

Consent for service by resident

17459. The acceptance by a resident of this State of a certificate of ownership or a certificate of registration of any motor vehicle or any renewal thereof, issued under the provisions of this code, shall constitute the consent by the person that personal service of summons may be made upon him at any place where he may be found, whether or not he is then a resident of this State, with the same force and effect as though served within this State, in any action brought in the courts of this State upon a cause of action arising in this State out of the ownership or operation of the vehicle.

Same Driver's license

17460. (a) The acceptance or retention by a resident of this State of a driver's license issued pursuant to the provisions of this code, shall constitute the consent of the person

that personal service of summons may be made upon him at any place where he may be found and whether or not he is then a resident of this State, with the same force and effect as if served within the State in any action brought in the courts of this State upon a cause of action arising in this State out of his driving a motor vehicle upon a highway in this State.

Manner of serving process

17461. In the event summons is served outside of this State, pursuant to Sections 17459 and 17460, it may only be served by a public officer of the state in which service is made, qualified by the laws of that state to serve process, or by an elisor appointed for that purpose by the court out of which the summons is issued.

Time to appear

17462. In the event of service outside the State, the person so served shall have 60 days in which to appear in the action in which the summons is issued.

Effect on statute of limitations

17463. Notwithstanding any provisions of Section 351 of the Code of Civil Procedure to the contrary, when summons may be personally served upon a person as provided in Sections 17459 and 17460, the time of his absence from this State is part of the time limited for the commencement of the action described in those sections, except when he is out of this State and cannot be located through the exercise of reasonable diligence, except this section in no event shall be applicable in any action or proceeding commenced on or before September 7, 1956.

Chapter 2. Civil Liability of Persons Signing License Applications of Minors

"Minor"

17700. For the purposes of this part, all persons under 21 years of age, except persons 18 years of age or over who have been married, are minors.

Signature By parents

17701. No application for a driver's license shall be granted by the department to any minor unless it is signed and verified by the father and mother of such minor, if both father and mother are living and have custody of the minor.

If only one parent is living or has custody, the application shall be signed and verified by such parent.

If neither parent is living or has custody, the application shall be signed and verified by the guardian, or if there is no guardian, by a person having custody of the minor.

Same By adult spouse

17702. If a minor under the age of 18 years is married, the application may be signed and verified by the adult spouse of the minor or by the parents of either spouse or in lieu of such signature, such minor may file proof of ability to respond in damages as provided in Article 1 of Chapter 3 of Division 7, commencing at Section 16430.

Nonresident signers

17703. If the person or persons required to sign and verify the application of a minor, are not residents of this State, or if such minor is emancipated other than by marriage, the department may accept an application signed and verified by the

minor and accompanied by proof of ability to respond in damages, as provided in Article 1 of Chapter 3 of Division 7 (commencing at Section 16430).

Failure of proof

17704. If, at any time during the minority of the person who has given proof of ability to respond in damages, the proof shall fail, then the department shall forthwith suspend the license until proof of the licensee's continued ability to respond in damages has been given or until the minor has otherwise complied with the requirements of this code relative to the issuance of a driver's license.

Application verified by minor only

17705. If the person who is required to sign and verify the application of a minor gives his written consent, the department may accept an application signed and verified only by the minor and accompanied by proof of ability to respond in damages. The person giving the consent to but not signing or verifying the application shall not be subject to the civil liability specified in Sections 17707 and 17708 merely by reason of having given such consent.

Minor's negligence imputed to employer

17706. (a) If the person who is required by the provisions of this code to sign and verify the application of a minor gives his written consent, the department may accept an application signed and verified by the minor and his employer, but in such case the department shall issue to the minor only a driver's license restricted to the operation of vehicles by the minor within the scope of his employment by the employer, unless the employer in writing authorizes the issuance of an unrestricted driver's license.

(b) The person giving his consent to, but not signing or verifying, the application as provided in this section shall not be subject to the civil liability specified in Sections 17707 and 17708 merely by reason of having given such consent.

Minor's negligence

17707. Any civil liability of a minor arising out of his driving a motor vehicle upon a highway during his minority is hereby imposed upon the person who signed and verified the application of the minor for a license and the person shall be jointly and severally liable with the minor for any damages proximately resulting from the negligence or wilful misconduct of the minor in driving a motor vehicle, except that an employer signing the application shall be subject to the provisions of this section only if an unrestricted driver's license has been issued to the minor pursuant to the employer's written authorization.

Liability of parent or guardian

17708. Any negligence or wilful misconduct of a minor, whether licensed or not under this code, in driving a motor vehicle upon a highway with the express or implied permission of the parents or the person or guardian having custody of the minor shall be imputed to the parents, person, or guardian for all purposes of civil damages and the parents, person, or guardian shall be jointly and severally liable with the minor for any damages proximately resulting from the negligence or wilful misconduct.

Limit of liability

17709. No person, or group of persons collectively to whom negligence or wilful misconduct is imputed shall incur liability under Sections 17707 and 17708 in any amount exceeding five thousand dollars ($5,000) for injury to or death of one person as a result of any one accident or, subject to the limit as to one person, exceeding ten thousand dollars ($10,000) for injury to or death of all persons as a result of any one accident or exceeding one thousand dollars ($1,000) for damage to property of others as a result of any one accident.

Minor agent or servant

17710. Negligence or wilful misconduct shall not be imputed to the person signing a minor's application for a license when the minor is acting as the agent or servant of any person.

Release from liability

17711. Any person who has signed and verified the application of a minor for a driver's license or any employer who has authorized the issuance of a license to a minor and who desires to be relieved from the joint and several liability imposed by reason of having signed and verified such application, may file a verified application with the department requesting that the license of the minor be canceled. The department shall cancel the license and thereafter the person shall be relieved from the liability imposed under this chapter by reason of having signed and verified the original application on account of any subsequent wilful misconduct or negligent operation of a motor vehicle by the minor.

Cancellation

17712. The department, upon receipt of satisfactory evidence of the death of the father and mother or the person or guardian who signed and verified the application of any minor under Section 17701 or any employer who authorized the issuance of an unrestricted license, shall cancel the license and shall not issue a new license until such time as a new application duly signed and verified in the manner required by this code is made and granted.

Same Employment license

17713. The department, upon receipt of satisfactory evidence showing that any minor to whom was issued a license pursuant to Section 17706, other than an unrestricted license, has left the employ of the employer who signed and verified the application for the license, shall cancel the license and shall not issue a new license until such time as a new application duly signed and verified in the manner required by this code is made and granted.

Limitation of double liability

17714. In the event, in one or more actions, judgment is rendered against a defendant under this part based upon the negligent operation of a vehicle by a minor, and also by reason of such negligence rendered against such defendant under Article 2 of Chapter 1, commencing at Section 17150, then such judgment or judgments shall not be cumulative but recovery shall be limited to the amount specified in Section 17709.

DIVISION 10. ACCIDENTS AND ACCIDENT REPORTS

20000. The provisions of this division apply upon highways and elsewhere throughout the State, unless expressly provided otherwise. Application

20001. The driver of any vehicle involved in an accident resulting in injury to any person, other than himself, or death of any person shall immediately stop the vehicle at the scene of the accident and shall fulfill the requirements of Sections 20003 and 20004, and any person failing to stop or to comply with the requirements under such circumstances is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one year nor more than five years or in the county jail for not to exceed one year or by fine of not to exceed five thousand dollars ($5,000) or by both. Death or personal injuries

20002. (a) The driver of any vehicle involved in an accident resulting in damage to property shall immediately stop the vehicle at the scene of the accident and shall fulfill the requirements of Section 20005 and any person failing to stop or to comply with said requirements under such circumstances is guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for not to exceed six months or by a fine of not to exceed five hundred dollars ($500) or by both. Property damage

This subdivision shall not apply where the driver of a vehicle collides with any vehicle which is unattended.

(b) Any person who parks a vehicle which, prior to the vehicle again being driven, becomes a runaway vehicle and is involved in an accident resulting in damage to property, shall upon becoming aware of the accident fulfill the requirements of Section 20005 and failure to comply with said requirements will upon conviction thereof, carry the same penalty as prescribed in subdivision (a) of this section.

20003 The driver of any vehicle involved in an accident resulting in injury to or death of any person shall also give his name, address, the registration number of the vehicle he is driving, the name of the owner, and upon request and if available exhibit his driver's license to the person struck or the driver or occupants of any vehicle collided with or shall give such information and exhibit his license to any traffic or police officer at the scene of the accident and shall render to any person injured in the accident reasonable assistance, including the carrying or the making arrangements for the carrying of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if such carrying is requested by the injured person. Duty upon injury or death

20004. In the event of death of any person resulting from an accident, the driver of any vehicle involved after fulfilling the requirements of this division, and if there be no traffic or police officer at the scene of the accident to whom to give the Duty upon death

information required by Section 20003, shall, without delay, report the accident to the nearest office of the Department of the California Highway Patrol or office of a duly authorized police authority and submit with the report the information required by Section 20003.

Duty upon damage to property

20005. The driver of any vehicle involved in an accident resulting in damage to property shall take reasonable steps to locate and notify the owner or person in charge of the property of the damage, his name and address, and the registration number of the vehicle he is driving, and shall upon request and if available exhibit his driver's license, except that when the driver of any vehicle collides with any vehicle which is unattended the provisions of Section 20007 shall apply.

Driver without license

20006. If the driver does not have his driver's license in his possession, he shall exhibit other valid evidences of identification to the occupants of a vehicle with which he collided.

Duty upon striking unattended vehicle

20007. (a) The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the driver or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof and shall within 24 hours forward a similar notice to the police department of the city wherein the collision occurred or, if the collision occurred in unincorporated territory, then either to the sheriff of the county wherein the collision occurred, or to the local headquarters of the Department of the California Highway Patrol and any person failing to stop or comply with said requirements is guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for not to exceed six months or by a fine of not to exceed five hundred dollars ($500) or by both.

(b) Any person who parks a vehicle which, prior to the vehicle again being driven, becomes a runaway vehicle and is involved in an accident resulting in damage to any unattended vehicle shall comply with the requirements of this section, relating to notification and reporting and will upon conviction thereof, be liable to the penalties of this section for failure to comply with said requirements.

Duty to report accidents

20008. (a) The driver of a vehicle, other than a common carrier vehicle, involved in any accident resulting in injuries to or death of any person shall within 24 hours after the accident make or cause to be made a written report of the accident to the Department of the California Highway Patrol, except when such accident occurs within a city, the report shall be made within 24 hours after the accident to the police department of such city.

Every police department shall on or before the fifth day of each month forward every such report filed with it during the

previous calendar month, or a copy thereof, to the main office of the Department of the California Highway Patrol at Sacramento.

(b) The owner or driver of a common carrier vehicle involved in any such accident shall make a like report to the Department of the California Highway Patrol on or before the tenth day of the month following the accident.

Supplemental reports

20009. The Department of the California Highway Patrol may require any driver, or the owner of a common carrier vehicle, involved in any accident of which a report must be made as provided in Section 20008 to file supplemental reports and may require witnesses of accidents to render reports to it whenever the original report is insufficient in the opinion of such department.

Driver unable to report

20010. Whenever the driver of a vehicle is physically incapable of making a required accident report, any occupant in the vehicle at the time of the accident shall make the report or cause it to be made.

Coroners' report

20011. Every coroner shall on or before the tenth day of each month report in writing to the Department of the California Highway Patrol the death of any person during the preceding calendar month as the result of an accident involving a motor vehicle and the circumstances of the accident.

Reports Confidential

20012. All required accident reports, and supplemental reports, shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department of Motor Vehicles and the Department of the California Highway Patrol, except that the Department of the California Highway Patrol shall disclose the names and addresses of persons involved in, or witnesses to, an accident, the registration numbers and descriptions of vehicles involved, and the date, time and location of an accident, to any person who may have a proper interest therein, including the driver or drivers involved, or the legal guardian thereof, the parent of a minor driver, the authorized representative of a driver, or to any person injured therein, and the owners of vehicles or property damaged thereby.

Same Evidence

20013 No accident report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has, or claims to have, made such a report or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or failure to comply with the requirement that such a report be made to the department.

Use of reports

20014. All required accident reports and supplemental reports and all reports made to the Department of the California Highway Patrol by any peace officer, member of the Department of the California Highway Patrol, or other employee of the Department of Motor Vehicles and the Department of the California Highway Patrol, shall be immediately available for the confidential use of any division in the

departments needing the same, and for confidential use of the Department of Public Works.

Release

20015. Upon the termination of any criminal proceedings arising out of a traffic accident, or upon the determination by the proper authorities not to file any criminal charges as a result of the accident, but in all cases upon the termination of a period of six months after the date of the accident, all of the factual data gathered by the officers, together with the signed statements of all witnesses, except the reports signed by the drivers involved in the accident, shall be made available upon request to the interested parties named in Section 20012.

Persons injured on highways

20016. Any peace officer, any member of an organized fire department or fire protection district, any employee of the Division of Highways assigned to maintenance operations, or any member of the California Highway Patrol may transport or arrange for the transportation of any person injured in an accident upon any highway to a physician and surgeon or hospital, if the injured person does not object to such transportation. Any officer, member, or employee exercising ordinary care and precaution shall not be liable for any damages due to any further injury or for any medical, ambulance, or hospital bills incurred in behalf of the injured party.

DIVISION 11. RULES OF THE ROAD

CHAPTER 1. OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

Article 1. Definitions

"Department"

21000. Wherever in this division "department" occurs, it means the Department of the California Highway Patrol.

Scope of division

21001. The provisions of this division refer exclusively to the operation of vehicles upon the highways, unless a different place is specifically referred to.

Article 2. Effect of Traffic Laws

Bicycles or animals

21050. Every person riding a bicycle or riding or driving an animal upon a highway has all of the rights and is subject to all of the duties applicable to the driver of a vehicle by this division, Division 10 (commencing at Section 20000), and Sections 2800 and 2801, except those provisions which by their very nature can have no application.

Trolley coaches

21051. The following sections apply to trolley coaches:

(a) Sections 1800, 4000, 4001, 4002, 4003, 4006, 4009, 4150, 4151, 4152, 4153, 4155, 4156, 4158, 4165, 4166, 4300 to 4309, inclusive, 4450 to 4454, inclusive, 4457, 4458, 4459, 4460, 4600 to 4610, inclusive, 4750, 4751, 4850, 4851, 4852, 4853, 5000, 5200 to 5205, inclusive, 5904, 6052, 8801, 9254, and 40001

with respect to 4000, relating to original and renewal of registration.

(b) Sections 9250, 9251, 9265, 9400, 9406, 9407, 9408, 9550, 9552, 9553, 9554, 9800 to 9809, inclusive, 14901, 42230 to 42234, inclusive, relating to registration and other fees.

(c) Sections 2800, 10851, 10852, 10853, 20001 to 20009, inclusive, 21052, 21053, 21054, 21450 to 21457, inclusive, 21461, 21650, 21651, 21658, 21659, 21700, 21701, 21702, 21703, 21709, 21712, 21750, 21753, 21754, 21755, 21800, 21801, 21802, 21806, 21950, 21951, 22106, 22107, 22108, 22109, 22350, 22351, 22352, 22400, 22450 to 22453, inclusive, 23101 to 23107, inclusive, 23110, 40831, 42002 with respect to 10852 and 10853, and 42004, relating to traffic laws.

(d) Sections 26706, 26707, and 26708, relating to equipment.

(e) Sections 17301, 17302, 17303, 21461, 35000, 35100, 35101, 35105, 35106, 35111, 35550, 35551, 35750, 35751, 35753, 40000, 40001, 40003, and 42031, relating to the size, weight, and loading of vehicles.

Public officers and employees

21052. The provisions of this code applicable to the drivers of vehicles upon the highways apply to the drivers of all vehicles while engaged in the course of employment by this State, any political subdivision thereof, any municipal corporation, or any district, including authorized emergency vehicles subject to those exemptions granted such authorized emergency vehicles in this code.

Public employees working on highway

21053. The provisions of this code do not apply to public employees and publicly owned teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway, or work of installation, removal, repairing, or maintaining official traffic control devices, but apply to such persons and vehicles when traveling to or from such work.

Representative of public agency

21054. The provisions of this division do not apply to the duly authorized representatives of any public agency while actually engaged in performing any of the work described in Section 21053 but apply to such persons when traveling to and from such work.

Exemption of authorized emergency vehicles

21055. The driver of an authorized emergency vehicle is exempt from Chapter 2 (commencing at Section 21350), Chapter 4 (commencing at Section 21800), Chapter 5 (commencing at Section 21950), except Sections 21960 and 21961, Chapter 6 (commencing at Section 22100), except Section 22113, Chapter 8 (commencing at Section 22450), except Section 22455, Chapter 9 (commencing at Section 22500), except Sections 22507, 22509, 22511, 22515, and 22517, Chapter 10 (commencing at Section 22650), except Section 22657, Article 1 of Chapter 3 (commencing at Section 21650), except Section 21662, Article 3 of Chapter 3 (commencing at Section 21750), Articles 1 and 2 of Chapter 7 (commencing at Sections 22350 and 22400, respectively), and Sections 21112, 21703 to 21709, inclusive, 23273, 24605, 25253, 25254, 25255, 25300 to 25304,

inclusive, 27700, 27906, 27907, 40831, and 41102 under all of the following conditions:

(a) If the vehicle is being driven in response to an emergency call or while engaged in rescue operations or is being used in the immediate pursuit of an actual or suspected violator of the law or is responding to, but not returning from, a fire alarm, except that fire department vehicles are exempt whether directly responding to an emergency call or operated from one place to another as rendered desirable or necessary by reason of an emergency call and operated to the scene of the emergency or operated from one fire station to another or to some other location by reason of the emergency call.

(b) If the driver of the vehicle sounds a siren as may be reasonably necessary and the vehicle displays a lighted red lamp visible from the front as a warning to other drivers and pedestrians.

A siren shall not be sounded by an authorized emergency vehicle except when required under this section.

Effect of exemption

21056. Section 21055 does not relieve the driver of a vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor protect him from the consequences of an arbitrary exercise of the privileges granted in that section.

Sirens and illegal speed of escorts

21057. Every police and traffic officer is hereby expressly prohibited from using a siren or driving at an illegal speed when serving as an escort of any vehicle, except when the escort or conveyance is furnished for the preservation of life or when expediting movements of supplies and personnel for the armed forces during a national emergency.

Physicians

21058. A physician traveling in response to an emergency call shall be exempt from the provisions of Sections 22351 and 22352 if the vehicle so used by him displays an insignia approved by the department indicating that the vehicle is owned by a licensed physician. The provisions of this section do not relieve the driver of the vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor protect the driver from the consequences of an arbitrary exercise of the privileges of this section.

Article 3. Local Regulation

Traffic

21100. Local authorities may adopt rules and regulations by ordinance or resolution on the following matters:

(a) Regulating or prohibiting processions or assemblages on the highways.

(b) Licensing and regulating the operation of vehicles for hire.

(c) Regulating traffic by means of traffic officers.

(d) Regulating traffic by means of semaphores or other official traffic control devices.

21101. Local authorities may adopt rules and regulations by ordinance or resolution on the following matters: Highways

(a) Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specified direction.

(b) Closing any highway to vehicular traffic when in the opinion of the legislative body having jurisdiction the highway is no longer needed for vehicular traffic.

(c) Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to the intersection.

(d) Prohibiting the use of particular highways by certain vehicles, except as otherwise provided by the Public Utilities Commission pursuant to Article 2 of Chapter 5 of Part 1 of Division 1 of the Public Utilities Code.

(e) Closing particular streets during regular school hours for the purpose of conducting automobile driver training programs in the secondary schools and colleges of this State.

21102. Local authorities may adopt rules and regulations by ordinance or resolution closing to vehicular traffic that portion of any street or highway crossing or dividing any school ground or grounds when in the opinion of the legislative body having jurisdiction such closing is necessary for the protection of persons attending such school or school grounds. The closing to vehicular traffic may be limited to such hours and days as the legislative body may specify. No such ordinance or resolution shall be effective until appropriate signs giving notice thereof are posted along the street or highway affected, nor in the case of state highways, until such ordinance or resolution is approved by the Department of Public Works. Local authority to close street

21103. No ordinance or resolution enacted under Section 21101 shall be effective until signs giving notice of the local traffic laws are posted at all entrances to the highway or part thereof affected. All signs giving notice of any local traffic laws under subdivision (b) of Section 21101 shall conform to the specifications applicable to stop signs. Signs required

21104. No ordinance or resolution proposed to be enacted under Section 21101 or subdivision (d) of Section 21100 is effective as to any highway not under the exclusive jurisdiction of the local authority enacting the same, except that an ordinance or resolution which is submitted to the Department of Public Works by a local legislative body in complete draft form for approval prior to the enactment thereof is effective as to any state highway or part thereof specified in the written approval of such department. Approval of local regulations

21105. No rule or regulation adopted under Sections 21100 or 21101 shall be effective as to boundary line streets where portions thereof are within different jurisdictions unless all authorities having jurisdiction of such portions of the street concerned have approved the same. Boundary line streets

Crosswalks

21106. (a) Local authorities, by ordinance, may establish crosswalks between intersections.

(b) Local authorities may install signs at or adjacent to an intersection directing that pedestrians shall not cross in a crosswalk indicated at the intersection. It is unlawful for any pedestrian to cross at the crosswalk prohibited by a sign.

Private roads

21107. The provisions of this code shall not prevent any city from adopting rules and regulations by ordinance or resolution, regulating vehicular traffic on privately owned and maintained roads located within the boundary of such city, except that no such ordinance or resolution shall be effective until signs giving notice thereof are posted on the roads affected. The provisions of this section shall not apply to any city in which there are publicly maintained city streets.

Same: Leading to airports

21108. Local authorities may adopt rules and regulations by ordinance or resolution regulating vehicular traffic on privately owned and maintained roads or ways within the boundaries of a privately owned airport, when the roads or ways are expressly open to the general public for purposes of vehicular traffic.

The rules or regulations shall not be effective until appropriate signs giving notice thereof are posted along the roads or ways affected.

Underpasses, bridges and viaducts

21109. Local authorities may adopt rules and regulations by ordinance or resolution regulating vehicular and pedestrian traffic in subways, tubes, and tunnels or upon bridges or viaducts. The proposed ordinance or resolution shall not be effective as to any state highway until approved in writing by the Department of Public Works.

The rules or regulations shall not be effective until appropriate signs have been posted giving notice thereof to drivers and pedestrians approaching the highway structures.

Railroad crossings

21110. Local authorities may adopt rules and regulations by ordinance or resolution to require that all vehicles stop before entering or crossing the tracks at any highway railroad grade crossing when signs are in place giving notice thereof, but no such ordinance shall be effective unless approved by an order of the Public Utilities Commission.

Housing projects

21111. Local authorities may adopt rules and regulations by ordinance or resolution regulating vehicular traffic on privately owned and maintained roads or ways within the boundaries of any housing project or within the site of any housing owned or operated by a housing authority created under and by virtue of the Housing Authorities Law, commencing at Section 34200 of the Health and Safety Code, on privately owned and maintained roads or ways within areas which would be a residence district if the road or way were a public highway, or, with the consent of the owner, on publicly owned and maintained roads and ways within areas which are not owned by such local authorities. The rules or regulations shall not be effective until appropriate signs giving notice thereof are posted along the roads or ways affected.

21112. Local authorities may by ordinance license and regulate the location of stands on streets and highways for use by taxicabs and other public carriers for hire in their respective jurisdictions. No such ordinance shall be effective as to any state highway until approved in writing by the Department of Public Works. Where maintenance of any state highway is delegated by such department to a city, such approval is not required. Taxicab and bus stands

21113. (a) No person shall drive any vehicle or animal, nor shall any person stop, park, or leave standing any vehicle or animal, whether attended or unattended, upon the driveways, paths, or the grounds of any public school, state university, state college, state, county, or municipal institution or building, or any educational institution exempted in whole or in part from taxation, except with the permission of, and upon and subject to such conditions and regulations as may be imposed by, the governing board or office of the public school, state university, state college, state, county, or municipal institution or building, or educational institution. Public grounds

(b) Every governing board or officer shall erect or place appropriate signs giving notice of any special conditions or regulations that are imposed under this section and every board or officer shall also prepare and keep available at the principal administrative office of the board or officer, for examination by all interested persons, a written statement of all such special conditions and regulations adopted under this section.

(c) When any governing board or officer permits public traffic upon the driveways, paths or grounds under their control then, in the absence of any special condition or regulations applicable to the traffic, all the provisions of this code relating to traffic upon the highways shall be applicable to the traffic upon the driveways, paths, or grounds.

Chapter 2. Traffic Signs, Signals, and Markings

Article 1. Erection and Maintenance

21350. The State Department of Public Works, Division of Highways, shall place and maintain, or cause to be placed and maintained, with respect to highways under its jurisdiction, appropriate signs, signals and other traffic control devices as required hereunder, and may place and maintain, or cause to be placed and maintained, such appropriate signs, signals or other traffic control devices as may be authorized hereunder, or as may be necessary properly to indicate and to carry out the provisions of this code, or to warn or guide traffic upon the highways. State authority

21351. Local authorities in their respective jurisdictions shall place and maintain or cause to be placed and maintained such traffic signs, signals and other traffic control devices upon streets and highways as required hereunder, and may place Local authority

and maintain or cause to be placed and maintained, such appropriate signs, signals or other traffic control devices as may be authorized hereunder or as may be necessary properly to indicate and to carry out the provisions of this code or local traffic ordinances or to warn or guide traffic.

Regulations applicable on state highways

21352. The Department of Public Works may erect stop signs at any entrance to any state highway and whenever the department determines that it is necessary for the public safety and the orderly and efficient use of the highways by the public, the department may erect and maintain, or cause to be erected and maintained, on any state highway any semaphore or traffic control signaling device or any official traffic control device regulating or prohibiting the turning of vehicles upon the highway, allocating or restricting the use of specified lanes or portions of the highway by moving vehicular traffic, establishing crosswalks at or between intersections or restricting use of the right-of-way by the public for other than highway purposes.

Local authority on state highways

21353. No local authority, except by permission of the Department of Public Works, shall erect or maintain any stop sign, semaphore or other traffic control signaling device in such manner as to require the traffic on any state highway to stop before entering or crossing any intersecting highway or any railroad grade crossing.

Stop signs Local highways

21354. Subject to the provisions of Section 21353, a local authority may designate any highway under its jurisdiction as a through highway and may erect stop signs at entrances thereto or may designate any intersection under its exclusive jurisdiction as a stop intersection and erect stop signs at one or more entrances thereto.

Same

21355. Stop signs erected under Section 21350, 21351, 21352, or 21354 may be erected either at or near the entrance to an intersection.

The Department of Public Works and local authorities in their respective jurisdictions may erect stop signs at any location so as to control traffic within an intersection.

When a required stop is to apply at the entrance to an intersection from a one-way street the roadway of which is 30 feet or more in width, stop signs shall be erected both on the left and the right sides of such one-way street at or near the entrance to the intersection.

Yield right-of-way signs

21356. The Department of Public Works in respect to state highways, and any local authority in respect to highways under its jurisdiction, may erect yield right-of-way signs at one or more approaches to an intersection of streets and highways under its jurisdiction which are not through highways, but such yield right-of-way signs shall not be erected upon the approaches to more than one of the intersecting streets.

Yield right-of-way signs shall be located at or near the entrance to the intersection where motorists are required to yield the right-of-way.

21357. Speed restriction signs shall be erected at the entrance of a state highway into a business or residence district. Speed signs: Business and residence districts

Speed restriction signs may, but need not, be erected at the entrance of any other highway into a business or residence district unless required in this chapter.

21358. Where one or more business and residence districts are contiguous, or where, as authorized by this code, speed is to be restricted between two districts, either business or residence, or at the end of either thereof, speed restriction signs as required by Sections 21357 and 21359 need be erected and maintained only at the boundaries of the outside limits of the area in which speed is to be restricted. Same: District boundaries

21359. Whenever the Department of Public Works or a local authority as authorized by this code determines and declares a prima facie speed limit different from the limit otherwise applicable under Sections 22351 and 22352, appropriate speed restriction signs shall be erected and maintained at the outside entrance of the highway or portion thereof upon which the special prima facie speed limit is applicable. The special prima facie speed limit is not effective until appropriate signs have been erected. Same: Special areas

21360. Local authorities in their respective jurisdictions may, within the reasonable exercise of their police power and subject to Section 21353, place and maintain official traffic control devices to regulate traffic at the intersection of a highway and a private road or driveway. Official traffic control devices may be erected at or near such intersection, except no such device shall be erected upon a private road or driveway without consent of the owner thereof. When official traffic control devices are installed and in operation, the private road or driveway shall be deemed a highway only for the purpose of determining the existence and location of an intersection. Traffic devices on private road or driveway

21361. (a) When the outermost boundaries of two or more intersections are confined within a distance of 200 feet, the Department of Public Works in respect to state highways, and a local authority with respect to highways under its jurisdiction, shall have the power to designate a single intersection by the installation and operation of traffic signals which may be supplemented by signs or markings. When so designated, the single intersection shall be the legal intersection for the purposes of traffic movement and regulation. Traffic signals at intersection

(b) Whenever a single intersection has been designated by local authorities as set forth in subdivision (a), such authorities may designate marked crosswalks at certain locations within the intersection or contiguous thereto, and when the marked crosswalks are established, they shall constitute the only crosswalks at the intersection.

21362. Railroad warning approach signs shall be erected by local authorities upon the right-hand side of each approach of every highway under their jurisdiction to a grade crossing of a steam railroad or electric interurban railway at a reasonable distance from the crossing. Railroad approach signs

Detour

21363. Detour signs shall be erected at the nearest points of detour from that portion of a highway, or from any bridge, which is closed to traffic while under construction or repair.

Stock crossing

21364. The Department of Public Works may authorize an owner of land adjacent to a state highway to erect and maintain signs to indicate the existence of those places where livestock regularly and frequently cross a state highway, and any sign so erected and maintained shall be an official sign. Said department shall prescribe the size, shape and character of the signs, which shall be uniform.

Open range

21365. The Department of Public Works, with respect to state highways in open range country, and the board of supervisors of each county, with respect to county highways under its jurisdiction, may place and maintain appropriate signs indicating that the territory traversed is open livestock range and warning against the danger of livestock on the highway.

Street names

21366. At each signal-controlled intersection on streets and highways within cities, there shall be a street name sign clearly visible to the principal flow of traffic. The cost of erecting and maintaining the street name signs may be paid out of funds received by the city from the Highway Users Tax Fund or the Motor Vehicle License Fee Fund.

Flashing signals at school approaches

21367. (a) Upon a finding by the governing board of any school district that traffic conditions in the vicinity of any schools in the district are hazardous to school children crossing streets or highways in such vicinity and a request is made by the school district, the Department of Public Works shall, with respect to highways under its jurisdiction, or local authorities shall, in their respective jurisdictions, make a study as to the hazards to school children from traffic on streets or highways adjacent to the schools.

(b) If the authority in charge of the highway determines that flashing traffic signals would be justified as a protective measure, it shall place or replace and maintain such flashing signals as are required. In the event the highway authorities find that the signals are not justified or that different measures should be taken they shall render a report to the governing board of the school district, advising them of their conclusions and the reasons therefor.

(c) One-half the cost to the Department of Public Works or local authorities of placing and replacing any traffic signal pursuant to this section shall be borne by the school district requesting the placement of the signal.

Crosswalks near schools

21368. Whenever a marked pedestrian crosswalk has been established in a roadway contiguous to a school building or the grounds thereof, it shall be painted or marked in yellow as shall be all the marked pedestrian crosswalks at an intersection in case any one of the crosswalks is required to be marked in yellow. Other established marked pedestrian crosswalks may be painted or marked in yellow if the nearest point of the crosswalk is not more than 600 feet from a school building or the grounds thereof. There shall be painted or marked

in yellow on each side of the street in the lane or lanes leading to all yellow marked crosswalks the following words, "SLOW—SCHOOL—XING." A crosswalk shall not be painted or marked yellow at any location other than as required or permitted in this section.

Article 2. Description of Traffic Device

Stop signs

21400. (a) Every stop sign erected after January 1, 1957, shall be of metal and octagonal in shape, shall have a red background and shall carry the word "stop" horizontally in white letters at least one-third the height of the sign. Each side of said sign shall be of equal length and shall be a minimum of 10 inches in length. Each letter of the word "stop" shall be of not less than one-inch stroke. Stop signs may be of larger dimensions than specified herein, in which event the stroke of letters shall be increased in the proper proportion.

(b) The lettering upon such stop signs shall from sunset to sunrise be illuminated or reflectorized and the background upon every such sign may be illuminated or reflectorized. Illumination shall be by floodlight upon the face of the sign or by white light in the letters. Reflectorization shall be by white or clear reflecting units or reflecting coating in the letters with or without a red reflecting coating on the background.

Same
Erected prior to 1957

21401. Stop signs erected prior to January 1, 1957, shall conform either to the requirements of Section 21400 or to the statutory requirements in effect on January 1, 1955, or in effect at the time the signs were erected.

Yield right-of-way

21402. Every yield right-of-way sign erected on or after September 7, 1955, shall carry the message "Yield Right of Way" with letters of the word "yield" at least six inches in height, and shall otherwise conform to the specifications as set forth in the National Manual on Uniform Traffic Control Devices for Streets and Highways.

Speed signs

21403. Every speed restriction sign located upon a highway on or after September 13, 1941, shall be of metal and rectangular in shape, except that the corners shall be slightly rounded and shall conform approximately to the specifications of this section. The minimum size of the sign measured through its center shall be 30 inches in length and 24 inches in width. The face of the sign shall be black with the words and figures specifying the applicable speed limit in white thereon. The top of the words "speed limit" shall be $2\frac{1}{2}$ inches from the top edges of the sign. Each letter of the words "speed limit" shall be four inches in height and of five-eighths inch stroke. The top of the figures shall be $1\frac{11}{16}$ inches below the bottom of the words "speed limit." Each figure of the figures shall be $10\frac{7}{8}$ inches in height and $1\frac{3}{4}$ inch stroke. The top of the word "miles" shall be $1\frac{11}{16}$ inches below the bottom of the figures. Each letter of the word "miles" shall be four inches in height and of five-eighths inch stroke. A white borderline of three-

eighths inch stroke shall parallel the outside edges of the sign. The outside edge of the borderline shall be three-eighths inch from the outside edges of the sign. The sign may be made of larger dimensions in which event the size and stroke of letters, figures and lines shall be increased in the proper proportion.

Warning approach signs

21404. Every railroad warning approach sign erected after January 1, 1951, shall consist of a metal disc and shall conform approximately to the specifications of this section. The disc shall be 24 inches in diameter. The face of the disc shall have a yellow background upon which there shall be placed a black borderline one-half inch wide and a black 90-degree crossbuck "X" $2\frac{3}{8}$ inches wide. In each of the side quarters thus formed, there shall appear in black the letter "R" $5\frac{5}{8}$ inches high and $4\frac{3}{8}$ inches wide, drawn in lines of one-inch stroke. Every sign shall contain reflecting buttons or elements set into the face of the sign. Signs may be made of larger dimensions, in which event the size and stroke of letters and lines shall be increased in the proper proportion.

Street and highway signs

21405. (a) The Department of Public Works shall determine and prescribe the standards and specifications, regarding location, kind, size, color, and height, for all city street name signs erected on or after January 1, 1948, on streets or highways within incorporated cities.

(b) Any street name sign erected on or after January 1, 1948, on any street or highway within any incorporated city shall conform to uniform standards and specifications for street and highway name signs prescribed by the Department of Public Works.

Contractor's warning devices

21406. The Department of Public Works shall determine and publicize the specifications for uniform types of warning signs, lights and devices to be placed upon a highway by any person engaged in performing work which interferes with or endangers the safe movement of traffic upon such highway.

Only those signs, lights and devices as are provided for in this section shall be placed upon a highway to warn traffic of work which is being performed on such highway.

Article 3. Offenses Relating to Traffic Devices

Official traffic control signals

21450. Whenever traffic is controlled by official traffic control signals exhibiting the words "go," "caution," or "stop," or exhibiting different colored lights successively, one at a time, or with arrows, only the colors designated in this chapter shall be used, and the terms and lights shall indicate and apply to drivers of vehicles and pedestrians as provided in this chapter.

Green and "go"

21451. Green alone or "go" on an official traffic control signal means that:

(a) Vehicular traffic facing the signal shall proceed straight through or may turn right or left. Traffic may make a semicircular or U-turn only where such turn is permitted by signs

erected at such location. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

Yellow and "caution"

21452. Yellow or "caution" on an official traffic control signal when shown following the green or "go" signals means that:

(a) Vehicular traffic facing the signal is thereby warned that the red or stop signal will be exhibited immediately thereafter and vehicular traffic will be required to stop when the red or stop signal is exhibited.

(b) No pedestrian shall enter the roadway or cross any part of a roadway or proceed from or to a safety zone against a yellow or "caution" signal.

Red or "stop"

21453. Red alone or "stop" on an official traffic control signal means:

(a) Vehicular traffic facing the signal shall stop at a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "go" is shown alone, except as provided in the next succeeding paragraphs.

(b) The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red or "stop" signal, may make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at said intersection, except that local authorities may by ordinance prohibit any such right turn against a red or "stop" signal at any intersection, which ordinance shall be effective when a sign is erected at such intersection giving notice thereof.

(c) The driver of a vehicle on a one-way street which intersects another one-way street on which traffic moves to the left shall stop in obedience to a red or "stop" signal but may then make a left turn into said one-way street, but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at said intersection, except that local authorities may by ordinance prohibit any such left turn as above described, which ordinance shall be effective when a sign is erected at such intersection giving notice thereof.

(d) No pedestrian shall enter the roadway or cross any part of the roadway or proceed from or to a safety zone against a red or "stop" signal.

Red with green arrow

21454. Red with green arrow on an official traffic control signal means that vehicular traffic facing the signal may cautiously enter the intersection only to make the movement indicated by the green arrow but shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersec-

tion or an adjacent crosswalk at the time such green arrow is exhibited.

It is unlawful to operate a traffic signal which is equipped with a green light and a red arrow which are shown simultaneously.

Streetcar at red

21455. The motorman of any streetcar shall not make a right or left turn when facing a red alone or stop signal.

Walk, wait or don't walk

21456. Whenever an official traffic control signal exhibiting the words "walk" or "wait" or "don't walk" are in place, the signals shall indicate as follows:

(a) Walk. A pedestrian facing the signal may proceed across the roadway in the direction of the signal or in a diagonal direction across the roadway within the intersection if so instructed by signs or signals installed at or near the intersection.

(b) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "walk" signal shall proceed to a sidewalk, safety zone or island while the "wait" or "don't walk" signal is showing.

Flashing signals

21457. Whenever a flashing red or yellow signal is used in an official traffic control device, it shall require obedience by vehicular traffic as follows:

(a) Flashing Red. When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing Yellow. When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution.

Curb markings

21458. Whenever local authorities enact local parking regulations and indicate them by the use of paint upon curbs, the following colors only shall be used, and the colors indicate as follows:

(a) Red indicates no stopping, standing, or parking, whether the vehicle is attended or unattended, except that a bus may stop in a red zone marked or signposted as a bus loading zone.

(b) Yellow indicates stopping only for the purpose of loading or unloading passengers or freight for such time as may be specified by local ordinance.

(c) White indicates stopping only for loading or unloading of passengers for such time as may be specified by local ordinance or for the purpose of depositing mail in an adjacent mailbox.

(d) Green indicates time limit parking specified by local ordinance.

Regulations indicated as above provided shall be effective upon such days and during such hours or times as may be prescribed by local ordinances.

21459. (a) The Department of Public Works in respect to state highways and a local authority with respect to highways under its jurisdiction, is authorized to place and maintain upon highways distinctive roadway markings as described and with the effect set forth in Section 21460. Distinctive roadway markings

(b) The distinctive roadway markings shall be employed to designate any portion of a highway where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of the marking or to indicate no driving to the left as provided in Section 21460, and shall not be employed for any other purpose.

(c) Any pavement marking other than as described in this section placed by the Department of Public Works or any local authority shall not be effective to indicate no driving over or to the left of the marking.

21460. (a) When double parallel solid white lines are in place, no person driving a vehicle shall drive to the left thereof, except as permitted in this section. Double lines

A double parallel solid white line consists of two parallel solid white lines, each four inches in width, separated by a black line three inches in width or a corresponding width of pavement.

(b) When the double line described in this subdivision is in place, no person driving a vehicle shall drive to the left thereof, except that the driver on that side of the roadway in which the broken line is in place may cross over the double line or drive to the left thereof when overtaking or passing other vehicles.

The double line consists of two parallel lines, one of which shall be a solid white line and one a broken white line, each four inches in width separated by a black line three inches in width or a corresponding width of pavement. The term "broken line" used herein shall mean a line in which the breaks or unpainted portions thereof do not exceed 26 feet in length and the solid or painted portions thereof between the breaks are not less than eight feet in length.

(c) Exceptions. Either of the markings as specified in subdivisions (a) or (b) shall not prevent a driver from turning to the left across any such marking at any intersection or into or out of a driveway, and either of the markings shall be disregarded when authorized signs have been erected designating offcenter traffic lanes as permitted under Section 21655, in which event, no person shall disobey the instructions given by the signs.

21461. It shall be unlawful to fail to obey any sign or signal erected or maintained to indicate and to carry out the provisions of this code or any local traffic ordinance or resolution adopted pursuant to a local traffic ordinance, or to fail to obey any device erected or maintained pursuant to Section 21352. Obedience Traffic control devices

21462. The driver of any vehicle, the person in charge of any animal, any pedestrian, and the motorman of any streetcar shall obey the instructions of any official traffic signal appli- Same· Traffic control signals

cable to him and placed as provided by law, unless otherwise directed by a police or traffic officer or when it is necessary for the purpose of avoiding a collision or in case of other emergency, subject to the exemptions granted by Section 21055.

Illegal operation of signals

21463. No person shall operate a manually or traffic actuated signal other than for the purpose of permitting a pedestrian or vehicle to cross a roadway.

Interference with traffic devices

21464. No person shall without lawful authority deface, injure, knock down, or remove, nor shall any person shoot at, any official traffic control device, guide post, or historical marker placed or erected as authorized or required by law, nor shall any person without such authority deface, injure, or remove, nor shall any person shoot at, any inscription, shield, or insignia on any such device, guide, or marker.

Unauthorized traffic devices

21465. No person shall place, maintain, or display upon, or in view of, any highway any unofficial sign, signal, or device, or any sign, signal, or device which purports to be or is an imitation of, or resembles, an official traffic control device or which attempts to direct the movement of traffic or which hides from view any official traffic control device.

Unlawful display of light

21466. No person shall place or maintain or display upon or in view of any highway any light of any color of such brilliance as to blind or dazzle the vision of drivers upon the highway nor shall any light be placed in such position as to prevent the driver of a vehicle from readily recognizing any official traffic control device.

Prohibited signs or devices

21467. Every prohibited sign, signal, device, or light is a public nuisance, and the Department of Public Works, members of the California Highway Patrol, and local authorities are hereby authorized and empowered without notice to remove the same, or cause the same to be removed, or the Director of the Department of Public Works, the commissioner, or local authorities may bring an action as provided by law to abate such nuisance.

Public utilities

21468. This division does not modify or limit the authority of the Public Utilities Commission to erect or maintain, or cause to be erected and maintained, signs, signals or other traffic control devices as authorized by law.

Chapter 3. Driving, Overtaking, and Passing

Article 1. Driving on Right Side

Right side of roadway

21650. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.

(b) When placing a vehicle in a lawful position for, and when the vehicle is lawfully making, a left turn.

(c) When the right half of a roadway is closed to traffic under construction or repair.

(d) Upon a roadway designated and signposted for one-way traffic.

Divided highways

21651. It is unlawful to drive any vehicle upon any highway which has been divided into two or more roadways by means of intermittent barriers or by means of a dividing section of not less than two feet in width either unpaved or dilineated by curbs, lines, or other markings on the roadway except to the right of the barrier or dividing section, or to drive any vehicle over, upon, or across the dividing section, or to make any left turn or semicircular or U-turn on any such divided highway, except through an opening in the barrier designated and intended by public authorities for the use of vehicles or through a plainly marked opening in the dividing section.

Service roads

21652. When any service road has been constructed on and along any state highway and the main thoroughfare of the state highway has been separated from the service road, it is unlawful for any person to drive any vehicle into the main thoroughfare except through an opening in the dividing curb, section, separation, or line.

One-way traffic

21653. No person shall operate or move a vehicle upon a street or highway designated and signposted for one-way traffic in a direction opposed to that indicated by the designation or signpost.

Slow moving vehicles

21654. Notwithstanding the prima facie speed limits, any vehicle proceeding upon a highway at a speed less than the normal speed of traffic moving in the same direction at such time shall be driven in the right hand lane for traffic or as close as practicable to the right hand edge or curb, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

Designated lanes

21655. (a) Whenever the State Department of Public Works in respect to a state highway, or a local authority in respect to highways under its jurisdiction, determines upon the basis of an engineering and traffic investigation that the designation of a specific lane or lanes for the travel of heavy vehicles would facilitate the safe and orderly movement of traffic, the department or local authority may designate specific lane or lanes for the travel of vehicles which are subject to the provisions of Section 22406 and shall erect signs at reasonable intervals giving notice thereof.

(b) Any vehicle subject to the provisions of Section 22406 shall be driven in the lane or lanes designated pursuant to subdivision (a) whenever signs have been erected giving notice of such designation. When specific lane or lanes have not been so designated, any such vehicle shall be driven in the right hand lane for traffic or as close as practicable to the right edge or curb, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or

driveway and when overtaking and passing another vehicle, shall use the lane to the immediate left of the right hand lane for traffic, except when overtaking and passing to the right of another vehicle as permitted under the provisions of this code.

Slow-moving vehicles

21656. On a two-lane highway where passing is unsafe because of traffic in the opposite direction or other conditions, a slow-moving vehicle, behind which five or more vehicles are formed in line, shall turn off the highway at the nearest place designated as a turnout by signs erected by the authority having jurisdiction over the highway, in order to permit the vehicles following it to proceed. As used in this section a slow-moving vehicle is one which is proceeding at a rate of speed less than the normal flow of traffic at the particular time and place.

Offcenter lanes

21657. The authorities in charge of any highway may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the highway, and all members of the California Highway Patrol and other peace officers may direct traffic in conformance with such signs. When authorized signs have been erected designating offcenter traffic lanes, no person shall disobey the instructions given by the signs.

Laned roadways

21658. Whenever any roadway has been divided into three or more clearly marked lanes for traffic, the following rules apply:

(a) A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that such movement can be made with safety.

(b) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction, and drivers of vehicles shall obey the directions of the traffic device.

Three-laned highways

21659. Upon a roadway which is divided into three lanes a vehicle shall not be driven in the extreme left lane at any time, nor in the center lane except when overtaking and passing another vehicle where the roadway ahead is clearly visible and the center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation. This section does not apply upon a one-way roadway.

Approaching vehicles

21660. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and, except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half of the main traveled portion of the roadway whenever possible.

Narrow roadways

21661. Whenever upon any grade the width of the roadway is insufficient to permit the passing of vehicles approaching from opposite directions at the point of meeting, the driver

of the vehicle descending the grade shall yield the right-of-way to the vehicle ascending the grade and shall, if necessary, back his vehicle to a place in the highway where it is possible for the vehicles to pass.

Mountain driving

21662. The driver of a motor vehicle traveling through defiles or canyons or upon mountain highways shall hold the motor vehicle under control and as near the right-hand edge of the roadway as is reasonably possible and upon approaching any curve where the view is obstructed within a distance of 200 feet along the highway shall give audible warning with the horn of the motor vehicle.

Article 2. Additional Driving Rules

Obstruction to driving

21700. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle. The provisions of this section shall not apply to the loading of common carrier passenger vehicles subject to the regulations of the Public Utilities Commission, but as to such vehicles specific rules and regulations of that commission shall apply.

Interference with driver

21701. No person shall wilfully interfere with the driver of a vehicle or with the mechanism thereof in such manner as to affect the driver's control of the vehicle. The provisions of this section shall not apply to a drivers' license examiner or other employee of the Department of Motor Vehicles when conducting the road or driving test of an applicant for a driver's license nor to a person giving instruction as a part of a course in driver training conducted by a public school, educational institution or a driver training school licensed by the Department of Motor Vehicles.

Limitation on driving hours

21702. (a) No person shall drive upon any highway any vehicle designed or used for transporting persons for compensation for more than 10 consecutive hours nor for more than 10 hours spread over a total of 15 consecutive hours. Thereafter, such person shall not drive any such vehicle until eight consecutive hours have elapsed.

Regardless of aggregate driving time, no driver shall drive for more than 10 hours in any 24-hour period unless eight consecutive hours off duty have elapsed.

(b) No person shall drive upon any highway any vehicle designed or used for transporting merchandise, freight, materials or other property for more than 12 consecutive hours nor for more than 12 hours spread over a total of 15 consecutive hours. Thereafter, such person shall not drive any such vehicle until eight consecutive hours have elapsed.

Regardless of aggregate driving time, no driver shall drive for more than 12 hours in any 24-hour period unless eight consecutive hours off duty have elapsed.

(c) This section does not apply to any person driving any vehicle used in the transportation of persons or property as a common carrier for compensation.

(d) This section does not apply in any case of casualty or unavoidable accident or an act of God.

(e) In computing the number of hours under this section, any time spent by a person in driving such a vehicle outside this State shall, upon the vehicle entering this State, be included.

(f) Any person who violates any provision of this section is guilty of a misdemeanor and is punishable by a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for each offense.

Following too closely

21703. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon, and the condition of, the roadway.

Distance between trucks

21704. (a) The driver of any motor truck, or the driver of any motor vehicle which is drawing or towing any trailer, semitrailer, or house trailer outside of a business or residence district, shall keep the vehicle he is driving at a distance of not less than 500 feet to the rear of any motor truck which is preceding it being driven in the same direction and not less than 500 feet to the rear of any motor vehicle drawing or towing any trailer, semitrailer, or house trailer which is preceding it being driven in the same direction.

(b) The provisions of this section shall not prevent overtaking and passing nor shall the same apply upon any lane especially designated for use by motor trucks, nor upon a highway with two or more lanes for traffic in each direction, when the vehicles subject to this section are operated in the right-hand lane for traffic.

(c) This section shall not apply to a passenger vehicle drawing a camping semitrailer or small trailer or other passenger motor vehicle, nor to motor vehicles drawing highway construction or maintenance equipment while being used in highway construction or maintenance work.

Caravans

21705. Motor vehicles being driven outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space and in no event less than 100 feet between each vehicle or combination of vehicles so as to enable any other vehicle to overtake or pass.

Following fire department vehicles

21706. No motor vehicle, except an authorized emergency vehicle or a vehicle of a duly authorized member of a fire department, shall follow within 300 feet of any vehicle of a fire department which is responding to an emergency or fire call

Fire areas

21707. No motor vehicle, except an authorized emergency vehicle or a vehicle of a duly authorized member of a fire or police department, shall be operated within the block wherein an emergency situation responded to by any fire department vehicle exists, except that in the event the nearest intersection

to the emergency is more than 300 feet therefrom, this section shall prohibit operation of vehicles only within 300 feet of the emergency, unless directed to do so by a member of the fire department or police department, sheriff, deputy sheriff, or member of the California Highway Patrol. The emergency shall be deemed to have ceased to exist when the official of the fire department in charge at the scene of the emergency shall so indicate. Officials of the fire department or police department or the Department of the California Highway Patrol who are present shall make every effort to prevent the closing off entirely of congested highway traffic passing the scene of any such emergency.

Fire hoses

21708. No person shall drive or propel any vehicle or conveyance upon, over, or across, or in any manner damage any fire hose or chemical hose used by or under the supervision and control of any organized fire department. However, any vehicle may cross a hose provided suitable jumpers or other appliances are installed to protect the hose.

Safety zones

21709. No vehicle shall at any time be driven through or within a safety zone.

Coasting prohibited

21710. The driver of a motor vehicle when traveling on down grade upon any highway shall not coast with the gears of such vehicle in neutral.

Towing vehicles

21711. No person shall operate a train of vehicles when any vehicle being towed whips or swerves from side to side dangerously or unreasonably or fails to follow substantially in the path of the towing vehicle.

Unlawful riding

21712. No person shall ride, and no person driving a motor vehicle shall knowingly permit any person to ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision does not apply to an employee engaged in the necessary discharge of his duty or to persons riding within or upon vehicle bodies in space intended for any load on the vehicle.

Armored cars

21713. No person shall operate on any highway any armored car unless a special permit to operate such car has first been obtained from the commissioner. The commissioner may issue a permit for the necessary and legitimate operation of an armored car and may revoke the permit if any unnecessary or illegal use is made of the armored car for which issued.

The commissioner shall maintain a record of all permits issued and of all permits revoked.

Violation of this section is a misdemeanor and upon conviction is punishable by a fine not exceeding five hundred dollars ($500) or by imprisonment in the county jail for not to exceed six months or by both such fine and imprisonment.

Article 3. Overtaking and Passing

Pass to left

21750. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left at a safe distance and shall not again drive to the right side of the

roadway until safely clear of the overtaken vehicle, subject to the limitations and exceptions hereinafter stated.

Sufficient clearance

21751. On a two-lane highway, no vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In any event the overtaking vehicle shall return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

This section shall not apply upon a one-way roadway.

When driving on left prohibited

21752. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

(a) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

(b) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel.

(c) When approaching within 100 feet of or when traversing any intersection or railroad grade crossing.

This section shall not apply upon a one-way roadway.

Yielding for passing

21753. Except when passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Passing on right

21754. The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:

(a) When the vehicle overtaken is making or about to make a left turn.

(b) Upon a highway within a business or residence district with unobstructed pavement of sufficient width for two or more lines of moving vehicles in the direction of travel.

(c) Upon any highway outside of a business or residence district with unobstructed pavement of sufficient width and clearly marked for two or more lines of moving traffic in the direction of travel.

(d) Upon a one-way street.

(e) Upon a highway divided into two roadways where traffic is restricted to one direction upon each of such roadways.

The provisions of this section shall not relieve the driver of a slow moving vehicle from the duty to drive as closely as practicable to the right hand edge of the roadway.

Same Safety

21755. The driver of a motor vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such

movement be made by driving off the paved or main-traveled portion of the roadway.

Standing street car

21756. (a) The driver of a vehicle overtaking any interurban electric or street car stopped or about to stop for the purpose of receiving or discharging any passenger shall stop the vehicle to the rear of the nearest running board or door of such car and thereupon remain standing until all passengers have boarded the car or upon alighting have reached a place of safety, except as provided in subdivision (b) hereof.

(b) Where a safety zone has been established or at an intersection where traffic is controlled by an officer or a traffic control signal device, a vehicle need not be brought to a stop before passing any interurban electric or street car but may proceed past such car at a speed not greater than 10 miles per hour and with due caution for the safety of pedestrians.

Passing street car on left

21757. The driver of a vehicle shall not overtake and pass upon the left, nor shall any driver of a vehicle drive upon the left side of, any interurban electric or street car proceeding in the same direction whether the street car is actually in motion or temporarily at rest, except:

(a) When so directed by a police or traffic officer.

(b) When upon a one-way street.

(c) When upon a street where the tracks are so located as to prevent compliance with this section.

Passing on grades

21758. In the event any vehicle is being operated on any grade outside of a business or residence district at a speed of less than 20 miles per hour, no person operating any other motor vehicle shall attempt to overtake and pass such slow moving vehicle unless the overtaking vehicle is operated at a speed of at least 10 miles per hour in excess of the speed of the overtaken vehicle, nor unless the passing movement is completed within a total distance not greater than one-quarter of a mile.

Caution in passing animals

21759. The driver of any vehicle approaching any horse drawn vehicle, any ridden animal, or any livestock shall exercise proper control of his vehicle and shall reduce speed or stop as may appear necessary or as may be signalled or otherwise requested by any person driving, riding or in charge of the animal or livestock in order to avoid frightening and to safeguard the animal or livestock and to insure the safety of any person driving or riding the animal or in charge of the livestock.

CHAPTER 4. RIGHT-OF-WAY

Uncontrolled intersection

21800. (a) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway

(b) When two vehicles enter an intersection from different highways at the same time the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on his right.

(c) This section shall not apply at intersections controlled by an official traffic control signal, stop sign, or yield right-of-way sign, or to vehicles approaching each other from opposite directions when the driver of one of the vehicles is intending to or is making a left turn.

Left turn at intersection

21801. (a) The driver of a vehicle intending to turn to the left at an intersection shall yield the right-of-way to any vehicle which has approached or is approaching the intersection from the opposite direction and which is so close as to constitute a hazard at any time during the turning movement.

(b) A driver having so yielded and having given a signal when and as required by this code may turn left and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way.

Entrance at through highway

21802. (a) The driver of any vehicle shall stop at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute an immediate hazard.

(b) A driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on the through highway shall yield the right-of-way to the vehicle so about to enter or cross the through highway.

(c) The driver of any vehicle shall stop in obedience to a stop sign within an intersection and after such stop shall yield the right-of-way to other vehicles on that part of any roadway protected by any stop sign which are so close as to constitute an immediate hazard.

(d) A driver having yielded may proceed and the drivers of all other vehicles approaching on that part of the roadway protected by the stop sign shall yield the right-of-way to the vehicle about to enter or cross the protected part of the roadway.

Yield right-of-way

21803. (a) The driver of any vehicle upon approaching any yield right-of-way sign shall not drive at a speed exceeding 15 miles per hour across the intersection so protected and shall slow down and stop if necessary and shall yield the right-of-way to other vehicles which have entered the intersection from an intersecting street or which are approaching so closely on the intersecting street as to constitute an immediate hazard.

(b) A driver, having so yielded, may then proceed and the drivers of all other vehicles approaching the intersection on the intersecting roadway shall yield the right-of-way to him.

Private road or driveway

21804. The driver of a vehicle about to enter or cross a highway from any private road or driveway or from an alley not exceeding a width of 22 feet or from any alley as may be defined by local ordinance shall yield the right-of-way to all vehicles approaching on the highway.

Equestrian crossing

21805. (a) The Department of Public Works, and local authorities, with respect to highways under their jurisdiction may designate any intersection of a highway and a bridle path

or equestrian crossing by erecting on the highway at or near the approach to the intersection appropriate signs of a type approved by the Department of Public Works indicating the crossing and the crossmarks, safety devices or signals as the authorities may deem necessary to safeguard both the vehicular traffic and any equestrian at the crossing.

(b) The driver of a vehicle shall yield the right-of-way to any horseback rider crossing a roadway at an equestrian crossing designated by signs giving notice thereof as provided in this section.

Authorized emergency vehicles

21806. Upon the immediate approach of an authorized emergency vehicle sounding a siren and having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except as otherwise directed by a traffic officer:

(a) The driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and thereupon stop and remain in such position until the authorized emergency vehicle has passed.

(b) The motorman of every street car shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed.

(c) All pedestrians upon the highway shall remain in a place of safety or proceed to the nearest curb or place of safety until the authorized emergency vehicle has passed.

CHAPTER 5. PEDESTRIANS' RIGHTS AND DUTIES

Crosswalks

21950. The driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this chapter.

Vehicles stopped for pedestrians

21951. Whenever any vehicle has stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

Sidewalk

21952. The driver of any motor vehicle, prior to driving over or upon any sidewalk, shall yield the right-of-way to any pedestrian approaching thereon.

Tunnel or overhead crossing

21953. Whenever any pedestrian crosses a roadway other than by means of a pedestrian tunnel or overhead pedestrian crossing, if a pedestrian tunnel or overhead crossing serves the place where the pedestrian is crossing the roadway, such pedestrian shall yield the right-of-way to all vehicles on the highway.

Other than crosswalks

21954. (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an un-

marked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) The provisions of this section shall not relieve the driver of a vehicle from the duty to exercise due care for the safety of any pedestrian upon a roadway.

Between controlled intersections

21955. Between adjacent intersections controlled by traffic control signal devices or by police officers, pedestrians shall not cross the roadway at any place except in a crosswalk.

Pedestrian on roadway

21956. No pedestrian shall walk upon any roadway outside of a business or residence district otherwise than close to his left-hand edge of the roadway.

Hitchhiking

21957. No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

Intoxicated pedestrian

21958. It shall be unlawful for any pedestrian who is intoxicated to such an extent as to create a hazard to himself or others to walk or be upon any roadway.

Skiing or tobogganning

21959. It is unlawful for any person to ski or toboggan on or across any state highway in such manner as to interfere with the movement of vehicles thereon. A person on skis proceeding on or across a highway at a pace no greater than a walk is not within the prohibition of this section and shall be considered to be a pedestrian with all the rights and duties thereof as prescribed in this code.

Freeways

21960. (a) The Department of Public Works and local authorities may, by order, ordinance, or resolution, with respect to freeways or designated portions thereof under their respective jurisdictions, to which all rights of access have been acquired, prohibit or restrict the use of the freeways or any portion thereof by pedestrians, bicycles or other nonmotorized traffic or by any person operating a motor-driven cycle.

(b) Such prohibitory regulation shall be effective when appropriate signs giving notice thereof are erected upon any freeway and the approaches thereto.

(c) No ordinance or resolution of local authorities shall apply to any state highway until the proposed ordinance or resolution has been presented to, and approved in writing by, the Department of Public Works.

Local regulation of pedestrians

21961. This chapter does not prevent local authorities from adopting ordinances prohibiting pedestrians from crossing roadways at other than crosswalks.

Chapter 6. Turning and Stopping and Turning Signals

Turning at intersections

22100. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Right Turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Left Turns. The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the

extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered.

Special markers

22101. The Department of Public Works in respect to highways under its jurisdiction, and a local authority in respect to highways under its jurisdiction, may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require that a different course from that specified in Section 22100 be traveled by vehicles turning at an intersection or may allocate and indicate more than one lane of traffic from which drivers of vehicles may make right- or left-hand turns and when markers, buttons or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required or permitted by such markers, buttons or signs.

Turning Business district

22102. No vehicle in a business district shall be turned so as to proceed in the opposite direction, except at an intersection.

Same Residence district

22103. No vehicle in a residence district shall be turned left across the roadway or so as to proceed in the opposite direction when any other vehicle is approaching from either direction within 200 feet, except at an intersection.

Same: Near fire station

22104. No vehicle shall be turned in front of the driveway entrance or approaches to a fire station so as to proceed in the opposite direction. No vehicle shall use the driveway entrance or approaches to a fire station for the purpose of turning so as to proceed in the opposite direction.

Same Curve or crest of grade

22105. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of, a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 200 feet.

Starting parked vehicles

22106. No person shall start a vehicle stopped, standing, or parked on a highway, nor shall any person back a vehicle on a highway until such movement can be made with reasonable safety.

Turning movements and signals

22107. (a) No person shall turn a vehicle from a direct course or move right or left upon a roadway until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided in this chapter in the event any other vehicle may be affected by the movement.

Duration of signal

22108. Any signal of intention to turn right or left shall be given continuously during the last 100 feet traveled by the vehicle before turning.

When stopping

22109. No person shall stop or suddenly decrease the speed of a vehicle on a highway without first giving an appropriate signal in the manner provided in this chapter to the driver of

any vehicle immediately to the rear when there is opportunity to give the signal.

Method

22110. The signals required by this chapter shall be given either by means of the hand and arm or by a signal lamp or mechanical signal device, but when the body of a vehicle or the body or load on any vehicle in a combination of vehicles projects 24 inches or more to the left of the center of the steering wheel, or under any condition when a hand and arm signal would not be visible both to the front and rear of the vehicle or vehicles, then the vehicle or vehicles shall be equipped with, and signals shall be given by, a signal lamp or device.

Hand signals

22111 All signals required to be given by hand and arm shall be given from the left side of a vehicle in the following manner:

(a) Left turn—hand and arm extended horizontally beyond the side of the vehicle.

(b) Right turn—hand and arm extended upward beyond the side of the vehicle.

(c) Stop or sudden decrease of speed signal—hand and arm extended downward beyond the side of the vehicle.

School bus signal

22112. The driver of a school bus shall operate the flashing red signal lamps required on such bus at all times when children are unloading from the school bus to cross a highway or when the bus is stopped for the purpose of loading children who must cross a highway to board the bus, except that such signal shall not be operated at an intersection or place where traffic is controlled by a traffic officer or official traffic signal. The signal shall not be operated at any other time.

Local authorities

22113. This chapter does not prevent local authorities, by ordinance, from prohibiting the making of any turning movement by any vehicle at any intersection or between any designated intersections.

Chapter 7. Speed Laws

Article 1. Prima Facie Speed Laws

Basic speed law

22350. No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property.

Violations

22351. (a) The speed of any vehicle upon a highway not in excess of the limits specified in Section 22352 or established as authorized in this code is lawful unless clearly proved to be in violation of the basic speed law.

(b) The speed of any vehicle upon a highway in excess of the prima facie speed limits in Section 22352 or established as authorized in this code is prima facie unlawful unless the

defendant establishes by competent evidence that the speed in excess of said limits did not constitute a violation of the basic speed law at the time, place and under the conditions then existing.

Prima facie speed limits

22352. The prima facie limits are as follows and the same shall be applicable unless changed as authorized in this code and, if so changed, only when signs have been erected giving notice thereof:

(a) Fifteen miles per hour:

(1) When traversing a grade crossing of a steam, electric or street railway, if during the last 100 feet of the approach to the crossing the driver does not have a clear and unobstructed view of the crossing and of any traffic on the railway for a distance of 400 feet in both directions along such railway. This subdivision does not apply in the case of any railway grade crossing where human flagman is on duty or a clearly visible electrical or mechanical railway crossing signal device is installed but does not then indicate the immediate approach of a railway train or car.

(2) When traversing any intersection of highways if during the last 100 feet of his approach to the intersection the driver does not have a clear and unobstructed view of the intersection and of any traffic upon all of the highways entering the intersection for a distance of 100 feet along all such highways, except at an intersection protected by stop signs or yield right-of-way signs or controlled by official traffic control signals.

(b) Twenty-five miles per hour:

(1) In any business or residence district unless a different speed is determined by competent authority under procedures set forth in this code.

(2) When passing a school building or the grounds thereof, contiguous to the highway while children are going to or leaving such school during opening or closing hours or during the noon recess period. Such prima facie limit shall also apply when passing any school grounds which are not separated from the highway by a fence, gate or other physical barrier while the grounds are in use by children.

(c) Fifty-five miles per hour under all other conditions unless a different speed is specifically designated in this code or is determined and declared by competent authority under procedures set forth in this code.

Increase of state highway limits

22353. Whenever the Department of Public Works determines upon the basis of an engineering and traffic investigation that a speed greater than 25 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any state highway otherwise subject to a prima facie limit of 25 miles per hour, the department may determine and declare a prima facie speed limit of 30, 35, 40, 45 or 50 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe. The provisions of this subdivision shall

not apply in respect to any 25-mile per hour prima facie limit which is applicable when passing a school building or the grounds thereof.

Decrease

22354 Whenever the Department of Public Works determines upon the basis of an engineering and traffic survey that the prima facie limit of 55 miles per hour is more than reasonable or safe upon any portion of a state highway where the prima facie limit of 55 miles is applicable, the department may determine and declare a prima facie speed limit of 50, 45, 40, 35 or 30 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie speed limit shall be effective when appropriate signs giving notice thereof are erected upon the highway.

Variable speed limits

22355. Whenever the Department of Public Works determines upon the basis of an engineering and traffic survey that the safe and orderly movement of traffic upon any state highway which is a freeway will be facilitated by the establishment of variable speed limits, the department may erect, regulate, and control signs upon the state highway which is a freeway, or any portion thereof, which signs shall be so designed as to permit display of different speed limits at various times of the day or night. Such signs need not conform with the provisions of Section 21403, but shall be of sufficient size and clarity to give adequate notice of the applicable prima facie speed limit. The prima facie speed limit upon the freeway at a particular time and place shall be that which is then and there displayed upon such sign.

Linking districts on state highways

22356. Whenever the Department of Public Works determines upon the basis of an engineering and traffic investigation that the prima facie limit of 55 miles per hour is more than is reasonable or safe upon any portion of a state highway for a distance of not exceeding 2,000 feet in length between districts, either business or residence, the department may determine and declare a reasonable and safe prima facie limit thereon lower than 55 miles per hour, but not less than 25 miles per hour, which declared prima facie speed limit shall be effective when appropriate signs giving notice thereof are erected upon the highway.

Increase of local limits

22357. Whenever a local authority determines upon the basis of an engineering and traffic investigation that a speed greater than 25 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any street other than a state highway otherwise subject to a prima facie limit of 25 miles per hour, the local authority may by ordinance determine and declare a prima facie speed limit of 30, 35, 40, 45 or 50 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie speed limit shall be effective when appropriate signs giving notice thereof are erected upon the street. The provisions of this section shall not apply in respect to any

25-mile per hour prima facie limit which is applicable when passing a school building or the grounds thereof.

Decrease

22358. Whenever a local authority determines upon the basis of an engineering and traffic survey that the prima facie limit of 55 miles per hour is more than is reasonable or safe upon any portion of any street other than a state highway where the prima facie limit of 55 miles per hour is applicable, the local authority may by ordinance determine and declare a prima facie speed limit of 50, 45, 40, 35, 30 or 25 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie limit shall be effective when appropriate signs giving notice thereof are erected upon the street.

Boundary line streets

22359. With respect to boundary line streets and highways where portions thereof are within different jurisdictions, no ordinance adopted under Sections 22356 and 22357 shall be effective as to any such portion until all authorities having jurisdiction of the portions of the street concerned have approved the same. This section shall not apply in the case of boundary line streets consisting of separate roadways within different jurisdictions.

Linking districts on local highways

22360. Whenever a local authority determines upon the basis of an engineering and traffic investigation that the prima facie limit of 55 miles per hour is more than is reasonable or safe upon any portion of a highway other than a state highway for a distance of not exceeding 2,000 feet in length between districts, either business or residence, the local authority may determine and declare a reasonable and safe prima facie limit thereon lower than 55 miles per hour, but not less than 25 miles per hour, which declared prima facie speed limit shall be effective when appropriate signs giving notice thereof are erected upon said street or highway.

Multiple-lane highways

22361. On multiple-lane highways with two or more separate roadways different prima facie speed limits may be established for different roadways under any of the procedures specified in Sections 22353 to 22359, inclusive.

Persons at work

22362. It is prima facie a violation of the basic speed law for any person to operate a vehicle at a speed greater than 25 miles per hour upon any portion of a highway where officers or employees of the agency having jurisdiction of the same, or any contractor of the agency or his employees, are at work on the roadway or within the right-of-way so close thereto as to be endangered by passing traffic. This section applies only when appropriate signs, indicating the limits of the restricted zone, and the speed limit applicable therein, are placed by such agency within 400 feet of each end of such zone. The signs shall display the figures "25" in the size provided in Section 21403 and shall indicate the purpose of the speed restriction, but otherwise need not comply with the details set forth in Section 21403. Nothing in this section shall be deemed to relieve any operator of a vehicle from complying with the basic speed law.

Restrictions: Snow conditions

22363. Whenever the Department of Public Works in respect to state highways, or a local authority with respect to highways under its jurisdiction, finds that by reason of snow or ice conditions a speed in excess of 25 miles per hour is not reasonable and safe upon a highway or any portion thereof, it may determine and declare a prima facie speed limit of 25 miles per hour. Signs may be placed and removed as snow or ice conditions vary.

Article 2. Other Speed Laws

Minimum speed law

22400. No person shall drive upon a highway at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or because upon a grade or when the vehicle is a motor truck or motor truck towing another vehicle necessarily or in compliance with law proceeding at reduced speed.

Traffic signals

22401. Local authorities in timing traffic signals may so regulate the timing thereof as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speed otherwise applicable under this code.

Bridges and structures

22402. The Department of Public Works may, in the manner provided in Section 22404 determine the maximum speed, not less than five miles per hour, which can be maintained with safety to any bridge, elevated structure, tube, or tunnel on a state highway. Said department may also make a determination with reference to any other highway upon receiving a request therefor from the board of supervisors or road commissioner of the county, the governing body of the local authority having jurisdiction over the bridge, elevated structure, tube, or tunnel.

Same: Local

22403. Any local authority may, in the manner provided in Section 22404, determine the maximum speed, not less than five miles per hour, which can be maintained with safety to any bridge, elevated structure, tube, or tunnel under its jurisdiction, or may request the Department of Public Works to make such determination.

Same Speed change

22404. The Department of Public Works or local authority making a determination of the maximum safe speed upon a bridge, elevated structure, tube, or tunnel shall first make an engineering investigation and shall hold a public hearing.

Notice of the time and place of the public hearing shall be posted upon the bridge, elevated structure, tube, or tunnel at least five days before the date fixed for the hearing. Upon the basis of the investigation and all evidence presented at the hearing, said department or local authority shall determine by order in writing the maximum speed which can be maintained with safety to the bridge, elevated structure, tube or tunnel. Thereupon, the authority having jurisdiction over the bridge, elevated structure, tube, or tunnel shall erect and maintain suitable signs specifying the maximum speed so determined at a distance of not more than 500 feet from each end of the

bridge, elevated structure, tube, tunnel, or any approach thereto.

22405. (a) No person shall drive a vehicle on any bridge, elevated structure, tube, or tunnel constituting a part of a highway, at a speed which is greater than the maximum speed which can be maintained with safety to such structure. Same: Violations

(b) Upon the trial of any person charged with a violation of this section with respect to a sign erected under Section 22404, proof of the determination of the maximum speed by the Department of Public Works or local authority and the erection and maintenance of the speed signs shall constitute prima facie evidence of the maximum speed which can be maintained with safety to the bridge, elevated structure, tube, or tunnel.

22406. Any motor truck or truck tractor having three or more axles or any motor truck or truck tractor with any trailer or semitrailer, or any combination thereof, shall not be driven on any highway at a speed in excess of 45 miles per hour. Trucks

This section does not apply to any bus having three or more axles.

22407. Whenever the Department of Public Works determines upon the basis of engineering and vehicle equipment studies and a traffic survey that the speed of 45 miles per hour is more than is reasonable or safe for vehicles mentioned in Section 22406 in descending a grade upon any portion of a state highway, the department may determine and declare a speed limit of 40, 35, 30, 25 or 20 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared speed limit shall be effective for such vehicles when appropriate signs giving notice thereof are erected upon the highway. Decreasing truck speed limit

22408. Whenever a passenger vehicle regardless of weight or commercial motor vehicle weighing less than 4,000 pounds is drawing any vehicle the maximum speed shall not at any time exceed 45 miles per hour subject to other and more restrictive limits set forth in this code. Motor vehicle with trailer

22409. No person shall operate any vehicle equipped with any solid tire when such vehicle has a gross weight as set forth in the following table at any speed in excess of the speed set forth opposite such gross weight: Solid tire

When gross weight of vehicle and load is:	Maximum speed in miles per hour:
10,000 lbs. or more but less than 16,000 lbs.	25
16,000 lbs. or more but less than 22,000 lbs.	15
22,000 lbs. or more	12

22410. No person shall operate any vehicle equipped with any metal tire in contact with the surface of the highway at a speed in excess of six miles per hour. Metal tires

Lift-carriers

22411. No person shall move or drive a lift-carrier or other vehicle designed and used exclusively for the lifting and carrying of implements of husbandry at a speed in excess of 35 miles per hour.

School buses

22412. In no event shall the driver of a school bus operate the same in excess of a maximum of 45 miles per hour when transporting any school pupil.

CHAPTER 8. SPECIAL STOPS REQUIRED

Stop requirements

22450. The driver of any vehicle upon approaching any entrance of a highway or intersection, or railroad grade crossing signposted with a stop sign as provided in this code, except as otherwise permitted or directed in this code, shall stop:

(a) At a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection or, if not, then before entering the highway or intersection.

(b) At any point within an intersection as required by a stop sign erected as permitted by Sections 21350, 21354, and 21355.

(c) Before entering a highway railroad grade crossing.

Train signal

22451. (a) Whenever any person driving a vehicle upon a highway approaches an interurban electric or steam railway grade crossing and a clearly visible electric or mechanical signal device gives warning of the immediate approach of a railway train or interurban car, the driver of the vehicle shall stop within 50 feet but not less than 10 feet from the nearest track of the railway but need not remain standing if he can proceed in safety.

(b) The driver of a vehicle shall likewise stop and remain standing and not traverse such a grade crossing when a human flagman gives or continues to give a signal of the approach or passage of a railway train or interurban car.

(c) This section does not divest the Public Utilities Commission of any powers or duties vested in it by law.

Railway crossings

22452. (a) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any schoolchild, or of any motor truck carrying explosive substances as a cargo or part of a cargo, or of any motor tank truck, tank trailer, or tank semitrailer, used in the transportation of flammable liquids or liquefied petroleum gas as a cargo or part of a cargo, whether loaded or empty, before traversing a grade crossing of a railway, or electric railway, shall stop such vehicle not less than 10 nor more than 50 feet from the nearest rail of the track and while so stopped shall listen, and look in both directions along the track, for any approaching train, interurban car, or other vehicle using such rails. The vehicle shall remain standing while any train is moving toward the crossing and is close enough to constitute an immediate hazard.

(b) Exceptions: (1) No stop need be made at street railway tracks within a business or residence district.

(2) Unless a train or locomotive is approaching, the driver of a motor vehicle need not stop at any industrial or spur track as defined by the Public Utilities Commission unless the Public Utilities Commission determines that a stop should be made.

(3) Distinctive signs or devices of a type authorized by the Public Utilities Commission shall be erected at industrial or spur tracks where no stop need be made.

(4) No stop need be made at any crossing where an officer is on duty and directs traffic to proceed nor where a stop and go signal is in operation and indicates that traffic may proceed.

(c) The driver of a motor vehicle need not stop at any branch line which crosses a road or street leading to or from a public ferry and on which there is less than daily train service and with characteristics and freight service similar to industrial track operations, where with the approval of the Public Utilities Commission, distinctive signs are displayed indicating that no stop need be made, unless a train or locomotive is approaching upon such branch line.

Effect of negligence on passengers

22453. Failure of the driver of a motor vehicle carrying any passenger for hire to stop as required in Section 22452 shall not be imputed to any bona fide passenger for hire in such vehicle.

School bus

22454. The driver of any vehicle upon meeting or overtaking from either direction any school bus equipped with signs as required in this code which has stopped for the purpose of receiving or discharging any school children and displays a flashing red light signal visible from front and rear shall bring such vehicle to a stop immediately before passing the school bus and shall not proceed past the school bus until the red flashing signal ceases operation.

The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is upon the other roadway. The driver of a vehicle need not stop upon meeting or passing a school bus when the school bus is stopped at an intersection or place where traffic is controlled by a traffic officer or official traffic control signal.

Workmen vehicles

22455. (a) All motor trucks transporting employees in addition to those riding in the cab and all buses transporting employees shall come to a complete stop at all railway grade crossings, except as otherwise provided. The truck or bus shall be stopped at least 10 feet from the nearest rail and shall not proceed until certain that the right-of-way is clear.

(b) No stop need be made at a street railway, spur or industrial track within a business or residence district, nor at any tracks where with the approval of the Public Utilities Commission distinctive signs are displayed indicating that no stop need be made unless a train or locomotive is approaching. No stop need be made at a railway grade crossing where a traffic officer is on duty and directs traffic to proceed nor

where a stop-and-go signal is in operation and indicates that traffic may proceed.

CHAPTER 9. STOPPING, STANDING, AND PARKING

Prohibitions

22500. No person shall stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

(a) Within an intersection except adjacent to curbs as may be permitted by local ordinance.

(b) On a crosswalk.

(c) Between a safety zone and the adjacent right-hand curb or within the area between the zone and the curb as may be indicated by a sign or red paint on the curb, which sign or paint was erected or placed by local authorities pursuant to ordinance.

(d) Within 15 feet of the driveway entrance to any fire station. This paragraph shall not apply to any vehicle owned or operated by a fire department and clearly marked as a fire department vehicle

(e) In front of a public or private driveway, except that a bus engaged as a common carrier or a taxicab may stop to load or unload passengers when authorized by local authorities pursuant to ordinance.

In unincorporated territory, where the entrance of a private road or driveway is not delineated by an opening in a curb or by other curb construction, so much of the surface of the ground as is paved, surfaced, or otherwise plainly marked by vehicle use as a private road or driveway entrance, shall constitute a driveway.

(f) On a sidewalk.

(g) Alongside or opposite any street or highway excavation or obstruction when such stopping, standing, or parking would obstruct traffic.

(h) On the roadway side of any vehicle stopped, parked, or standing at the curb or edge of a highway.

(i) Alongside curb space authorized for the loading and unloading of passengers of a bus engaged as a common carrier in local transportation when indicated by a sign or red paint on such curb erected or painted by local authorities pursuant to ordinance.

(j) In a tube or tunnel or upon a bridge, except vehicles of the authorities in charge, being used in the repair, maintenance, or inspection of the facility, and except that a bus engaged as a common carrier in local transportation may stop to load or unload passengers upon a bridge where sidewalks are provided, when authorized by local authorities pursuant to ordinance.

Local regulation of state highways

22501. No ordinance enacted by local authorities pursuant to subdivisions (e) and (j) of Section 22500 shall become

effective as to any state highway without prior submission to and approval by the Department of Public Works in the same manner as required by Section 21103. Nothing contained in this section and Section 22500 shall be construed as authorizing local authorities to enact legislation which is contrary to the provisions of Sections 22512 and 25301.

Curb parking

22502. Except as otherwise provided in this chapter every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be stopped or parked with the right-hand wheels of such vehicle parallel with and within 18 inches of the right-hand curb. Where no curbs or barriers bound any roadway, parallel parking is required unless otherwise indicated. This section does not apply to a commercial vehicle when loading or unloading merchandise or passengers.

Same Additional

22503. Local authorities may by ordinance permit parking of vehicles adjacent to and within 18 inches of the left-hand curb of a one-way roadway.

Local authorities may by ordinance permit angle parking on any roadway, except that no ordinance is effective with respect to any state highway until the proposed ordinance has been submitted to and approved in writing by the Department of Public Works.

Unincorporated area parking

22504. (a) Upon any highway in unincorporated areas no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway when it is practicable to stop, park, or leave the vehicle off such portion of the highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of the stopped vehicle shall be available from a distance of 200 feet in each direction upon the highway. This section shall not apply upon a highway where the roadway is bounded by adjacent curbs.

(b) This section shall not apply to the driver of any vehicle which is disabled in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle on the roadway.

State highway parking

22505. The Department of Public Works with respect to highways under its jurisdiction may place signs prohibiting or restricting the parking of vehicles where in its opinion, as evidenced by resolution or order entered in its minutes, such parking is dangerous to those using the highway or where the parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall park any vehicle in violation of the restrictions stated on such signs.

Local regulations State highway parking

22506. Local authorities may by ordinance or resolution prohibit or restrict the parking of vehicles on a state highway, in their respective jurisdictions, if the ordinance or resolution is first submitted to and approved in writing by the Department of Public Works, except that where maintenance of any state highway is delegated by the Department of Public

Works to a city, the department may also delegate to the city the powers conferred on the department.

Same Parking

22507. Local authorities may by ordinance or resolution prohibit the parking or standing of vehicles on certain streets or highways, or portions thereof, during all or certain hours of the day.

Parking meter zones

22508. Local authorities may by ordinance provide for the establishment of parking meter zones, and cause streets and highways to be marked with white lines designating parking spaces and requiring vehicles to park within the parking spaces, except that an ordinance is not effective with respect to any state highway until the proposed ordinance has been submitted to and approved in writing by the Department of Public Works. The proposed ordinance shall be submitted to the department only by action of the local legislative body and the proposed ordinance shall be submitted in complete draft form.

Parking on hills

22509. Local authorities within the reasonable exercise of their police powers may adopt rules and regulations by ordinance or resolution providing that no person driving, or in control of, or in charge of, a motor vehicle shall permit it to stand on any highway unattended when upon any grade exceeding 3 percent within any business or residence district without blocking the wheels of the vehicle by turning them against the curb or by other means.

Snow areas

22510. Where any highway has been cleared of snow by snowplows, and the width of the highway is restricted by reason of snow conditions, the Department of Public Works, in respect to state highways, and local authorities, in respect to highways under their jurisdiction, may place and maintain signs indicating those areas within which parking is prohibited on either or both sides of the highways. No person shall stop, park, or leave standing any vehicle within the areas marked by signs, whether attended or unatteded, except when necessary to avoid conflict with other traffic or in compliance with the directions of a traffic or peace officer.

Certain veterans exemptions

22511. Notwithstanding any other provision of this code, any veteran, who is entitled to either of the exemptions provided in Section 9105 of this code and Section 10783 of the Revenue and Taxation Code, shall be allowed to park in restricted zones. This section shall not be construed, however, to allow the stopping, parking, or standing of a vehicle at the times and places that stopping, parking, or standing of all vehicles is prohibited absolutely by state law or local ordinance.

Utility vehicles

22512. This chapter and Chapter 10 (commencing at Section 22650), except Sections 22507, 22509, 22511, 22515, and 22517, together with Sections 21112, 21707, 21708, 24605, 25253, 25254, 25255, 25300, 25302, 25303, 25304, 27700, 27907, and 41102 do not apply to the driver or owner of any service vehicle owned or operated by or for or operated under contract with a utility or public utility, whether pri-

vately, municipally, or publicly owned, used in the construction, operation, removal, or repair of utility or public utility property or facilities, when the vehicle is stopped, standing, or parked at the site of work involving the construction, operation, removal, or repair of such utility or public utility property or facilities upon, in, over, under, or adjacent to a highway, or of a vehicle, whether privately, municipally, or publicly owned, engaged in authorized work on the highway and warning devices are displayed.

Tow cars

22513. The owner or operator of a tow car who complies with the requirements of this code relating to tow cars may stop or park such tow car upon a highway for the purpose of rendering assistance to a disabled vehicle.

Fire hydrants

22514. No person shall stop, park, or leave standing any vehicle within 15 feet of a fire hydrant except when local authorities indicate a different distance by signs or markings, and except when such vehicle is attended by a licensed operator or chauffeur who is seated in the front seat and who can immediately move such vehicle in case of necessity. This section shall not apply in respect to any vehicle owned or operated by a fire department and clearly marked as a fire department vehicle.

Unattended vehicles

22515. No person driving, or in control of, or in charge of, a motor vehicle shall permit it to stand on any highway unattended without first effectively setting the brakes thereon and stopping the motor thereof.

Locked vehicle

22516. No person shall leave standing a locked vehicle in which there is any person who cannot readily escape therefrom.

Opening and closing doors

22517. No person shall open the door of a motor vehicle on the side available to moving traffic unless it is reasonably safe to do so, nor shall any person leave a door open upon the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Parking facility

22518. No operator of any off-street parking facility shall park the vehicle of a patron of the facility in any street or alley.

Section 40000 shall not apply to this section.

Chapter 10. Removal of Parked and Abandoned Vehicles

Article 1. Authority to Remove Vehicles

Prohibition

22650. It is unlawful for any peace officer or any unauthorized person to remove any unattended vehicle from a highway to a garage or to any other place, except as provided in this code.

Removal of vehicles

22651. Any member of the California Highway Patrol or any regularly employed and salaried deputy of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer of a police de-

partment in a city in which a vehicle is located may remove a vehicle from a highway under the following circumstances:

(a) When any vehicle is left unattended upon any bridge, viaduct or causeway or in any tube or tunnel where the vehicle constitutes an obstruction to traffic.

(b) When any vehicle is left standing upon a highway in such a position as to obstruct the normal movement of traffic.

(c) When any vehicle is found upon a highway and report has previously been made that the vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that the vehicle has been embezzled.

(d) When any vehicle is illegally parked so as to block the entrance to a private driveway and it is impractical to move such vehicle from in front of the driveway to another point on the highway.

(e) When any vehicle is illegally parked so as to prevent access by fire-fighting equipment to a fire hydrant and it is impracticable to move such vehicle from in front of the fire hydrant to another point on the highway.

(f) When any vehicle, except any highway maintenance or construction equipment, is left unattended for more than four hours upon the right-of-way of any freeway within the limits of an incorporated city.

Local regulation of removal

22652. In addition, an officer mentioned in Section 25651 may remove a vehicle from a highway under the following circumstances:

(a) When a vehicle is parked or left standing upon a highway for 120 or more consecutive hours in violation of a local ordinance authorizing removal.

(b) When a vehicle is illegally parked on a highway in violation of local ordinance forbidding standing or parking and the use of a highway or a portion thereof is necessary for the cleaning, repair, or construction of the highway or for the installation of underground utilities; or

(c) Where the use of the highway or any portion thereof is authorized by local authorities for a purpose other than the normal flow of traffic; or for the movement of equipment, articles or structures of unusual size; and the parking of such vehicle would prohibit or interfere with such use or movement and signs, giving notice that such vehicle may be removed, are erected or placed at least 24 hours prior to the removal by local authorities pursuant to ordinance.

Removal from private property

22653. Any officer specified in Section 22651 may remove a vehicle from private property when the vehicle is found on private property and a report has previously been made that the vehicle has been stolen or a complaint has been filed and a warrant thereon issued charging that the vehicle has been embezzled.

Authorization for moving a vehicle

22654. (a) Whenever any peace officer finds a vehicle standing upon a highway in violation of Sections 22500 and 22504, the officer may move the vehicle or require the driver or other person in charge of the vehicle to move the same to

the nearest available position off the roadway or to the nearest parking location, or may remove and store the vehicle if moving it off the roadway at a parking location is impracticable.

(b) Whenever a peace officer finds a vehicle standing upon a street in violation of a traffic ordinance enacted by local authorities to prevent flooding of adjacent property, he may move the vehicle or require the driver or person in charge of the vehicle to move the same to the nearest available location in the vicinity where parking is permitted.

(c) Any state, county or city authority charged with the maintenance of any highway may move any vehicle which is disabled or abandoned or which constitutes an obstruction to traffic from the place where located on a highway to the nearest available position on the same highway as may be necessary to keep the highway open or safe for public travel.

Impounding vehicle for investigation

22655. When any member of the California Highway Patrol or any regularly employed and salaried officer of a police department in a city has reasonable cause to believe that a motor vehicle on a highway has been involved in a hit-and-run accident, and the operator of the vehicle has failed to stop and comply with the provisions of Sections 20003, 20004, 20005, and 20006, the officer may remove the vehicle from the highway for the purpose of inspection. Unless sooner released, the vehicle shall be released upon the expiration of 24 hours after such removal from the highway upon demand of the owner.

Disabled vehicle on Yolo Causeway

22656. Any vehicle disabled and standing on the Yolo Causeway is an obstruction to traffic and may be removed from the causeway, at the direction of a traffic officer, by any tow car operating under contract as provided in Section 22657.

Towing service on Yolo Causeway

22657. The commissioner may provide, by contract with private garage operators or persons engaged in the business of towing vehicles, for towing service in rainy or foggy weather, for vehicles disabled on the Yolo Causeway on State Highway Route 6 in Yolo County.

Upon entering into any contract for towing services, the commissioner shall specify the maximum rates allowable for the towing of any vehicle to any point beyond the approaches to said causeway.

Article 2. Abandoned Vehicles

Abandonment

22700. No person shall abandon a vehicle upon any highway.

Same On property

22701. No person shall abandon a vehicle upon public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.

Removal

22702. Any member of the California Highway Patrol or any regularly employed and salaried deputy of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer of a police department in a

city in which a vehicle is located who has reasonable grounds to believe that the vehicle has been abandoned, may remove the vehicle from a highway or from public or private property.

Appraisal

22703. Either before or after removal of the vehicle, the public agency employing the officer shall cause an appraisal to be made of any vehicle which reasonably appears to have been abandoned.

Disposition

22704. If the vehicle is appraised at a value exceeding seventy-five dollars ($75), Article 3 shall govern notice of removal and disposition of the vehicle.

Same
Low-valued vehicle

22705. If the vehicle is appraised at a value not exceeding seventy-five dollars ($75), and a lienholder does not within 15 days following the appraisal indicate his intention to exercise any right he may have to sell the vehicle at public sale under Section 3073 of the Civil Code, the officer removing the vehicle shall file with the Department of Motor Vehicles in Sacramento a certificate which shall describe the vehicle and shall state the following:

(a) That the vehicle has been appraised at a value not exceeding seventy-five dollars ($75).

(b) That the vehicle will be junked or dismantled.

(c) That investigation by a duly authorized officer failed to locate the owner or legal owner at the address of record as shown in the records of the Department of Motor Vehicles in Sacramento, or that, having been located, such person has subscribed to an affidavit disclaiming any future interest in the vehicle, or has refused to subscribe to such an affidavit and has for a period of 15 days after official notification that the vehicle is to be wrecked or dismantled, failed to reclaim the vehicle. A refusal and failure to reclaim shall constitute a waiver of interest in the vehicle. In the event an affidavit is subscribed, the affidavit shall accompany the certificate herein required.

Sale

22706. Upon completion and forwarding of the certificate or certificate and affidavit to the Department of Motor Vehicles, the officer, or the public agency employing him, may authorize the abandoned vehicle disposed of to a licensed automobile wrecker without the necessity of public sale and free of any lien for fees and penalties due and payable to such department. The officer or public agency shall execute and deliver a bill of sale, together with a copy of the documents filed with such department, to the person receiving the vehicle.

In no event shall the documents be forwarded to such department nor the vehicle be disposed of until the expiration of 15 days from the day the vehicle was removed from a highway or public or private property.

Proceeds of sale

22707. In the event a vehicle is sold by the public agency removing the same, the proceeds of the sale shall be disposed of in the following manner:

(a) First, to pay any cost of towing and storage involved in removal of the vehicle.

(b) The balance shall be forwarded to the Department of Motor Vehicles. Such department may recover therefrom any fees and penalties due and payable to it in respect to the vehicle.

(c) Any balance then remaining shall be paid by such department first to any legal owner, and second to any registered owner, as their interests may appear upon the records of such department. If the payments cannot be made, the balance shall be deposited in the Motor Vehicle Fund.

Article 3. Procedure to Remove and Store Vehicles

Storage of vehicle

22850. Whenever an officer removes a vehicle from a highway, unless otherwise provided, he shall take the vehicle to the nearest garage or other place of safety or to a garage designated or maintained by the governmental agency of which the officer is a member, where the vehicle shall be placed in storage.

Lien on stored vehicle

22851. Whenever a vehicle has been removed to a garage under the provisions of this chapter and the keeper of the garage has received the notice or notices from the arresting officer as provided herein, the keeper shall have a lien dependent upon possession for his compensation for towage and for caring for and keeping safe such vehicle for a period not exceeding 90 days and, if the vehicle is not recovered by the owner within said 90 days or the owner is unknown, the keeper of the garage may satisfy his lien in the manner and after giving the notices required in Sections 3071 and 3072 of the Civil Code. Notwithstanding the provision of this section, if the vehicle is appraised at a value not exceeding seventy-five dollars ($75) by a person authorized to make such appraisal, the keeper of the garage may, if the vehicle is not recovered by the owner within 40 days or the owner is unknown, satisfy his lien as provided in Section 3073 of the Civil Code.

Notice to owner

22852. Whenever an officer removes a vehicle from a highway or private property and stores it under this chapter, and the officer knows or is able to ascertain from the registration records in the vehicle or from the registration records of the Department of Motor Vehicles the name and address of the owner thereof, the officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal, the grounds thereof and of the place to which such vehicle has been removed. In the event the vehicle is stored in a public garage a copy of the notice shall be given to the proprietor of the garage.

Notice to department

22853. Whenever an officer removing a vehicle from a highway for storage under this chapter does not know and is not able to ascertain the name of the owner or for any other reason is unable to give the notice to the owner as provided in Section 22852 and in the event the vehicle is not returned to

the owner within a period of 120 hours, the officer shall immediately send or cause to be sent written report of such removal by mail to the Department of California Highway Patrol at Sacramento and shall file a copy of the notice with the proprietor of any public garage in which the vehicle may be stored. The report shall be made on a form furnished by such department and shall include a complete description of the vehicle, the date, time and place from which removed, the grounds for removal and the name of the garage or place where the vehicle is stored.

Department notice to owner

22854. The Department of California Highway Patrol upon receiving notice under Section 22853 of the removal of a vehicle from a highway shall notify the registered and legal owner in writing at the addresses of such persons as shown by the records of the Department of Motor Vehicles, if the vehicle is registered in this State, of the removal of such vehicle, and give the name of the officer reporting such removal, the grounds upon which the removal was authorized and the location of the vehicle. If the vehicle is not registered in this State, the department shall make reasonable effort to notify the legal or registered owner of the removal and location of the vehicle.

Appraisers

22855. The following persons shall have the authority to make appraisals of the value of vehicles for purposes of this chapter, subject to the conditions stated in this chapter:

(a) Any member of the California Highway Patrol designated by the commissioner.

(b) Any regularly employed and salaried deputy sheriff designated by the sheriff of any county.

(c) Any regularly employed and salaried police officer designated by the chief of police of any city.

(d) Any officer or employee of the Department of Motor Vehicles designated by the director of said department.

Certification

22856. The commissioner or any sheriff or chief of police who designates a person authorized to make appraisals shall certify the name of every such person to the Department of Motor Vehicles in Sacramento.

Chapter 11. Parking Lots

Charges and closing hour

22950. Every person engaged in the operation of off-street parking facilities is guilty of a misdemeanor under Section 42002, who:

(a) Fails to keep a schedule of his parking charges prominently displayed so as to be readily ascertainable by his patrons. Charges shall be for an hourly or half-hourly period and for half-hour or greater periods after the first hour or half-hour.

(b) Charges or attempts to charge a patron an additional fee for the use of his facilities for a period of six minutes or less in excess of the period for which a particular fee is charged. The half-hour fee shall be charged for the use of the

facilities for a period of more than six minutes and less than 30 minutes in excess of the period for which a particular fee is charged.

This subdivision does not apply unless the charges exceed twenty-five cents ($0.25) per hour or portion thereof.

(c) Increases or attempts to increase the fee charged a patron for the use of his parking facilities within the period during which the patron is using the parking facilities, unless the schedule of parking charges displayed at the time the patron commences to use the facilities indicates the increased charges and the periods during which they are in effect.

(d) Fails to post the closing hour of his parking facilities.

Application

22951. The provisions of this chapter shall be applicable only in cities having a population of over 2,000,000 inhabitants.

CHAPTER 12. PUBLIC OFFENSES

Same

23100. The provisions of this chapter apply to vehicles upon the highways and elsewhere throughout the State unless expressly provided otherwise.

Felony drunk driving

23101. Any person who, while under the influence of intoxicating liquor, drives a vehicle and when so driving does any act forbidden by law or neglects any duty imposed by law in the driving of such vehicle, which act or neglect proximately causes bodily injury to any person other than himself is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one year nor more than five years or in the county jail for not less than 90 days nor more than one year and by fine of not less than two hundred fifty dollars ($250) nor more than five thousand dollars ($5,000).

Misdemeanor drunk driving

23102. (a) It is unlawful for any person who is under the influence of intoxicating liquor to drive a vehicle upon any highway. Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than 30 days nor more than six months or by fine of not less than two hundred fifty dollars ($250) nor more than five hundred dollars ($500) or by both such fine and imprisonment and upon a second or any subsequent conviction by imprisonment in the county jail for not less than five days nor more than one year and by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000). A conviction under this section shall be deemed a second conviction if the person has previously been convicted of a violation of Section 23101 of this code.

(b) Any person convicted of a second or subsequent offense under this section shall not be granted probation by the court, nor shall the court suspend the execution of the sentence imposed upon such person.

Reckless driving

23103. Any person who drives any vehicle upon a highway in wilful or wanton disregard for the safety of persons

or property is guilty of reckless driving and upon conviction thereof shall be punished by imprisonment in the county jail for not less than five days nor more than 90 days or by fine of not less than twenty-five dollars ($25) nor more than two hundred fifty dollars ($250) or by both such fine and imprisonment, except as provided in Section 23104

Same Bodily injury

23104. Whenever reckless driving of a vehicle proximately causes bodily injury to any person, the person driving the vehicle shall upon conviction thereof be punished by imprisonment in the county jail for not less than 30 days nor more than six months or by fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or by both.

Narcotics

23105. It is unlawful for any person who is addicted to the use, or under the influence, of narcotic drugs or amphetamine or any derivative thereof to drive a vehicle upon any highway. Any person convicted under this section is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one year nor more than five years or in the county jail for not less than 90 days nor more than one year or by a fine of not less than two hundred dollars ($200) nor more than five thousand dollars ($5,000) or by both such fine and imprisonment.

Nonnarcotic drugs

23106. It is unlawful for any person under the influence of any drug, other than a narcotic or amphetamine or any derivative thereof, to a degree which renders him incapable of safely driving a vehicle, to drive a vehicle upon any highway. Any person convicted under this section is guilty of a misdemeanor and shall be punished by imprisonment in the county jail not to exceed one year or by a fine of not to exceed five hundred dollars ($500) or both.

Defense to drug violations

23107. The fact that any person charged with a violation of Section 23105 or 23106 is or has been entitled to use such drugs or amphetamine or any derivative thereof under the laws of this State shall not constitute a defense against any violation of the sections.

Dangerous drugs

23108. Any person who, while knowingly under the influence of any dangerous drug, other than a narcotic, to a degree which renders him incapable of safely driving a vehicle, drives a vehicle and when so driving does any act forbidden by law or neglects any duty imposed by law in the driving of such vehicle, which act or neglect proximately causes bodily injury to any person other than himself is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one year nor more than five years or in the county jail for not less than 90 days nor more than one year or by fine of not less than two hundred dollars ($200) nor more than five thousand dollars ($5,000) or by both such fine and imprisonment.

Any person who commits any of the acts specified in this section, while under the influence of any dangerous drug, other than a narcotic, to a degree which renders him incapable

of safely driving a vehicle, shall be presumed to have knowledge that he is under the influence of such drug. This presumption may be rebutted.

Speed contests

23109. (a) No person shall engage in any motor vehicle speed contest or exhibition of speed on a highway and no person shall aid or abet in any motor vehicle speed contest or exhibition on any highway.

(b) No person shall for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest upon a highway in any manner obstruct or place any barricade or obstruction or assist or participate in placing any barricade or obstruction upon any highway.

(c) Any person who violates this section shall upon conviction thereof be punished by imprisonment in the county jail for not more than 90 days or by fine of not more than two hundred fifty dollars ($250) or by both such fine and imprisonment.

Throwing substance at vehicles

23110. (a) Any person who throws any substance at a vehicle or any occupant thereof on a highway is guilty of a misdemeanor.

(b) Any person who with intent to do great bodily injury maliciously and wilfully throws or projects any rock, brick, bottle, metal or other missile, or projects any other substance capable of doing serious bodily harm, or discharges a firearm at such vehicle or occupant thereof is guilty of a felony and upon conviction shall be punished by imprisonment for not less than one year or more than five years in the state prison.

Throwing lighted substance on highway

23111. Outside of a business or residence district no person in any vehicle and no pedestrian shall wilfully or negligently throw from or upon any road or highway, public or private, any lighted cigarette, cigar, ashes, or any other flaming or glowing substance.

Dumping on highways

23112. (a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, hoops, wire, cans or any other substance likely to injure any person, animal or vehicle upon the highway.

(b) It shall be unlawful to place, deposit or dump, or cause to be placed, deposited or dumped, any garbage, swill, cans, bottles, papers, ashes, refuse, carcass or any dead animal, offal, trash or rubbish or any noisome, nauseous or offensive matter in or upon any public highway or road, including any portion of the right-of-way thereof.

Removal of material from highway

23113. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause the same to be removed.

Spilling loads

23114. No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its contents or load other than clear water from dropping, sifting, leaking, or otherwise escaping therefrom.

Rubbish vehicles

23115. No vehicle loaded with garbage, swill, cans, bottles, waste papers, ashes, refuse, trash, or rubbish, or any other

noisome, nauseous, or offensive matter shall be driven or moved upon any highway unless the load is covered with a cover sufficient to prevent the load or any part of the load spilling upon the highway. This section does not prohibit a rubbish vehicle from being without cover while in the process of acquiring its load in circumstances wherein no law, administrative regulation, or local ordinance requires such cover.

This section does not apply to any vehicle engaged in transporting wet waste fruit or vegetable matter, or waste products from a food processing establishment.

CHAPTER 13. VEHICULAR CROSSINGS

Article 1. General Provisions

Application

23250. All of the provisions of this code not inconsistent with the provisions of this chapter shall be applicable to vehicular crossings. This chapter shall control over any provision of this code inconsistent with this chapter.

Authority of California Highway Patrol

23251. The Department of the California Highway Patrol shall provide for proper and adequate policing of all vehicular crossings to insure the enforcement thereon of this code and of any other law relating to the use and operation of vehicles upon highways or vehicular crossings, and of the rules and regulations of the Department of Public Works in respect thereto, and to co-operate with the Department of Public Works to the end that vehicular crossings be operated at all times in such manner as to carry traffic efficiently. Such authority of the Department of the California Highway Patrol is exclusive except as to the authority conferred by law upon the Department of Public Works in respect to vehicular crossings.

Department of Public Works

23252. The employees of the Department of Public Works, designated or classified as toll takers, shall have all the power of peace officers while so employed on any vehicular crossing or as may be necessary to the performance of their duties as toll takers while not upon such vehicular crossing. Such employees shall wear, while on duty, a uniform which shall be distinctly different from that of the California Highway Patrol, to be specified by the Director of Public Works.

Officers on vehicular crossings

23253. All persons in or upon any vehicular crossing must at all times comply with any lawful order, signal, or direction by voice or hand of any member of the California Highway Patrol or an employee of the Department of Public Works who is a peace officer.

"Vehicular crossing"

23254. A "vehicular crossing" is any toll bridge or toll highway crossing and the approaches thereto, constructed or acquired by the Department of Public Works under the provisions of the California Toll Bridge Authority Act.

"Approach"

23255. An "approach" is that portion of a state highway leading to or from a toll bridge or toll highway crossing which lies between one end of the bridge or crossing and the nearest intersection of a highway with the state

highway. A ramp or other structure designed exclusively for use in connection with a toll bridge or toll highway crossing shall not be deemed an intersecting highway but is a part of the approach.

Article 2. Towing on Vehicular Crossings

Unauthorized towing

23270. (a) No person other than an employee of the Department of Public Works shall commence to tow any vehicle or other object on any vehicular crossing. No person shall by means of pushing with another vehicle propel any vehicle or object on a vehicular crossing. No person other than an employee of the Department of Public Works shall on any vehicular crossing, tow any vehicle or other object except a vehicle or object constructed and designed to be towed by a vehicle of a type similar to that being used for such purpose.

(b) The Director of Public Works may grant a special permit to any person to tow any vehicle or object over and completely across any vehicular crossing when in his judgment the towing vehicle is so constructed and equipped that the vehicle or object can be towed across the vehicular crossing without endangering persons or property and without interrupting the orderly traffic across the vehicular crossing.

(c) The prohibitions of this section shall apply only on those vehicular crossings upon which a towing service is maintained by the Department of Public Works.

Towing service

23271. A towing service may be maintained on each vehicular crossing by the Department of Public Works, and said department may furnish such service as is necessary to permit the orderly flow of traffic upon such crossing. The Department of Public Works shall prescribe and collect reasonable rates for towing services furnished.

Services performed and charges

23272. When any vehicle or object on any vehicular crossing, upon which towing service is maintained, is stopped for any reason and is obstructing or may obstruct traffic, such vehicle or object shall be towed by the towing service either to the nearest property of the California Toll Bridge Authority designated for the parking or storing of vehicles, or to a suitable parking location on a public street or highway and thereupon left in the custody of the owner or operator of the vehicle or object, or his agent, or, in the event no such owner, operator, or agent is present, or if such owner, operator, or agent so requests, to a public garage or off-street parking facility. The Department of Public Works may prescribe the limits within which the towing service authorized herein shall be operated.

Notwithstanding the foregoing provisions, the department may furnish and deliver fuel to vehicles, the supply of which is exhausted, or change tires, and may charge a reasonable sum for the services and materials furnished, or if the department deems it safe and advisable, and the owner or operator

of the vehicle or object so requests, it may be towed from the vehicular crossing.

Inapplicability of tow car requirements

23273. Sections 24605, 25253, 25254, 25255, 25302, 25303, 25304, 27700, and 27954 do not apply to vehicles operated by the Department of Public Works pursuant to this article.

Article 3. Tolls and Other Charges

Signs

23300. The Department of Public Works shall erect appropriate signs at each entrance to a vehicular crossing to notify traffic that it is entering upon a vehicular crossing.

Toll on crossing

23301. Every vehicle which enters into or upon any vehicular crossing immediately becomes liable for such tolls and other charges as may from time to time be prescribed by the California Toll Bridge Authority.

Evasion of toll

23302. It is unlawful for any person to refuse to pay or to evade or attempt to evade the payment of such tolls or other charges. It is prima facie evidence of a violation of this section for any person to enter upon any vehicular crossing without lawful money of the United States in his immediate possession in an amount sufficient to pay the prescribed tolls due from such person.

Liens

23303. The Department of Public Works shall have a lien and may enforce such lien, as provided in Chapter 6.5 of Title 14 of Part 4 of Division 3 of the Civil Code (commencing at Section 3067), for all tolls and charges provided by this chapter.

Article 4. Special Traffic Regulations

Animals and vehicles

23330. Except where a special permit has been obtained from the Department of Public Works under the provisions of Sections 35780 to 35784, inclusive, none of the following shall be permitted on any vehicular crossing:

(a) Animals while being led or driven, even though tethered or harnessed.

(b) Bicycles, unless the department by signs indicates that bicycles are permitted upon all or any portion of the vehicular crossing.

(c) Vehicles carrying explosives in any amount or carrying more than 10 gallons of corrosive liquids.

(d) Vehicles having a total width of vehicle or load exceeding 102 inches.

Pedestrians

23331. Pedestrians shall not be permitted upon any vehicular crossing, unless unobstructed sidewalks of more than three feet in width are constructed and maintained and signs indicating that pedestrians are permitted are in place.

Trespass prohibited

23332. It is unlawful for any person to be upon any portion of a vehicular crossing which is not intended for public use without the permission of the Department of Public Works. This section does not apply to a person engaged in the operation, maintenance, or repair of a vehicular crossing

or any facility thereon nor to any person attempting to effect a rescue.

23333. No vehicle shall stop, stand, or be parked in or upon any vehicular crossing except: Stopping and parking

(a) When necessary to avoid injury or damage to persons or property.

(b) When necessary for the repair, maintenance or operation of a publicly owned toll bridge.

(c) In compliance with the direction of a member of the California Highway Patrol or an employee of the Department of Public Works who is a peace officer or with the direction of a sign or signal.

(d) In such places as may be designated by the Director of Public Works.

23334. The Department of Public Works may adopt rules and regulations not inconsistent with this chapter for the control of traffic on any vehicular crossing to aid and insure the safe and orderly flow of traffic, and shall, so far as practicable, notify the public of the rules and regulations by signs on the vehicular crossing. Adoption of traffic rules

23335. The Department of Public Works shall cause to be published and made available to the public at the tollgates of each vehicular crossing copies of those traffic laws and rules and regulations particularly applicable thereto. Publication

23336. It is unlawful to violate any rules or regulations adopted under Section 23334, notice of which has been given either by a sign on a vehicular crossing or by publication as provided in Section 23335. Violations

DIVISION 12. EQUIPMENT OF VEHICLES

CHAPTER 1. GENERAL PROVISIONS

24000. Wherever in this division the word "department" occurs, it means the Department of the California Highway Patrol. "Department"

24001. This division, unless otherwise provided, applies to all vehicles whether publicly or privately owned when upon the highways, including all authorized emergency vehicles. Application of division

24002. It is unlawful to operate any vehicle or combination of vehicles which is in an unsafe condition, which is not equipped as required by this code, or which is not safely loaded. Vehicle not equipped or unsafe

24003. No vehicle shall be equipped with any lamp or illuminating device not required or permitted in this code. This section does not apply to: Unlawful lights

(a) Interior lamps.

(b) Lamps needed in the operation or utilization of those vehicles mentioned in Section 25801, or vehicles used by public utilities in the repair or maintenance of their service.

(c) Lamps or devices that emit a diffused nonglaring light of not more than 0.05 of one candlepower per square inch of area.

Unlawful operation after notice

24004. No person shall operate any vehicle or combination of vehicles after notice by a traffic officer that the vehicle is in an unsafe condition or is not equipped as required by this code, except as may be necessary to return the vehicle or combination of vehicles to the residence or place of business of the owner or driver or to a garage, until the vehicle and its equipment have been made to conform with the requirements of this code.

Transfer and installation

24005. It is unlawful for any person to sell, lease, install, or replace, either for himself or as the agent or employee of another, or through such agent or employee, any glass, lighting equipment, signal devices, brakes, vacuum or pressure hose, muffler, exhaust, or any kind of equipment whatsoever for use in any vehicle, that is not in conformity with this code or regulations made thereunder.

Name or trademark

24006. No person shall sell or offer for sale either separately or as a part of the equipment of a new motor vehicle any lighting equipment or device subject to approval and approved by the department unless the lighting equipment or device bears thereon the trademark or name and type or model designation under which it is approved so as to be legible when installed and is accompanied by printed instructions when required by the department as to candlepower of the light source to be used therewith and any particular methods of mounting or adjustment as to focus or aim necessary for compliance with this code and any other instructions as determined by the department.

Dealer light and brake adjustments

24007. No dealer shall sell a new or used motor vehicle without first testing and, if necessary, adjusting the lights and brakes on the vehicle to conform with this code and department regulations adopted pursuant to this code unless the vehicle is sold for the purpose of being wrecked or dismantled.

Chapter 2. Lighting Equipment

Article 1. General Provisions

Lighting during darkness

24250. During darkness, a vehicle shall be equipped with lighted lighting equipment as required for the vehicle by this chapter.

Distance required

24251 Any requirement in this chapter as to the distance from which any lighting equipment shall render a person or vehicle visible or within which any lighting equipment shall be visible shall apply during darkness, directly ahead upon a straight, level unlighted highway, and under normal atmospheric conditions, unless a different time, direction, or condition is expressly stated.

Maintenance

24252 All required lamps and lighting devices installed on a vehicle shall at all times be maintained in good working

order. Lamps shall be equipped with bulbs of the correct voltage rating corresponding to the nominal voltage at the lamp socket.

Article 2. Headlamps and Auxiliary Lamps

Headlamps

24400. During darkness, every motor vehicle other than a motorcycle, shall be equipped with at least two lighted headlamps, with at least one on each side of the front of the vehicle, and, except as to vehicles registered prior to January 1, 1930, they shall be located directly above or in advance of the front axle of the vehicle. The headlamps and every light source in any headlamp unit shall be located at a height of not more than 54 inches nor less than 24 inches.

Dimmed lights on parked vehicles

24401. Whenever any motor vehicle is parked or standing upon a highway any headlamp that is lighted shall be dimmed or on the lower beam.

Auxiliary driving lamps

24402. (a) Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height of not less than 16 inches nor more than 42 inches. Driving lamps are lamps designed for supplementing the upper beam from headlamps and may not be lighted with the lower beam.

(b) Any motor vehicle may be equipped with not to exceed two auxiliary passing lamps mounted on the front at a height of not less than 24 inches nor more than 42 inches Passing lamps are lamps designed for supplementing the lower beam from headlamps and may also be lighted with the upper beam.

Fog lamps

24403. Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height of not less than 12 inches nor more than 30 inches and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of 25 feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower headlamp beams, subject to the limitations of Section 24451.

Spotlamps

24404. (a) In addition, a motor vehicle may be equipped with not to exceed two spotlamps, which shall not be used in substitution of headlamps.

(b) No spotlamp shall be equipped with any lamp source exceeding 32 standard candlepower or 30 watts nor project any glaring light into the eyes of an approaching driver.

(c) Every spotlamp shall be so directed when in use:

(1) That no portion of the main substantially parallel beam of light will strike the roadway to the left of the prolongation of the left side line of the vehicle.

(2) That the top of the beam will not strike the roadway at a distance in excess of 300 feet from the vehicle

(d) This section does not apply to spotlamps on authorized emergency vehicles.

Maximum number of lamps

24405. Whenever a motor vehicle equipped with headlamps is also equipped with any auxiliary driving or passing lamps, fog lamps, spotlamps, or any other lamp on the front thereof projecting a beam of an intensity greater than 300 candlepower, not more than a total of four such lamps on the front of the vehicle may be lighted at any one time, except that not to exceed six such lamps on the front of an authorized emergency vehicle may be lighted at any one time

Multiple beams

24406. Except as otherwise provided, the headlamps, or other auxiliary driving lamps, or a combination thereof, on a motor vehicle during darkness shall be so arranged that the driver may select at will between distributions of light projected to different elevations, and the lamps may, in addition, be so arranged that the selection can be made automatically.

Upper and lower beam

24407. Multiple-beam road lighting equipment shall be designed as follows:

(a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading.

(b) There shall be a lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal a person or vehicle at a distance of at least 100 feet ahead. On a straight level road under any condition of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

Beam indicator

24408. Every new motor vehicle registered in this State after January 1, 1940, which has multiple-beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and shall not otherwise be lighted. The indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

Use of multiple beams

24409. Whenever a motor vehicle is being operated during darkness, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(a) Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, he shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

The lowermost distribution of light specified in this chapter shall be deemed to avoid glare at all times regardless of road contour and loading.

(b) Whenever the driver of a vehicle follows another vehicle within 200 feet to the rear, he shall use the lowermost distribution of light specified in this chapter.

Single beams

24410. Headlamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps

are permitted on motor vehicles manufactured and sold prior to September 19, 1940, in lieu of multiple-beam road lighting equipment if the single distribution of light complies with the following requirements and limitations:

(a) The headlamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of 25 feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead.

(b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet.

Article 3. Rear Lighting Equipment

Rear lamps

24600. (a) Every motor vehicle and every vehicle which is being drawn at the end of a train of vehicles during darkness shall be equipped with one or more lighted rear lamps exhibiting red light plainly visible from a distance of 500 feet to the rear except that a vehicle or the vehicle at the end of a train of vehicles which is subject to Section 22406 and every new vehicle other than a motorcycle first registered after January 1, 1958, shall be equipped with not less than two such lighted rear lamps which shall be mounted at the left and right side respectively on the rear of the vehicle. Whenever any vehicle is equipped with two rear lamps, as required or permitted by this section, both of such lamps shall be lighted during darkness, except that such lamps may flash as a part of a turn signal lamp.

License plate light

24601. Either the rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear license plate and render it clearly legible from a distance of 50 feet to the rear. When the rear license plate is illuminated by a lamp other than a required rear lamp, the two lamps shall be turned on or off only by the same control switch at all times and the light source of the additional lamp shall have a minimum of three standard candlepower and a maximum of 15 standard candlepower.

Rear lights on trucks

24602. Every red rear lamp upon a vehicle or the vehicle at the end of a train of vehicles which is subject to Section 22406 shall be equipped with red lenses not less than $2\frac{7}{8}$ inches in diameter or $6\frac{1}{2}$ square inches in area and the light source shall not be less than three nor more than 15 standard candlepower.

The voltage at any rear, license plate or clearance lamp socket of the vehicle or train of vehicles shall not be less than 85 percent of the design voltage of the battery supplying the current to such lamps.

Stop lamps

24603. Every motor vehicle and every vehicle at the end of a train of vehicles shall at all times be equipped with not less than one stop lamp on the rear which shall emit a red or

amber light and which shall be actuated upon application of the service (foot) brake and the hand control head for air, vacuum, or electric brake and which may but need not be incorporated with a tail lamp. Every new vehicle, other than a motorcycle or motor-driven cycle, first registered after January 1, 1958, shall be equipped with not less than two stop lamps. Such stop signals shall be plainly visible and understandable from a distance of 300 feet to the rear both during normal sunlight and at nighttime, except that stop lamps on a vehicle of a size required to be equipped with clearance lamps shall be visible from a distance of 500 feet during such times. Whenever any vehicle is equipped with two stop lamps, both stop lamps shall be in good working order. The stop lamp on that side of a vehicle toward which a turn will be made may flash as part of the turn signal lamp.

Lamp or flag on projections

24604. (a) Whenever the load upon any vehicle extends, or whenever any integral part of any vehicle projects, to the rear four feet or more beyond the bed or body of the vehicle, there shall be displayed at the extreme end of the load or projecting part of the vehicle during darkness, in addition to the required rear light, two red lights with a bulb rated not in excess of six candlepower plainly visible from a distance of at least 500 feet to the sides and rear. At any other time there shall be displayed at the extreme end of the load or projecting part of the vehicle a red flag or cloth not less than 16 inches square.

Tow cars

24605. Tow cars used to tow a vehicle shall be equipped with and carry a portable electrical extension cord for use in displaying a light on the rear of the disabled vehicle. The length of the extension cord shall not be less than the length of the combined vehicles and whenever a disabled vehicle is towed during darkness and the rear lamps on the disabled vehicle cannot be lighted, the tow car operator shall provide for a rear light by means of the extension cord.

Backup lamps

24606. (a) Any motor vehicle may be equipped with a backup lamp either separately or in combination with another lamp. A backup lamp shall be so directed as to project a white or amber light illuminating the highway to the rear of the vehicle for a distance not to exceed 75 feet.

(b) No backup lamp shall exceed a diameter of six inches measured across the lens or face thereof nor shall it be lighted on any vehicle moving forward or otherwise except when the vehicle is about to be or is backing on a highway.

Reflectors

24607. (a) Any vehicle of a type subject to registration under this code not otherwise required under the provisions of this code to be equipped with rear red reflectors shall carry on the rear, either as a part of the tail lamps or separately, one red reflector meeting the requirements of this section and of a type approved by the department.

(b) The reflector shall be mounted on the vehicle at a height not less than 16 inches nor more than 60 inches and shall be of such size and characteristics and so maintained as

to be readily visible at night from all distances within 300 feet to 50 feet from the vehicle when directly in front of lawful upper beams of headlamps.

(c) Any reflector installed upon a vehicle as a part of its original equipment prior to January 1, 1941, need not be of a type approved by the department if it meets the requirements of subdivision (b) of this section.

Reflectors-On front and sides

24608. (a) Any vehicle may be equipped with white or amber reflectors upon the front, amber reflectors on the sides near the front and red reflectors on the sides near the rear.

(b) Such reflectors shall be of a type approved by the department and shall be mounted at a height not less than 16 inches nor more than 60 inches.

Same Trucks

24609. (a) A vehicle or the vehicle at the end of a train of vehicles which is subject to Section 22406 shall be equipped with two red reflectors not less than three inches in diameter or seven square inches in area mounted on the left and right side respectively on the rear of the vehicle at a height not to exceed 60 inches nor less than 24 inches above the ground and so designed and maintained as to be visible at night from all distances within 500 feet from the vehicle or train of vehicles when directly in front of a motor vehicle displaying lawful lighted headlamps, not depressed.

(b) A motor truck weighing unladen 3,000 pounds or more or a trailer coach operated outside the limits of incorporated cities shall be equipped with a reflector as provided in this section.

(c) The engineering requirements for reflectors under this section shall be governed by specifications to be determined and publicized by the department.

Same Multiple-unit truck

24610. A reflector placed on vehicles under Section 24651 which is of the button or other multiple-unit type shall contain not less than seven units with a total of not less than three square inches of reflecting surface. The red reflectors required may be separate units or a part of the red rear lamps, but in either event the reflector and rear lamps shall comply with all of the requirements of Sections 24600, 24602, and 24609, and any reflector constituting an integral part of a rear lamp shall comply with all photometric requirements applicable to a separate reflector.

Article 4. Parking Lamps

Parking lamps

24800. No vehicle shall be driven at any time with the parking lamps lighted except when the lamps are being used as turn signal lamps and when the headlamps are also lighted.

Same

24801. Parking lamps are those lamps permitted by Section 25106, or any lamps mounted on the front of a vehicle, designed to be displayed primarily when the vehicle is parked.

Business and residence districts

24802. Whenever there is sufficient light within the lateral boundaries of a highway within a business or residential district to reveal a vehicle at a distance of 200 feet no lights need be displayed upon a vehicle parked or standing upon

such highway with a right-hand wheel within 18 inches of the right-hand curb.

Other places

24803. The headlamps on a motor vehicle need not be lighted when the motor vehicle is parked or standing with its right-hand wheels within 18 inches of the right-hand curb or edge of the roadway of any highway.

Outside of a business or residence district and during darkness a rear light shall be displayed upon any vehicle parked or standing upon a highway.

Article 5. Signal Lamps and Devices

Mandatory signal devices

24950. Whenever any motor vehicle is towing a trailer coach, either the motor vehicle or trailer coach shall be equipped with a mechanical or electrical signal lamp or device.

Turning signals

24951. (a) Any vehicle may be equipped, and when required by this code, shall be equipped, with a lamp type turn signal system or semaphore turn signal device capable of clearly indicating any intention to turn either to the right or to the left.

(b) The following vehicles which are first registered on or after January 1, 1958, shall be equipped with an electrical turn signal of a type approved by the department and meeting the requirements of this chapter:

(1) All passenger type vehicles except motorcycles and motor-driven cycles.

(2) All motor trucks and truck tractors.

(3) All trailers or semitrailers having a gross weight of 6,000 pounds or more.

This requirement does not apply to special mobile equipment, pole or pipe dollies, or auxiliary dollies.

Requirements

24952. A lamp type turn signal system or semaphore turn signal device shall be plainly visible and understandable in normal sunlight and at nighttime from a distance of at least 300 feet to the front and rear of the vehicle, except that in turn signals on vehicles of a size required to be equipped with clearance lamps, the signal lamp or device shall be visible from a distance of 500 feet during such times.

Lamps of turn signals

24953. Any lamp type signal device used to give a signal of intention to turn right or left shall project a flashing white or amber light visible to the front and red or amber flashing light visible to the rear.

Reflectors on semaphore devices

24954. Any semaphore signal device on a vehicle shall be illuminated when in use during darkness either by a light or reflex reflectors rendering the signals visible as required in this chapter.

Article 6. Side and Fender Lighting Equipment

Side clearance lamps

25100. Every vehicle or load upon a vehicle or any vehicle and load thereon having a total outside width in excess of 80

inches during darkness shall be equipped with at least four clearance lamps. The lights shall be mounted at the outer extremity of the vehicle and there shall be one lamp on each side near the front of the vehicle emitting an amber light visible from a distance of 500 feet to the front and to the side of the vehicle and one lamp on each side near the rear of the vehicle emitting an amber or red light visible from a distance of 500 feet to the rear and to the side of the vehicle. This section does not apply to:

(a) Passenger common carrier vehicles.

(b) Passenger vehicles.

(c) Truck tractor or auxiliary dollies while operating in combination with other vehicles displaying side clearance lamps.

Trailer coaches

25101. A trailer coach having a total outside width of less than 80 inches shall be equipped with two clearance lamps, one on each side near the rear, each of which shall emit an amber light visible for a distance of 500 feet to the rear and to the side of the trailer coach.

Sides of vehicles

25102. In addition to the lamps otherwise permitted by this chapter, any motor vehicle may be equipped with lamps on the sides thereof, visible from the side of the vehicle but not from the front or rear thereof, which lamps, together with mountings or receptacles, shall be set into depressions or recesses in the body of the vehicle and shall not protrude beyond or outside the body of the vehicle. The light source in each of the lamps shall not exceed two candlepower and shall emit diffused light of any color, except that the color red is permitted only on authorized emergency vehicles.

Projecting load

25103. Whenever the load upon any vehicle extends from the left side of the vehicle one foot or more to the left of the front hub cap on the left side there shall be displayed at the extreme left side of the load during darkness a lighted lantern or other light plainly visible from a distance of at least 300 feet to the left side and the front and rear of the vehicle.

The lamp shall not contain a bulb rated in excess of six candlepower.

Wide vehicles

25104. Any vehicle operating other than during darkness and wider than permitted under Sections 35100 to 35108, inclusive, shall display a red flag or cloth not less than 16 inches square at the extreme left front and left rear of the vehicle or equipment.

Running board courtesy lamps

25105. Any motor vehicle may be equipped with running board courtesy lamps. The bulbs in the lamps shall not exceed three standard candlepower and shall emit either a green or white light without glare. The beams of the lamps shall not be visible to the front or rear of the vehicle.

Side cowl or fender lamps

25106. Any motor vehicle may be equipped with not more than two lighted side lamps, and in addition not more than two lighted cowl or fender lamps, but the light source of each such lamp shall not exceed four standard candlepower and shall emit diffused amber or white light without glare.

Turning fender lamps

25107. In addition, a motor vehicle may be equipped with not more than two fender lamps designed and of sufficient intensity for the purpose of revealing objects only in the direction of turn while the vehicle is turning. The lamps shall be designed so that no glaring light is projected into the eyes of an approaching driver.

Article 7. Flashing and Colored Lights

Flashing lights

25250. Flashing lights are prohibited on motor vehicles except as otherwise permitted.

Same Permitted

25251. Flashing lights are permitted on motor vehicles as follows:

1. To indicate an intention to turn or move to the right or left upon a roadway, approved turn signal lamps may be flashed on the side of a vehicle toward which the turn or movement is to be made.

2. As warning lights on disabled vehicles as permitted in Section 25300 or on other vehicles which are disabled upon the roadway, four or more approved turn signal lamps may be flashed, at least two of which must be toward the front and at least two toward the rear of the vehicle.

3. For use on emergency vehicles.

4. For use on tow cars to the extent provided in Section 25253.

5 For use during darkness, vehicles used by highway authorities or bridge and highway districts in highway maintenance work may be equipped with flashing or other red lights, to the front or rear, which may be used while the vehicles are parked or working on the highway.

6. For use during darkness, vehicles used by mosquito abatement districts or pest abatement districts when dispersing insecticides in aerosol form or as mists, fogs, or smokes, may be equipped with flashing or other red lights to the front or rear which may be used while the vehicles are parked or working on the highway.

Additional lights

25252. In addition to the forward burning red light required by Section 21055, authorized emergency vehicles may display red lights to the sides or rear of the vehicles. Revolving red lights may be used only to supplement the forward burning red light required by Section 21055.

Tow cars

25253. Tow cars used to tow a vehicle shall be equipped with a flashing or steady red light mounted on top of the cab of the tow car or on the top of the crane or hoist, if such light can be seen from the front of the tow car. The light shall be visible for a distance of 1,000 feet, and shall be mounted in such a manner that it can be securely fastened with the lens of the lamp facing the rear of the tow car upon which it is mounted.

Same Location of light

25254. When standing at the location from which the disabled vehicle is to be towed, the operator of a tow car may unfasten the red light and place it in any position deemed

advisable to warn approaching drivers. When the disabled vehicle is ready for towing the red light shall be turned to the rear of the tow car upon which it is mounted and securely locked in position.

Same
Additional red lights

25255. Additional red lights may be displayed at either or both sides of a tow car as the case may warrant during the period of preparation at the location from which the disabled vehicle is to be towed.

Highway maintenance vehicles

25256. Vehicles used by highway authorities in highway maintenance work may be equipped with flashing red lights visible from any direction when such vehicles are parked or working on the highway.

School bus

25257. Every school bus when operated for the transportation of school children shall be equipped with a flashing red light signal system.

Authorized emergency vehicles

25258. An authorized emergency vehicle may display a red light and an authorized emergency vehicle used by members of the California Highway Patrol in the performance of their duties may in addition display a blue light, as prescribed by the commissioner, visible from in front thereof.

Rear light on police vehicle

25259. In addition to a red light as otherwise required in this code, a light of distinctive color, which color has been approved by the department, may be visible from the rear of a vehicle operated by a police or traffic officer while in the actual performance of his duties as such officer.

Public utility vehicles

25260. Public utility repair vehicles necessarily parked other than adjacent to the curb in a highway for purposes of repairing public utility services, may be equipped with red lights displayed to the front, sides and rear, but these lights shall not be lighted when headlamps are lighted.

Emergency utility vehicles

25261. Any emergency vehicle of a public utility, whether privately, municipally, or publicly owned, used in responding to emergency calls for the repair or maintenance of its services, may be approved by the commissioner for operation when equipped with a red light for purposes of identification. The vehicle may operate without a siren but if not equipped with a siren, it shall not be entitled to the exemptions granted authorized emergency vehicles by Section 21055.

Armored cars

25262. An armored car may be equipped with red lights which may be used while resisting armed robbery. At all other times the red lights shall not be lighted. The authority to use red lights granted by this section does not constitute an armored car an authorized emergency vehicle, and all other provisions of this code applicable to drivers of vehicles apply to drivers of armored cars.

Violation of this section is a misdemeanor and upon conviction is punishable by a fine not exceeding five hundred dollars ($500) or by imprisonment in the county jail for not to exceed six months or by both such fine and imprisonment.

House towing trucks

25263. Trucks actually engaged in the towing of houses or buildings upon any highway may display a red spotlamp to the front or side thereof.

Coroner vehicles

25264. Any vehicle publicly owned, or any vehicle privately owned which is maintained in whole or in part by a county, operated by a coroner, or by a deputy coroner regularly employed and salaried as such by a county, may, upon approval by the commissioner, be equipped with a red light, but not with a siren, which red light may be used for purposes of identification and safety while the vehicle is at the scene of any violent street or highway death or at the scene of any death occurring on private premises which was caused by criminal, sudden, or obscure means. At all other times the red light must not be displayed to the front of the vehicle. Any such vehicle shall not be entitled to the exemptions granted authorized emergency vehicles.

Article 8. Warning Lights and Devices

Disabled commercial vehicles

25300. (a) Every motor truck having an unladen weight of 4,000 pounds or more, and every truck tractor, irrespective of weight, during darkness shall be equipped with at least two flares, two red lanterns, or two warning lights or reflectors.

(b) When any such vehicle or any trailer or semitrailer is disabled on the roadway or within 10 feet thereof during darkness, a warning signal of the character indicated above shall be immediately placed at a distance of approximately 100 feet in advance of, and 100 feet to the rear of the disabled vehicle. The continuous flashing of at least four approved type Class A-Type I turn signal lamps, at least two toward the front and at least two toward the rear of the vehicle, shall be considered to meet the requirements of this section until the devices mentioned above can be placed in the required locations.

(c) The warning signals shall be displayed continuously during darkness while the vehicle remains disabled upon the roadway or within 10 feet thereof.

(d) This section does not apply to any vehicle while being operated within the corporate limits of any city, except that any city may impose like requirements with respect to a motor truck or truck tractor when operated during darkness upon a highway outside of any business or residence district within the city and upon which highway there is insufficient street lighting to reveal a vehicle at a distance of 200 feet.

Utility and public utility vehicles

25301. When utility or public utility vehicles are parked, stopped or standing at the site of work as described in Section 22512, warning devices shall be displayed as follows:

(a) During daylight warning devices shall consist of either:

(1) A warning flag or barricade striping on the front and rear of the vehicle.

(2) A warning flag, sign, or barrier on the highway not more than 50 feet in advance of the vehicle and not more than 50 feet to the rear thereof, except that in zones where the maximum speed limit is in excess of 25 miles per hour said 50-foot distance may be increased up to 500 feet from the vehicle as circumstances may warrant.

(b) During darkness the warning devices shall consist of either:

(1) One or more lights or fusees on the vehicle giving warning to approaching traffic from each direction.

(2) A warning light, flare, fusee, or reflector on the highway not more than 50 feet in advance of the vehicle and not more than 50 feet to the rear thereof, except that in zones where the maximum speed limit is in excess of 25 miles per hour said 50-foot distance may be increased up to 500 feet from the vehicle where circumstances may warrant.

(c) The provisions of subdivisions (a) or (b) do not prevent the display of both types of the warning devices during daylight or darkness.

(d) During either daylight or darkness, no warning device is necessary if the vehicle is an authorized emergency vehicle and is equipped with a flashing red light visible to approaching traffic from each direction.

Tow cars

25302. Every tow car used to tow a vehicle shall:

(a) Be equipped with not less than two red flares, two red lanterns, or two warning lights or reflectors.

(b) Be equipped with at least two highway warning signs of a uniform type prescribed by the department and shall be so designed as to be visible both day and night.

Devices used during daytime

25303. The operator of a tow car used for the purpose of rendering assistance to other vehicles shall, when the rendering of assistance necessitates the obstruction of any portion of the roadway outside a business or residence district, place a highway warning sign 100 feet in advance of, and 100 feet to the rear of, the disabled vehicle.

Devices used during darkness

25304. When a motor vehicle is disabled on the highway during darkness, the tow car operator shall immediately upon arrival place warning signs upon the highway as prescribed in Section 25303, and in addition shall place not less than one red flare, red lantern, warning light, or reflector in close proximity to each warning sign.

Article 9. Commercial and Common Carrier Vehicles

Passenger common carriers

25350. Any passenger common carrier motor vehicle may be equipped with green identification lamps, clearance lamps, an illuminated termini sign, an illuminated identification sign, or any combination thereof, which shall not project any glaring light.

Commercial vehicles

25351. Any commercial vehicle, other than a passenger common carrier motor vehicle, shall not be equipped with an illuminated identification sign upon the front thereof which exceeds 24 inches in length or eight inches in width or which is lighted by other than a diffused white light which does not project any glaring light.

A commercial vehicle may be equipped with not more than three lamps mounted in a row not less than seven feet from the ground on the front or rear, which lamps shall not exceed

three inches in diameter, equipped with bulbs not in excess of six candlepower and exhibiting to the front either amber, green, or white light, or any combination thereof, and to the rear exhibiting red light.

Article 10. Diffused Lights

Lighting requirements

25400. Any diffused nonglaring light shall not display red to the front, but may display other colors. A diffused nonglaring light shall not resemble nor be installed within 12 inches or in such position as to interfere with the visibility or effectiveness of any required lamp, reflector, or other device upon the vehicle.

A diffused nonglaring lamp or device shall be limited in size to an area of 720 square inches and where any lease, rental, or donation is involved the installation of the lamp or device shall be limited to those vehicles operated either primarily within business or residential districts or municipalities, or between business districts, residential districts, and municipalities in close proximity.

Resembling signs

25401. No diffused nonglaring light on a vehicle shall resemble any official traffic control device.

Article 11. Acetylene Lamps

Acetylene lamps

25450 Any motor vehicle, other than a motorcycle, equipped with lighted acetylene headlamps complies with the provisions of this code concerning lighted headlamps when it has two lighted acetylene headlamps of approximately equal candlepower mounted upon the front of the motor vehicle and fitted with clear plane glass fronts and bright six-inch spherical mirrors and standard acetylene five-eighths or three-quarters foot burners, not more and not less, projecting sufficient light ahead to reveal any vehicle, person or substantial object upon the roadway within 200 feet.

Motorcycles

25451. Any motorcycle equipped with one lighted acetylene headlamp complies with the provisions of this code concerning lighted headlamps on motorcycles when the acetylene headlamp is fitted with a clear plane glass front and a bright six-inch spherical mirror and a standard acetylene one-half or five-eighths foot burner, projecting sufficient light ahead to reveal any vehicle, person, or substantial object upon the roadway within a distance of 115 feet.

Glare

25452. No acetylene lamp shall emit any glaring light.

Article 12. Reflectorizing Material

Use

25500. Area reflectorizing material of any color, except red on the front of a vehicle, may be used in addition to required reflectors for the following purposes:

(a) Signs required or other designations in lieu thereof as required in Section 27903 on the sides or rear.

(b) Barricade striping on the rear in alternate colors or for the delineation of the vehicle.

(c) The name, legend, trademark, trade name, or insignia may be used only by the manufacturer, seller, contractor, or registered owner of the vehicle, and space for the use of reflectorizing material on any vehicle shall not be leased, sold, or rented for advertising purposes.

Messages

25501. The name, legend, trademark, trade name, or insignia of any organization carrying a safety message or indicating a service rendered by the organization to a vehicle or operator and contained on reflectorizing material of any color, except red on the front of the vehicle, may be donated to or purchased by the owner and displayed on a vehicle, except that the name, legend, trademark, trade name, or insignia shall not be in excess of 48 square inches in area.

Limitations

25502. Reflectorizing material shall be of a type and intensity and so installed as not to interfere with or nullify or resemble any reflector, lighting, signal, or warning devices required or permitted on the vehicle under this code or any other statute or regulation promulgated in conformance to any statute, nor as to resemble or conflict with any traffic control device or street or highway regulatory, warning, directional, or informational sign.

Article 13. Headlamps on Motorcycles and Bicycles

Motorcycles

25650. Every motorcycle during darkness shall be equipped with at least one and not more than two lighted headlamps which shall conform to the requirements and limitations of this division.

Motor-driven cycles

25651. The headlamp upon a motor-driven cycle may be of the single-beam or multiple-beam type, but in either event, when the vehicle is operated during darkness, the headlamp shall comply with the requirements and limitations as follows:

(a) The headlamp shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than 100 feet when the motor-driven cycle is operated at any speed less than 25 miles per hour and at a distance of not less than 200 feet when operated at a speed of 25 to not exceeding 35 miles per hour, and at a distance of 300 feet when operated at a speed greater than 35 miles per hour.

(b) In the event the motor-driven cycle is equipped with a multiple-beam headlamp, the upper beam shall meet the minimum requirements set forth above and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in subdivision (b) of Section 24451.

(c) In the event the motor-driven cycle is equipped with a single-beam lamp, it shall be so aimed that when the vehicle is loaded none of the high intensity portion of light, at a distance of 25 feet ahead, shall project higher than the level of the center of the lamp from which it comes.

Lamps on bicycles

25652. Every bicycle, other than a motor-driven cycle, during darkness shall be equipped with a lamp emitting a white light visible from a distance of 300 feet in front of the bicycle and with a red reflector on the rear so designed and located as to be visible for at least 300 feet when directly in front of a motor vehicle displaying lawful undimmed headlamps or with a rear lamp exhibiting a red light visible from a distance of 300 feet to the rear.

Article 14. Vehicles Exempted

Implements of husbandry and special mobile equipment

25800. The provisions of Sections 24250, 24251, 24400 through 24404, inclusive, Articles 3, 4, 5, 6, 9, 11, and 13 (commencing at Sections 24600, 24800, 24950, 25100, 25350, 25450, and 25650 respectively), and Section 25953 of this chapter shall not apply to implements of husbandry or special mobile equipment. Such vehicle or equipment shall be subject to the provisions of Sections 25260, Article 12 (commencing at Section 25500), Sections 25803, 25950, and 25952, of this chapter.

Highway construction and maintenance equipment

25801. The provisions of Sections 24250, 24251, 24400 through 24404, inclusive, 24600 through 24604, inclusive, 24606 through 24610, inclusive, Articles 4, 5, 6, 9, 11, 12, and 13 (commencing at Sections 24800, 24950, 25100, 25350, 25450, 25500, and 25650, respectively) of Chapter 2, of this division, and Sections 25950, 25952 and 25953 shall not apply to highway construction or maintenance equipment, nor to motor trucks equipped with snow removal or sanding devices, but shall apply to motor trucks and automobiles used independently of such equipment.

The provisions of Section 25803 shall be applicable to such equipment.

Vehicles incidentally operated over highway

25802. The provisions of Sections 24002, 24005, 24250, 24251, 24400 through 24404, inclusive, 24600 through 24604, inclusive, 24606 through 24610, inclusive, 25261, 25953, Articles 4, 5, 6, 9, 11, and 13 (commencing at Sections 24800, 24950, 25100, 25350, 25450, and 25650, respectively) of Chapter 2 of this division, Chapters 3, 4, and 5 (commencing at Sections 26300, 26700 and 27000, respectively) of this division, and the provisions of Chapters 2, 3, 4, and 5 (commencing at Sections 29200, 29800, 30800, and 31300, respectively) of Division 13 shall not apply to any vehicle of a type subject to registration under this code which is not designed, used or maintained for the transportation of persons or property and which is only incidentally operated or moved over a highway; but any such vehicle shall be subject to the provisions of Sections 2800, 2806, 24004, 25260, 25803, 25950, 25952, 26457, 27602, 31500, 40150, and Article 12 (commencing at Section 25500) of Chapter 2 of this division.

Lamps on other vehicles

25803. (a) All vehicles not otherwise required to be equipped with headlamps, rear lights, or reflectors by this chapter shall during darkness be equipped with at least one

lighted lamp exhibiting a white light visible from a distance of 500 feet to the front of the vehicle and with a lamp exhibiting a red light visible from a distance of 500 feet to the rear of the vehicle.

(b) In addition, such vehicle shall be equipped with an amber reflector on the front near the left side and a red reflector on the rear near the left side. The reflectors shall be mounted on the vehicle not lower than 16 inches nor higher than 60 inches above the ground and so designed and maintained as to be visible during darkness from all distances within 500 feet from the vehicle when directly in front of a motor vehicle displaying lawful lighted headlamps undimmed.

Article 15. Light Restrictions and Mounting

25950. Unless provided otherwise, the color of lights upon a vehicle shall be as follows: Color of lights

(a) All lights visible from in front of a vehicle shall be white or amber.

(b) All lights visible from the rear of a vehicle shall be red.

This section applies to the color of a lamp whether lighted or unlighted, and to any reflector exhibiting or reflecting perceptible light of 0.05 of one candlepower or more per foot-candle of incident illumination.

25951. Any lighted lamp or device upon a motor vehicle other than headlamps, spot lamps, signal lamps, or auxiliary driving lamps which projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the beam will strike the level of the roadway at a distance of more than 75 feet from the vehicle. Direction of beam

25952. Whenever requirement is declared as to the mounted height of lamps or reflectors, the height shall be measured from the center of the lamp or reflector to the level surface upon which the vehicle stands when it is without a load. Mounting height

25953. All lighting equipment or devices requiring approval shall comply with the engineering requirements and specifications, including mounting and aiming instructions, determined and publicized by the department. Compliance

Article 16. Test, Approval, and Inspection of Lighting Equipment and Signal Devices

26100. No person shall sell or offer for sale for use upon or as part of the equipment of a motor vehicle, trailer, or semi-trailer, nor shall any person use upon any such vehicle any signal device or lighting equipment unless of a type which has been submitted to and approved by the department. This section does not apply to a rear lamp or stop lamp in use on or prior to December 1, 1935. Mandatory testing and approval

26101. No person shall sell or offer for sale for use upon or as part of the equipment of any vehicle, nor shall any person use upon any vehicle any device which is intended to modify Approval of modifying devices

the original design or performance of any lighting equipment unless of a type which has been submitted to and approved by the department. This section does not apply to a rear lamp or stop lamp in use on or prior to December 1, 1935.

Test and approval

26102. (a) The department may require any person desiring approval of any lighting equipment to submit to the department two units of each type of lighting equipment for which approval is desired, together with the appropriate fee.

(b) With the lighting equipment, the applicant shall submit a statement as to the adjustment of the same deemed appropriate and the candlepower or other rating of the light source intended to be used therewith and other information relative thereto requested by the department.

Tests

26103. The department shall make or cause to be made scientific laboratory tests of lighting equipment submitted for approval as the department determines is appropriate, or as may be required in this code, to determine whether any grounds for disapproving the lighting equipment exists.

Light source equipment

26104. The department may make or cause to be made tests of any equipment regulating the light emitted from the light source in any lighting equipment to determine whether any grounds for disapproving the equipment exists.

Place of test

26105. The tests may be made in laboratories owned or designated by the department, or the department may accept evidence of satisfactory performance from other accredited laboratories.

Action of department

26106. The department shall approve or disapprove lighting equipment and shall issue and enforce regulations establishing standards and specifications for the approval of lighting equipment, their installation, original adjustment and aiming, and adjustment when in use on vehicles, in accordance with the provisions of this code. Regulations as pertain to multiple-beam lighting equipment shall correlate with and, so far as practicable, conform to the then current nationally recognized standards and specifications applicable to the equipment

Effective date of regulations

26107. In the event any lighting equipment in actual use meets the requirements of this code or a department regulation adopted pursuant to this code, a subsequent regulation shall not require the replacement of the equipment and shall be applicable only to equipment installed after the effective date of the regulation.

Grounds for disapproval

26108. The department shall disapprove any lighting equipment if it determines:

(a) That it does not conform to the requirements of this code or any department regulation adopted pursuant to this code.

(b) That it is not so constructed as to be safe or practical in actual use, even though it may meet the laboratory specifications or other tests declared in this code.

(c) That it is impractical as to mechanical construction or for mounting on a motor vehicle, even though it may meet the laboratory specifications or other tests declared in this code.

(d) That the manufacturer of the lighting equipment makes a common practice of using misleading statements in advertising the effect or results obtained from the lighting equipment even though it may meet the laboratory specifications or other tests declared in this code.

Disapproval of equipment

26109. The department shall disapprove any lighting equipment that is impractical, inefficient or does not conform to the requirements of this code or detracts from the performance of the lamp even though the resultant performance might be within the maximum and minimum candlepower laboratory specifications declared in this code.

Reconsideration

26110. The department may reconsider any disapproval within 60 days after it has disapproved any lighting equipment without receiving a new application and without further fee. Whenever the department disapproves any lighting equipment, and it is submitted for a partial retest within 90 days after it is disapproved, a fee of one-half the original fee shall be charged for the retest.

Report of test

26111. (a) Whenever the test of any lighting equipment is completed, the department shall prepare or cause to be prepared a report in duplicate approving or disapproving the lighting equipment.

(b) Any report disapproving the lighting equipment shall state in detail the reasons therefor.

(c) Any report approving the equipment shall include or be accompanied by a statement of any particular methods of mounting or adjustment as to focus or aim necessary for compliance with this code, the candlepower of the light source to be used therewith and any other instructions determined by the department. Any report approving any lighting equipment may be accompanied by such written instructions as the department may deem necessary.

Signature and delivery

26112. Every such report shall be signed in duplicate by the person who made the test and by an officer of the department. One copy of the report shall remain on file in the department as a matter of public record, and the other copy shall be delivered by the department to the applicant for the test within 60 days after submission of the lighting equipment for approval accompanied by the proper fee.

Certificate

26113. The department, upon approving lighting equipment, shall issue to the applicant a certificate of approval together with any instructions included in or accompanying its report approving the same.

Upon request of any police department, the department shall forward a copy of any certificate of approval together with any instructions to the police department.

List of approved equipment

26114. The department shall publish lists of all lighting equipment by name and type which have been approved by the department.

Revocation of certificate

26115. (a) Whenever the department receives information that any lighting equipment, of a type sold commercially and which has been approved by the department does not under ordinary conditions of use comply with the requirements of this code and department regulations adopted pursuant to this code, the department in its discretion may upon 30 days notice to the manufacturer thereof require that the equipment be retested by the department

(b) In the event such lighting equipment upon such retest fails to meet the requirements of this code and department regulations adopted pursuant to this code, the department may suspend or revoke the certificate of approval previously issued. No fee shall be charged for the retest. The department may pay from the funds appropriated for maintenance of the department such sums as may be necessary to carry out the provisions of this section.

Revocation upon non-manufacture

26116. Upon Nonmanufacture. When any approved lighting equipment is no longer manufactured for commercial sale, the department may revoke the prior approval, but such revocation shall not prevent the use of the lighting equipment sold during the time it was approved.

The department may, however, at its discretion revoke approval of any lighting equipment other than any lighting equipment which is part of the original equipment of a vehicle, if it is found unsafe, impractical, or objectionable in actual use or is defective for any of the reasons for which an original approval may be denied.

Purchase and test

26117. The department may purchase any lighting equipment sold for use on motor vehicles or of a type for which the approval of the department is required under this code and test or retest the same as to conformance with the requirements of this code and department regulations adopted pursuant to this code, and any expense incurred in such purchase and test shall be a legal charge against the Motor Vehicle Support Fund.

Experimental permit

26118. The department may issue a permit for the use of lamps or devices for experimental purposes. The use of any lamp or device under the permit is not a violation of this code.

Testing fees

26119. For any single photometric test on a lighting device for which a photometric specification has been established by the department, the fee shall be twenty-five dollars ($25).

For each additional test on lamps or other devices, including mechanical, electrical, chemical, structural, or other special test, retest, or inspection, the fee shall be established by the department at a charge sufficient to pay the cost to the department of conducting the tests and processing the application.

For the approval of lamps or other devices which are not tested by the department, but for which evidence of satisfactory performance is accepted from laboratories accredited by the department, the fee shall be ten dollars ($10).

CHAPTER 3. BRAKES

Article 1. Brake Requirements

26300. Every motor vehicle, other than a motorcycle, shall be equipped with brakes adequate to control the movement of the vehicle and to stop and hold the vehicle. Motor vehicles

26301. Any new motor vehicle first registered in this State after January 1, 1940, shall be equipped with power brakes if its gross weight exceeds 14,000 pounds, except that any such vehicle having a gross weight of less than 18,000 pounds may, in lieu of power brakes, be equipped with two-stage hydraulic actuators of a type designed to increase braking effect of its brakes. Same. Over seven tons

26302. Any new trailer or semitrailer, first registered in this State after January 1, 1940, and drawn by a motor truck or truck tractor and having a gross weight of 6,000 pounds or more and which is operated at a speed of 20 miles per hour or over shall be equipped with brakes, which brakes shall be adequate, supplemental to the brakes on the towing vehicle, to enable the combination of vehicles to comply with the stopping distance requirements of Article 2, commencing at Section 26450. This section does not apply to vehicles operated solely within the limits of incorporated cities. Trailers

26303. Every trailer coach having a weight of 1,500 pounds or more equipped for the road, but exclusive of passengers, shall be equipped with brakes which can be controlled by the driver of the towing vehicle and which are adequate, supplemental to the brakes on the towing vehicle, to enable the combination of vehicles to comply with the stopping distance requirements of Article 2, commencing at Section 26450. Trailer coaches

26304. (a) Power brakes on any trailer or semitrailer first registered after December 31, 1955, and required to be equipped with brakes shall be designed to be automatically applied upon breakaway from the towing vehicle and shall be capable of stopping and holding such vehicle stationary for not less than 15 minutes. Breakaway brakes

(b) Every new truck or truck tractor first registered after December 31, 1955, used in towing a vehicle shall be equipped with brakes capable of stopping the truck or truck tractor in the event of breakaway of the towed vehicle.

26305. Any auxiliary dolly may be equipped with brakes. Auxiliary dollies

26306. Every motorcycle shall be equipped with at least one brake, which may be operated by hand or foot. Motorcycles

26307. The director may require an inspection of the brake on any motor-driven cycle and disapprove any brake which he finds will not comply with the stopping distance requirements of Article 2, commencing at Section 26450, or which in his opinion is not properly designed or constructed as to insure reasonable and reliable performance in actual use. Motor-driven cycles

26308. The director may refuse to register or may suspend or revoke the registration of a motor-driven cycle when he de- Revocation of registration

termines that the brake thereon does not comply with Section 26307.

Disapproved brake on motor-driven cycle

26309. No person shall operate a motor-driven cycle in the event the director has disapproved the brake equipment upon the motor-driven cycle or type of motor-driven cycle until the brake equipment is approved.

Article 2. Operation of Brakes

Requirements

26450. (a) The braking system on a motor vehicle, other than a motorcycle, shall have at least two separate means of applying the brakes, one of which shall be a service brake and the other an emergency brake. Each means of brake operation shall be effective to apply the brakes to at least two wheels. If the two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

(b) One of the means of brake operation shall consist of a mechanical connection from the operating lever to brakeshoes or bands or other effective locking and releasing mechanism and shall be capable of locking the rear driving wheels and of being set to hold the vehicle, or combination of vehicles, stationary to the limit of traction of the braked wheels.

Brakeshoes

26451. The brakeshoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service brake and emergency brake operation.

After engine failure

26452. All motor vehicles shall be so equipped as to permit application of the brakes at least once for the purpose of bringing the vehicle to a stop within the legal stopping distance after the engine has become inoperative.

Condition

26453. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

Stopping distance

26454. Every motor vehicle or combination of vehicles, at any time and under all conditions of loading, shall, upon application of the service brake, be capable of stopping from an initial speed of 20 miles per hour according to the following requirements:

	Maximum stopping distance (feet)
(a) Any passenger motor vehicle designed to carry not more than nine persons including driver	25
(b) Any single motor vehicle with a manufacturer's gross vehicle weight rating of less than 10,000 lbs.	30
(c) Any combination of vehicles consisting of a passenger vehicle designed to carry not more than nine persons including driver or any motor ve-	

	Maximum stopping distance (feet)
hicle with a manufacturer's gross vehicle weight rating of less than 10,000 lbs. in combination with any trailer, semitrailer or trailer coach	40
(d) Any single motor vehicle with a manufacturer's gross vehicle weight rating of 10,000 lbs. or more	40
(e) Any passenger motor vehicle designed to carry more than nine persons including driver	40
(f) All other combinations of vehicles	50

26455. In respect to any motor vehicle designed, used or maintained primarily for the transportation of property which is not equipped with a plate or marker showing the manufacturer's gross vehicle weight rating, for purposes of stopping distance requirements, the weight of a vehicle shall be determined as follows: Determination of vehicle weight

(a) Any motor vehicle having less than six wheels is the equivalent of a vehicle having a manufacturer's gross vehicle weight rating of less than 10,000 pounds.

(b) Any motor vehicle having six wheels or more is the equivalent of a vehicle having a manufacturer's gross vehicle weight rating of 10,000 pounds or more.

26456. Stopping distance requirement tests shall be conducted on a substantially level, dry, smooth, hard-surfaced road that is free from loose material and where the grade does not exceed plus or minus 1 percent. Stopping distance shall be measured from the instant brake controls are moved and from an initial speed of approximately 20 miles per hour. No test of brake performance shall be made upon a highway at a speed in excess of 25 miles per hour. Stopping tests

26457. Implements of husbandry, special mobile equipment, equipment operated under special permit, and any chassis without body or load are not subject to stopping distance requirements, but if any such vehicle or equipment cannot be stopped within 32 feet from an initial speed of 15 miles per hour, it shall not be operated at a speed in excess of that permitting a stop in 32 feet. Exemptions

Chapter 4. Windshields and Mirrors

26700. Every passenger vehicle, other than a motorcycle, and every motor truck or truck tractor, and every fire truck, fire engine or other fire apparatus, whether publicly or privately owned, shall be equipped with an adequate windshield. Windshields

26701. No person shall sell or operate any motor vehicle, except a motorcycle, manufactured after January 1, 1936, unless it is equipped with safety glass of a type approved by Safety glass

the department, wherever glass or glazing materials are used in partitions, doors, windows, windshields, or wind deflectors.

"Safety glass"

26702. "Safety glass" is any type of glass or glazing material so manufactured, fabricated, treated, or combined with other materials as to reduce, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from external sources or by glass or glazing material when the same is cracked or broken.

Replacements

26703. No person shall replace any glass or glazing materials used in partitions, doors, windows, windshields, or wind deflectors in any motor vehicle with any material other than safety glass of a type approved by the department.

Requirements

26704. The department shall establish specifications or requirements for approved safety glass which shall not be lower in standard than those specifications or requirements for safety glass established by the American Standards Association for Glazing in Motor Vehicles as of September 22, 1951, and shall maintain a list of approved types of safety glass.

Motorcycles

26705. On motorcycles the glazing material shall be of either approved safety glass or clear plastic which need not be of an approved type.

Windshield wipers

26706. (a) Every motor vehicle, except motorcycles, equipped with a windshield shall also be equipped with a self-operating windshield wiper.

(b) Every new motor vehicle first registered after December 31, 1949, except motorcycles, shall be equipped with two such windshield wipers, one mounted on the right half and one on the left half of the windshield.

(c) This section does not apply to snow removal equipment equipped with adequate manually operated windshield wipers.

Same Condition and use

26707. Windshield wipers required by this code shall be maintained in good operating condition and shall provide clear vision through the windshield for the driver. Wipers shall be operated under conditions of fog, snow, or rain and shall be capable of effectively clearing the windshield under all ordinary storm or load conditions while the vehicle is in operation.

Signs and stickers

26708. (a) No person shall drive any motor vehicle with any sign, poster, card, sticker, or other nontransparent material upon the front windshield, side wings, side or rear windows of the vehicle, except that signs, posters, cards, stickers, or other materials may be placed on the windshield within a seven-inch square in the lower corner farthest removed from the driver's position or upon the side windows of the vehicle to the rear of the driver and so placed that the materials will not obstruct the driver's clear view of approaching traffic.

(b) No person shall drive any motor vehicle upon a highway with any object so placed in or upon the vehicle as to obstruct the driver's clear view through the windshield, except required or permitted equipment of the vehicle.

(c) This section does not apply to direction, destination, or termini signs upon a passenger common carrier motor vehicle.

26709. Every motor vehicle registered in this State shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such vehicle. Mirrors

26710. It is unlawful to operate any motor vehicle upon a highway when the windshield or rear window is in such a defective condition as to impair the driver's vision either to the front or rear. Defective windshields and rear windows

In the event any windshield or rear window fails to comply with this code the officer making the inspection shall direct the driver to make the windshield and rear window conform to the requirements of this code within 48 hours. The officer may also arrest the driver and give him notice to appear and further require the driver or the owner of the vehicle to produce in court satisfactory evidence that the windshield or rear window has been made to conform to the requirements of this code.

Chapter 5. Other Equipment

Article 1. Horns and Sirens

27000. Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn shall emit an unreasonably loud or harsh sound. Horns or warning devices

27001. The driver of a motor vehicle when reasonably necessary to insure safe operation shall give audible warning with his horn. The horn shall not otherwise be used. Use of horns

27002. No vehicle shall be equipped with, nor shall any person use upon a vehicle any siren, except that an authorized emergency vehicle may be equipped with a siren of a type approved by the department. Sirens

27003. An armored car may be equipped with a siren which may be used while resisting armed robbery. At all other times, the siren shall not be sounded. The authority to use a siren granted by this section does not constitute an armored car an authorized emergency vehicle, and all other provisions of this code applicable to drivers of vehicles apply to drivers of armored cars. Same Armored cars

Article 2. Exhaust Systems

27150. Every motor vehicle subject to registration shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise, and no muffler or exhaust system shall be equipped with a cutout, bypass, or similar device. Mufflers

27151. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle, above that emitted by the muffler originally installed on the vehicle and the Modification of exhaust systems

original muffler shall comply with all of the requirements of this chapter.

Exhaust pipes

27152. The exhaust gases from a motor vehicle shall not be directed to the side of the vehicle between 2 feet and 11 feet above the ground.

Exhaust products

27153. No motor vehicle shall be operated in a manner resulting in the escape of excessive smoke, flame, gas, oil, or fuel residue.

Gases and fumes

27154. The cab of any motor vehicle shall be reasonably tight against the penetration of gases and fumes from the engine or exhaust system. The exhaust system, including the manifold, muffler, and exhaust pipes shall be so constructed as to be capable of being maintained and shall be maintained in a reasonably gastight condition.

Fuel tank caps

27155. No motor vehicle shall be driven or moved upon any highway if the filling spout for the fuel tank is closed or partly closed with a plug of wood, rags or other combustible materials.

Article 3. Safety Belts

Safety belts

27300. Any safety belt or safety harness installed in a vehicle and large enough to accommodate an adult person shall be designed and installed in such manner as to prevent or materially reduce the movement of the person using the same in the event of collision or upset of the vehicle.

Requirements

27301. The department shall establish specifications or requirements for approved-type safety belts and safety harnesses, attachments and installation, and the specifications or requirements shall not be lower in standard than those specifications or requirements for safety belts or safety harnesses established by the Civil Aeronautics Administration Technical Standard Orders for Safety Belts and Safety Harnesses as of September 7, 1955.

Use

27302. No person shall sell, offer, or keep for sale any safety belt, safety harness, or attachments thereto for use in a vehicle unless of a type which has been approved by the department.

Article 4. Tires

Thickness of solid tire

27450. When any vehicle is equipped with any solid tire, the solid tire shall have a minimum thickness of resilient rubber as follows:

(a) If the width of the tire is three inches but less than six inches, one inch thick.

(b) If the width of the tire is six inches but not more than nine inches, $1\frac{1}{4}$ inches thick.

(c) If the width of the tire is more than nine inches, $1\frac{1}{2}$ inches thick.

Measurement

27451. The rubber of a solid tire shall be measured between the surface of the roadway and the nearest metal part of the base flange to which the tire is attached at the point where

the concentrated weight of the vehicle bears upon the surface of the roadway.

27452. The required thickness of rubber shall extend evenly around the entire periphery of the tire. The entire solid tire shall be securely attached to the channel base and shall be without flat spots or bumpy rubber. Condition

27453. There shall not be an average difference greater than ⅛ inch between the outside diameters of each single tire composing a dual solid rubber tire. Dual solid tires

27454. No tire on any vehicle upon any state highway shall have on its periphery any block, stud, flange, cleat, ridge, bead, or any other protuberance of metal or wood which projects beyond the tread of the traction surface of the tire. Protuberances on tires

This section does not apply to the following:

(a) Tire chains of reasonable size used to prevent skidding when upon wet surfaces or when upon snow or ice.

(b) Pneumatic tires which have embedded therein wire not to exceed .075 inches in diameter and which are so constructed that under no conditions will the percentage of metal in contact with the roadway exceed 5 percent of the total tire area in contact with the roadway, except that during the first 1,000 miles of use or operation of any such tire, the metal in contact with the roadway may exceed 5 percent of the tire area in contact with the roadway, but shall in no event exceed 20 percent of such area.

(c) Vehicles operated upon unimproved roadways when necessary in the construction or repair of highways.

(d) Traction engines or tractors when operated under the conditions of a permit first obtained from the Department of Public Works.

Article 5. Fenders, Ornaments, and Television

27600. No person shall operate any motor vehicle, trailer, or semitrailer unless equipped with fenders, covers, or devices, including flaps or splash aprons, or unless the body of the vehicle or attachments thereto afford adequate protection to effectively minimize the spray or splash of water or mud to the rear of the vehicle. This section does not apply to those vehicles exempt from registration, nor to any other vehicles having an unladen weight of under 1,500 pounds. Fenders and mudguards

27601. On and after January 1, 1939, no person shall sell any new motor vehicle, nor shall any person operate any motor vehicle sold as a new motor vehicle in this State after January 1, 1939, which is equipped with a radiator cap or radiator ornament upon the top thereof which extends or protrudes to the front of the face of the radiator grill of the motor vehicle. Radiator ornaments

27602. No person shall drive a motor vehicle which is equipped with a television receiver, screen, or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the Television

driver's seat, or which is visible to the driver while operating the motor vehicle.

Article 6. Tow Cars

27700. Tow cars shall:

Required equipment

(a) Be equipped with one or more brooms, and the driver of the tow car engaged to remove a disabled vehicle from the scene of an accident shall remove all glass and debris deposited upon the roadway by the disabled vehicle which is to be towed.

(b) Be equipped with and carry a shovel, and whenever practical the tow car driver engaged to remove any disabled vehicle shall spread dirt upon that portion of the roadway where oil or grease has been deposited by such disabled vehicle.

(c) Be equipped with a fire extinguisher of at least two quart capacity of a type capable of extinguishing a fire of flammable liquid.

Article 7. Motorcycles

Same

27800. It is unlawful for a driver of a motorcycle to carry any other person thereon, except on a seat securely fastened to the machine in the rear of the driver and provided with footrests and handgrips, or in a sidecar attached to a motorcycle and designed for the purpose of carrying a passenger.

Article 8. Signs

Identification required

27900. Every motor vehicle or combination of vehicles used to carry the property of others for hire or used to carry passengers for hire, shall have displayed on both sides of each vehicle or one of the vehicles in each combination of vehicles the name or trademark of the person under whose authority the vehicle or combination of vehicles is being operated.

Name and trademark

27901. The display of the name or trademark shall be in letters in sharp contrast to the background and shall be of such size, shape, and color as to be readily legible during daylight hours from a distance of 50 feet.

This section does not prohibit additional displays not inconsistent with this article.

Exemption

27902. Motor vehicles of unladen weight of 6,000 pounds or less and motor vehicles operated by passenger stage corporations under the jurisdiction of the Public Utilities Commission are exempt from this article.

Explosives and gases

27903. No person shall operate any vehicle transporting any explosive substance, poisonous gases, flammable liquids, or liquefied petroleum gases unless at the time of such transportation there is displayed upon each side and the rear of the exterior of the vehicle a sign upon which shall appear the word "explosives," or "poisonous gases," or "flammables," whichever may correctly designate the cargo, in letters not less

than three inches in height upon a background of sharply contrasting color.

27904. Section 27903 does not apply if each vehicle transporting the explosive, poisonous, or flammable cargo has prominently displayed on each side and the rear of the vehicle a trademark, trade name, other designating mark, or a legend, substantially descriptive of the type of cargo of the vehicle and generally known to the public as being applied to the explosive substance, poisonous gases, flammable liquids, or liquefied petroleum gases. Trademark

27905. It is unlawful to display on a vehicle any sign with the words "fire" or "fire department" thereon, except on vehicles owned and operated by a regularly organized fire department, fire district, forestry service, or the State Fire Marshal's Office, and on the privately owned vehicles of any regular member of any such fire departments. Fire departments

27906. Every school bus, when operated for the transportation of school pupils shall bear upon the front and rear thereof a plainly visible sign containing the words "school bus" in letters not less than eight inches in height. The letters on school bus signs shall be of proportionate width. School buses

No vehicle, other than a school bus, shall display such a sign.

27907. There shall be displayed in a conspicuous place on both the right and left side of a tow car used to tow vehicles a sign showing the name of the company or the owner or operator of the tow car. The sign shall also contain the business address and telephone number of the owner or driver. The letters of the sign shall be not less than 2½ inches in height and the lettering shall be in contrast to the color of the background upon which they are placed. Tow cars

DIVISION 13. TOWING AND LOADING EQUIPMENT

CHAPTER 1. TOWING EQUIPMENT

29000. The upper and lower halves of every fifth wheel connecting device on any semitrailer and truck-tractor or auxiliary dolly shall be securely affixed to the vehicles to prevent shifting of the device on the vehicle to which it is attached. Fifth wheel

29001. Locking means shall be provided in every fifth wheel mechanism, including adapters when used, so that the upper and lower halves may not be separated without the operation of a positive manual release. Automatic locking devices on fifth wheels designed and constructed to be readily separable are required on any motor vehicle first required to be registered in this State after January 1, 1954. Locking device

29002. Every drawbar and trailer hitch or coupling used as a means of attaching the towed and towing units shall be properly and securely mounted and be structurally adequate for the weight drawn. The mounting of the trailer hitch on the towing motor vehicle shall include sufficient reinforcement or Drawbar, hitch or coupling

bracing of the frame to provide sufficient strength and rigidity to prevent undue distortion of the frame.

Safety chain

29003. Every towed vehicle shall be coupled to the towing vehicle by means of a safety chain, chains, cables, or equivalent devices in addition to the regular trailer hitch or coupling. This requirement does not apply to a semitrailer having a connecting device composed of a fifth wheel and kingpin assembly, nor to a pole or pipe dolly. No more slack shall be left in safety chains, cables, or equivalent devices than shall be necessary to permit proper turning and the safety chains, cables or equivalent device shall be so connected to the towed and towing vehicle and to the drawbar to prevent the drawbar from dropping to the ground if the drawbar fails and shall be of sufficient strength to control the trailer in event of failure of the regular trailer hitch or coupling.

Application

29004. This part does not apply to tow cars or to the drawbar or other connection between a motor vehicle and a pole or pipe dolly or to any lawful trailer used as a pole or pipe dolly.

Chapter 2. Logs and Poles

Article 1. Application of Chapter

Loading and securement

29200. Logs and poles shall be loaded and secured for transportation as provided in this chapter.

Exemption of pole dolly

29201. The provisions of this part do not apply to the transportation of poles on a pole dolly by public utility companies engaged in the business of supplying electricity or telephone service or by the Department of Public Works when such transportation is between storage yards or between a storage yard and job location where such poles are to be used, but in no event shall more than nine poles be transported on any dolly if any such pole exceeds a length of 30 feet. If poles 30 feet or less in length are transported by pole or pipe dolly, not more than 18 poles shall be so transported. Poles shall be adequately secured when being transported on a dolly to prevent shifting or spilling of loads.

Article 2. Equipment Requirements

Prohibited binders

29350. The use of molly hogans and lapped cold shuts is prohibited except in emergency.

Wire rope and steel chain

29351. Wire rope used to load and secure logs and poles shall be three-eighths inch plow steel in good condition.

Steel chain shall be three-eighths inch high test steel.

Binder tighteners

29352. Binders shall be equipped with tighteners which shall be of a locking type and designed to develop strength at least equal to that of the binder.

Locking of binders

29353 Binders securing loads shall be tightened and locked prior to a vehicle entering upon a highway, and inspection shall be made in route to assure that the load is stable and that the binders are tight and locked. If the load becomes un-

stable, due to shifting or otherwise, the vehicle shall be driven from the roadway and shall not be again moved upon the roadway until corrective load or binder adjustments are made.

Condition

29354. Binders and binder tighteners shall be maintained in good condition.

Gut wrappers

29355. Gut wrappers may be used as binders unless provided otherwise. Gut wrappers shall be so arranged and tensioned that they do not bear full support of the logs or poles resting thereon.

Requirements

29356. When wooden stakes are used to load or secure logs or poles, unless otherwise provided, stakes shall be not less than two inches in thickness and four inches in width, when supporting loads less than five feet in height above the top of the vehicle bed, and shall be not less than four inches by four inches when supporting loads in excess of five feet in height above the top of the vehicle bed. Stakes must be straight grained and free from strength impairing knots.

Stake binding

29357. The stakes shall be connected at or near the top by binder or strap material or by one continuous length of lumber not less than one inch by four inches in thickness and width, respectively, securely attached to each stake by nails or bolts and running generally at right angles to the stakes.

Binder material across load

29358. (a) When stakes are supporting loads in excess of two feet and less than five feet in height above the top of the vehicle bed, opposite stakes shall be connected across the top of the load by material similar to that described in Section 29357.

(b) When stakes are supporting loads in excess of five feet in height, opposite stakes shall be connected across the top of the load by material similar to that described in Section 29357 and, in addition, shall be connected at the approximate vertical midpoint by binder or strap material.

Straps used on stakes

29359 Straps used on stakes shall be, at the minimum, three-fourths inch by thirty-five thousandths inch, 2,900 pounds test, high tension band, and machine tensioned and sealed with one double crimp or two single crimp seals. Straps may be of high tension wire or common annealed wire (twisted taut), except that sufficient strands of such wire shall be used to give strength equal to that of high tension band. To determine the number of strands to be used, the breaking strength assigned by a manufacturer to any particular gauge wire shall be considered.

Stake pockets

29360. A stake pocket shall be designed to accept the stake and be equal to the stake strength.

Use of bunk stakes

29361. Bunk stakes may be used in transporting logs or poles, but only in accordance with regulations adopted by the department, designed to accomplish safe loading.

Bulkheads

29362. A substantial bulkhead shall be provided on a vehicle transporting logs or poles, which shall extend up to the approximate height of the driver's compartment.

Bunks

29363. Bunks shall have reasonably sharp top edges to minimize load end shift and shall not be bent down in excess of one inch at either end.

Chock blocks

29364. Chock blocks shall extend to not less than eight inches above the top edge of the bunk except when hauling poles less than 25 inches in diameter at the chock, but no portion of chock blocks shall extend beyond the ends of the bunks to a point where tilting occurs.

Chock block chains

29365. Chock block chains shall be not less than one-half-inch high-test steel chain.

Maintenance

29366. Bunks and chock blocks shall be maintained to operate freely without binding.

Article 3. Loads

Logs and poles

29550. Loads of logs and poles shall be loaded in pyramid fashion, unless otherwise provided, shall be solidly packed, and shall have the weight centered over the bunks.

Same Small

29551. (a) Logs and poles less than 25 inches in diameter at the butt end may be loaded and transported on flat bed vehicles in other than pyramid fashion, except that the height of the load shall not exceed the height of the bulkhead on the truck portion. At least three pairs of stakes shall be in place in stake pockets when lengths are less than 20 feet and at least four pairs of stakes shall be in place in stake pockets when lengths exceed 20 feet. The stakes and stake pockets shall comply with Chapter 1.

(b) Loads under this section are exempt from the binder requirements of Article 2, except that the load shall occupy the full space between the opposite stakes and on loads of two or more logs or poles in height, not less than two load encircling binders shall be in place, one near each end of the load, and tightly tensioned at all times.

Binding of loads On logging trucks

29552. Loads on logging trucks shall be secured as follows:

(a) A single log or pole shall be secured with one binder. Each end of the binder shall be secured to the trailer bunk.

(b) Loads two or more logs or poles in height shall have four binders at least one of which shall be a gut wrapper secured around the load as evenly spaced as possible. One binder shall be firmly attached to the rear bunk.

(c) Loads over six logs or poles in height shall have six equally spaced binders, at least one of which shall be a gut wrapper.

(d) Short logs on top of a load shall be secured to the load by two of the required binders.

Same On flat-bed vehicles

29553. Logs or poles loaded on flat bed vehicles, pyramid fashion shall have all binders, except gut wrappers, secured to the vehicle, and shall also be provided with not less than three stakes equally spaced on each side of the load.

Stakes on flat-bed vehicles

29554. Stakes shall be not less than four inches by four inches, secured in stake pockets as provided in Chapter 1. Stakes shall extend to not less than one-half of the diameter of the log or pole directly adjacent to the stakes in the bottom layer of a pyramid load

CHAPTER 3. LUMBER AND LUMBER PRODUCTS

Article 1. General Provisions

29800. Lumber, ties, laths, grape stakes, fence posts, plywood, and shingles shall be loaded and secured for transportation on flat bed or lumber roll vehicles as provided in this part. Loading and securement

29801. This part does not apply to loads of lumber or other forest products being transported from retail lumber yards to the property of a consumer. The loads, however, shall be secured against dangerous displacement either by proper piling or securing in a manner as to prevent shifting, toppling over, or otherwise becoming unstable. Retail deliveries

29802. The following definitions apply for purposes of this part: Load units

(a) A unit is a package or solid unit of lumber or lumber products not over five feet in height.

(b) A solid unit is a unit containing lumber or lumber products of the same approximate thickness in any one course and in which the width of the one course constitutes the load width, except that the load width shall exceed five feet.

(c) A package unit is a compact unit of lumber or lumber products less than five feet in width and more than 18 inches in height, designed for loading or unloading by mechanical lumber handling vehicles.

(d) A course is one layer of lumber or lumber products.

(e) A load is one or more units.

29803. For purposes of this part, a sticker is a horizontal separator between courses placed at right angles to board lengths. Stickers shall be at least one inch wider than their thickness, except that their thickness shall not be less than three-eighths inch. Stickers shall extend the full width of the unit. Stickers may be lapped if the lap is 12 inches or more. Stickers

29804. For purposes of this part, a unit separator is the horizontal or vertical separator between units or horizontally between the load and the vehicle bed placed at right angles to board lengths. A separator shall be not less than one inch thick by three inches wide. A separator shall have units resting against their maximum dimensions, shall extend the full width or height of the unit or load, and shall be in one piece without splicing. Unit separators

29805. For purposes of this part, a binder is a rope or chain securing a load to a vehicle. Binders

Article 2. Equipment Requirements

30050. Loads shall be secured by binders made of one of the following materials: Binder material

(a) Three-eighths inch plow steel wire rope.

(b) Five-sixteenths inch high test steel chain.

(c) One and one-fourth inch diameter manila rope, knot free.

Prohibited

30051. The use of molly hogans and lapped cold shuts is prohibited, except in an emergency.

Use

30052. Binders and binder winches or similar tightening devices shall be maintained in good condition

Same

30053. (a) Binders shall be tight at all times.

(b) Binders shall be attached from one side of the vehicle to the other side unless otherwise provided in this part.

(c) Each load binder shall be provided with a locking type winch or similar tightening device.

(d) There shall not be more than one binder secured to a winch or similar tightening device.

(e) Binders shall not be closer together than the tightening devices to which they are attached.

(f) Unless otherwise provided, binders shall be located not less than one foot from the end of the shortest length in the top course or outside tier of the load.

Requirement of stakes

30054. When wooden stakes are used, unless otherwise provided, stakes shall be not less than two inches by four inches in thickness and width, respectively. Stakes must be straight grained and free from strength impairing knots.

Binders On stakes

30055. Stakes supporting loads shall be connected one to the other longitudinally at or near the top by binder or steel strap material or by one continuous length of lumber not less than one inch by four inches in thickness and width, respectively, securely attached to each stake by nails or bolts.

Same Across top

30056. When stakes are supporting loads in excess of two feet and less than five feet in height, each opposite pair of stakes shall be connected across the top of the load by materials similar to those described in Section 30055.

Loads in excess of five feet

30057. Loads in excess of five feet in height shall have opposite stakes connected across the top of the load by materials similar to those described in Section 30055 and, in addition, shall be connected at the approximate vertical midpoint by binder or steel strap material.

All stakes connected

30058. Front and rear stakes shall be connected to side stakes by use of binder or steel strap material.

Spacing

30059. Stakes shall be as equally spaced as possible.

Stake pockets

30060. A stake pocket shall be designed to accept the stake and be equal to the stake strength.

Size of rack members

30061. The wooden vertical members of racks prescribed herein shall be not less than two inches by four inches in thickness and width, respectively.

Locking devices

30062. Side racks shall be connected to the end racks at each top corner by a locking device.

Loads in excess of five feet

30063. When racks are supporting loads in excess of five feet in height, not less than three pairs of opposite vertical members shall be connected across the top of the load by binder or steel strap material or by a continuous length of lumber at least one inch by four inches in thickness and width, respectively, securely attached to each stake by nails or bolts and, in addition, the opposite vertical members shall be

connected at the approximate vertical midpoint by binder or steel strap material.

30064. The height of a load shall not exceed twice that of the width of the load. Nothing in this section shall be construed as an exemption from the load height provisions of this code. Maximum load height

30065. A substantial bulkhead shall be provided which shall extend up to the approximate height of the driver's compartment. Bulkhead Required

30066. A bulkhead may be substituted for the front stakes if the side stakes are connected thereto with binder or steel strap material. Same As stake

30067. A bulkhead may be substituted for the front end rack if the side racks are secured thereto with binder or steel strap material or locking device. Same As front rack

30068. When rollers are used there shall be at least two of such rollers equipped with locks which shall be locked when supporting loads during transit Use of rollers

30069. Inspections shall be made in route to assure that binders are tight, unit separators are in position as required, stakes, racks and tarpaulins are in position as required, and that the load or portion of load does not contain projections beyond the width limits of the vehicle. Inspection

30070. When side projections exist in the load, or if due to shifting or otherwise the load becomes unstable, the vehicle shall be driven from the roadway and shall not be again moved upon the roadway until corrective load adjustments are made. Adjustment of load

Article 3. Loading

30350. This chapter applies to the loading of lumber, ties, laths, grape stakes and fence posts, but does not apply to the loading of plywood or shingles, unless otherwise provided. Application

30351. Stickers shall be located not less than one foot from each end of the shortest length in the unit at point of sticker. Sticker placement

30352. Solid units over three feet in height shall have stickers at approximately one-third and two-thirds of the distance from top to bottom of the unit unless board width exceeds six inches in which case stickers shall be placed at the approximate vertical midpoint. Solid units over three feet

30353. Unit separators shall be located not less than one foot from each end of the shortest length in the face of the unit touching the separator. There shall be at least two separators for each unit length of less than 12 feet. Unit lengths exceeding 12 feet shall have three separators, equally spaced. Placement of separators

30354. Solid loads shall contain horizontal unit separators located at levels not more than five feet apart, measured from the bottom of the load Separators in solid loads

30355 In combination loads package units shall rest upon a solid unit and there shall be a horizontal separator between each solid unit. In combined loads

Between package units

30356. In package-unit loads containing two or more package units, the package units shall be stacked one on the other, side by side, and there shall be a horizontal unit separator between each of the package units. The separators shall extend the width of the unit or load when the package units resting side by side are of the same close approximate height.

Stacking of laths

30357. Laths shall not be stacked to a height exceeding eight feet above the top of the vehicle bed unless one longitudinal binder is provided for each unit width or length in addition to the cross binders required by this part.

Loads not exceeding five feet in height

30358. Loads not exceeding five feet in height shall be secured to the vehicle with two or more binders for each unit length, except that if unit lengths are 12 feet or more in length the loads shall be secured by three or more binders for each unit length, and except that loads of laths shall have one or more binders for each unit width or length at the approximate center thereof.

Loads exceeding five feet in height

30359. Loads exceeding five feet in height shall be secured to the vehicle with three or more binders for each unit length, except that loads of laths shall have one or more binders for each unit width or length at the approximate center thereof.

Article 4. Loading Plywood and Shingles

Application

30550. This chapter applies to the loading of plywood and shingles.

Separators Combined loads

30551. In combination loads, a solid unit of lumber or lumber products shall be placed at the lower portion of the load with package units of plywood resting thereon and there shall be a horizontal separator between each of the units.

Same Between package units

30552. In package-unit loads containing two or more package units, the package units shall be stacked one on the other, side by side, and there shall be a horizontal unit separator between each of the units. The separators shall extend the width of the unit or load when the package units resting side by side are of the same close approximate height.

Loads not exceeding five feet in height

30553. Loads not exceeding five feet in height shall be secured to the vehicle with two or more binders for each unit length.

Loads exceeding five feet in height

30554. Loads exceeding five feet in height shall be secured to the vehicle with three or more binders for each unit length

Binders Pyramid loads

30555. Pyramid loads shall consist of two or more units, side by side on the lower portion, with one or more units resting in the approximate center equally on the lower units, and shall have four binders. Two of the binders shall secure the top units and one each of the remaining binders shall secure the lower units.

Same When not required

30556. Binders are not required if all of the following conditions are complied with:

(a) Prescribed stakes or side racks are used.

(b) There are not less than two of the stakes or vertical members of the side racks for each unit width or unit length,

unless the stakes or vertical members of the side racks are located less than four feet apart.

(c) The stakes or vertical members of the side racks are secured in place in prescribed stake pockets on four sides of the load.

(d) The height of the stakes or side racks exceeds the height of the load.

(e) The load is secured in place with wooden blocks or wedges or other materials to prevent the lateral or longitudinal movement of the load within the rack or stake limits.

When plywood loads are constructed in this manner, the top portions of the load shall be protected against being lifted from the load by wind by the placing of heavy materials thereon or by heavy tarpaulin covering which shall be secured to the vehicle at each corner and at the outside four mid-points of the tarpaulin.

Loads of four courses

30557. Loads of shingles four or more courses in height shall not be transported on open-top vehicles, except as otherwise provided, unless the load is protected on four sides by the prescribed racks secured in stake pockets of the type and in the manner prescribed in Chapter 1.

Combination loads

30558. Section 30600 does not apply to shingles mixed with other products, except that the loading procedures and location of other products shall have the same absolute confining effect on the shingles as the prescribed racks.

Loads less than four courses

30559. Loads of shingles less than four courses in height shall have each unit or tier secured to the vehicle with one or more binders equipped and tensioned as prescribed in Chapters 1 and 2, except that single bundles of shingles may be attached to the load or to the vehicle in any secure manner.

CHAPTER 4. BALED HAY

Article 1. General Provisions

Application

30800. This part applies to the loading and securement of hay in bales for transportation.

Farmers exemption

30801. This part does not apply to a farmer transporting his own hay incidental to his farming operations where such transporting requires that he use the highways, except that this section does not relieve the farmer from loading and securing the hay in a safe manner.

Article 2. Equipment Requirements

Binder material

30900. Binders may be composed of one of the following materials:

(a) Three-eighths inch plow steel wire rope.

(b) Five-sixteenths inch high test steel chain. Lapped cold shuts are not permitted in chains.

(c) Three-fourths inch diameter manila rope, knot free.

Attaching binders

30901. Binders shall be attached from one end of the vehicle to the other end unless otherwise provided.

Lock winch

30902. Each load binder shall be provided with a locking type winch or other equally effective tightening device. There shall not be more than one binder secured to a winch.

Spare binder

30903. At least one spare binder shall be carried on each vehicle in addition to the number initially required for load securement.

V boards

30904. V Boards shall be used beneath binders where they pass over the top edge of the load. V Boards shall consist of two paralleling pieces of lumber not less than 36 inches in length and one inch by three inches in thickness and width, respectively, attached together with flexible material near each end with spacing between boards of approximately eight inches. It is strongly urged that V Boards extend over the entire length of the edge of the load over which the binders pass.

Article 3. Loading

Solid loads

31000. (a) Loads of baled hay shall be solidly packed and shall be stable without binders.

(b) Loading methods shall result in completely tying the load together by alternating bale lengths and interlocking tiers.

Extension of load

31001. No portion of a load of baled hay shall extend beyond the vehicle bed in the area between the truck bed and the trailer bed.

Same

31002. No portion of a load of baled hay shall extend more than one-third bale length beyond the rear end of the trailer bed or the end of the truck bed, without trailer, or the end of the semitrailer bed, except that not more than three feet load extension is permitted beyond the front end of the truck bed over the driver's compartment or sleeper berth, if this portion of the load is supported by permanent substantial steel construction and is tied into the remainder of the load by interlocking tiers.

Height of load

31003. Loads of three wire and five wire baled hay shall be limited to seven bales in height when bales are loaded flat and six bales in height when bales are loaded otherwise. Nothing in this section shall be construed as an exemption from the load height provisions of this code.

Binders

31004. Loads of baled hay shall be secured to the vehicle by not less than two binders which shall extend longitudinally across the load and securely attached to the vehicle bed at the front and rear ends near each corner.

Ratchets

31005. (a) When ratchets are employed as binder tighteners on loads of baled hay, the binders shall be crossed at the approximate top center of the load to attach from left front to right rear and right front to left rear of the vehicle bed.

(b) When ratchets are not employed as binder tighteners on loads of baled hay, the binders shall extend longitudinally over the load and shall be tightened by drawing the binders

together at the approximate top load center using pulleys, double blocks, fence stretcher, or equally effective mechanical means.

31006. Loads of baled hay consisting of two-rope bales shall be secured to the vehicle by not less than four cross binders in addition to the longitudinal binders unless the load is retained on four sides by racks. Rope bales

31007. Racks used to haul baled hay shall meet the following conditions: Use of racks

(a) Wooden vertical members of racks shall be not less than two inches by four inches in thickness and width, respectively, and shall be straight grained and free from strength impairing knots.

(b) Side racks shall be connected to the end racks at each top corner by a locking device.

31008. A bulkhead may be substituted for the front end rack, except that the side rack shall be secured thereto with binder material or a locking device. Bulkheads as racks

31009. Binders securing loads of baled hay shall be tightened and locked prior to a vehicle entering upon a highway and inspection shall be made in route to assure that the load is stable and that the binders are tight and locked. Inspection of binders

31010. If the load becomes unstable due to shifting or otherwise, the vehicle shall be driven from the roadway and shall not be again moved upon the roadway until corrective load or binder adjustments are made or unless cross binders are added. Adjustment of load

31011. Where due to shifting or otherwise, a load of baled hay becomes unstable in route or contains projections beyond the width limits of the vehicle, cross binders shall be added unless load readjustments are made effective under this article. Adding cross binders

CHAPTER 5. TRANSPORTING OTHER LOADS

Article 1. Explosives and Inflammables

31300. No person shall transport any explosive substance, flammable liquid having a flash point of 70 degrees Fahrenheit or below, liquefied petroleum gas, or poisonous gas in a tank truck, trailer, or semitrailer which is equipped with an external shutoff valve unless the vehicle is also equipped with a shutoff valve inside each tank which is so constructed and placed that any damage, displacement, or removal of the external shutoff valve, whether by accident or otherwise, will not of itself release or cause the escape of any part of the contents of the tank truck, trailer, or semitrailer. Required valves

Article 2. Trucks

31400. Trucks used primarily or regularly for the transportation of workmen shall be: Trucks used to transport workmen

(a) Equipped with seats securely fastened to the vehicle.

(b) Equipped with a railing or other suitable enclosure on the sides and end of the vehicle not less than 30 inches above the floor of the vehicle.

(c) Equipped with steps, stirrups, or other equivalent devices so placed and arranged that the vehicle may be safely mounted and dismounted.

Article 3. Trailers

Transported upon other vehicles

31500. No vehicle upon which is loaded any trailer shall be driven or moved on any highway unless the trailer is securely bound to the vehicle in such a manner as to prevent the trailer from shifting, toppling over, or otherwise becoming unstable.

Transportation of log trailers

31501. Log trailers being carried on trucks shall have at least one set of tires resting against a steel cross rail or rails and steel side chocks measuring not less than four inches from base to tip which shall be securely attached to the truck in a manner designed to prevent the forward and sideward movement of the trailer.

DIVISION 14. TRANSPORTATION OF EXPLOSIVES

Explosives

31600. (a) For the purposes of this division only the term "explosives" shall include all materials within Class A and Class B explosives as classified by the Interstate Commerce Commission, including high explosives, black powder (low explosives), initiating or priming explosives, blasting caps, ammunition for cannon, explosive projectiles, bombs, torpedoes, mines, grenades, jet thrust units (jato) or detonating fuses, and such other materials as are designated by regulations adopted, from time to time, by the State Fire Marshal, in accordance with provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code, after he has considered changes in the classification of materials as Class A and Class B explosives by the Interstate Commerce Commission, as materials which the protection of life and property require be considered explosives for the purposes of this division. In no event shall the regulations adopted by the State Fire Marshal be more restrictive than those of the Interstate Commerce Commission.

(b) The term "explosives" as used in this division shall not be deemed to include small arms ammunition of 75 caliber or less, nor any other Class C explosives as classified by the Interstate Commerce Commission.

Application

31601. (a) This division shall apply to the operation of any motor vehicle on any highway for the purpose of transporting any explosive in any amount when the transportation is rendered as a delivery service or for hire, or in any other event for the purpose of transporting any explosive in an amount in excess of 1,000 pounds. The transportation of quantities of explosives of 1,000 pounds or less, or other than on a public highway, is governed by Division 11 (commencing at Section 12000) of the Health and Safety Code.

(b) It is the legislative intention in enacting this division and with particular reference to requiring permits for transportation of explosives as set forth herein that said provisions shall apply uniformly throughout the State of California and that said permit to be obtained from the Department of the California Highway Patrol shall be in lieu of any requirement for any permit to be obtained by any said owner from any local authority within the State.

Permit and highways to be used for transportation of explosives

31602. (a) It is a misdemeanor for any owner of a vehicle to drive or permit the driving of the vehicle on any public highway for the purpose of transporting any explosive as defined herein and within the scope of Section 31601 unless the owner then holds a valid permit for the transportation of explosives as provided in this division, except such persons as are expressly exempted in this division.

(b) It is a misdemeanor for the owner of any vehicle transporting explosives to drive, or to permit the driving of the vehicle. and for the driver to drive the vehicle, upon any public highway, not designated in regulations adopted by the State Fire Marshal as a route for the transportation of explosives, unless the use of the highway is required to permit delivery of, or the loading of additional, explosives at a point not on a highway designated as a route for the transportation of explosives.

The State Fire Marshal, after public hearings with the officials having the responsibility for the prevention and suppression of fire in communities through which the routes pass, representatives of transportation companies concerned, explosives manufacturers, and the Department of the California Highway Patrol shall, by regulation, designate the routes in this State which are to be used for the transportation of explosives, and he shall prepare and deliver to the Department of the California Highway Patrol, for distribution to persons engaged in the transportation of explosives, maps which clearly indicate the routes, as established by the public hearings, which are to be used for the transportation of explosives, required inspection stops, and safe places for the drivers of vehicles transporting explosives to stop for food, fuel, or other necessary reasons.

(c) In the event the owner of a vehicle leases the same to be used in the transportation of explosives for which a permit is required, the lessee shall be deemed the owner for the purposes of this division.

Application for and issuance of permit

31603. (a) Application for a permit to engage in the transportation of explosives on any vehicle upon a public highway shall be made to the Department of the California Highway Patrol upon a form provided by the department. Every application shall certify that every vehicle to be used in the transportation of explosives and subject to this division meets the standards as to condition and equipment as prescribed by the Interstate Commerce Commission and this division for vehicles used in such transportation.

(b) The Department of the California Highway Patrol, upon receiving proper application hereunder, is authorized to issue a permit for transportation of explosives by vehicle upon public highways, which permit when issued shall be effective until suspended, canceled or revoked.

Authority to refuse permit

31604. The Department of the California Highway Patrol is authorized to refuse the issuance of a permit for the transportation of explosives when, upon a showing by the records of the Department of Motor Vehicles, it is evident that the applicant or his employees have been guilty of repeated violations of the traffic laws to such an extent as to demonstrate that it would be unsafe and not in the public interest to permit the applicant to operate or permit the operation of any vehicle owned by him for the transportation of explosives upon the public highways.

Record of permits issued

31605. The Department of the California Highway Patrol shall keep a record of the number of each permit, the date issued, and the name and address of the person to whom issued.

Suspension or revocation of permit

31606. (a) The Department of the California Highway Patrol may suspend or revoke a permit for the transportation of explosives issued to any owner of one or more vehicles used in such transportation if the department determines from the records of the Department of Motor Vehicles that the permittee or persons employed by him to drive vehicles subject to the permit have been guilty of such number of offenses and of a sufficiently serious nature under this division or against the traffic laws as to indicate that the permittee or any of his drivers are not qualified to operate a vehicle or vehicles transporting explosives with reasonable safety.

(b) Any suspension of a permit hereunder shall be for a period of not in excess of three months and any order of revocation shall be effective for a period of one year.

(c) The Department of the California Highway Patrol shall not make effective any order of suspension or revocation of a permit unless and until notice of the proposed action has been given to the permittee and he has been given opportunity for a hearing if request is made by him for a hearing.

Inspection of vehicle transporting explosives

31607. (a) Any person operating or permitting the operation of a vehicle or combination of vehicles used in the transportation of explosives and subject to this division shall make or cause to be made an inspection of every said vehicle or combination of vehicles as herinafter set forth.

(b) Such inspection as called for in Section 31608 shall be made immediately preceding the actual transportation of explosives by the vehicle and whenever there is an interchange of any vehicle operating in combination with any other vehicle in the transportation of explosives

(c) Inspection of tires and brakes shall also be made enroute at suitable intervals, off the highway, at inspection stops established by the Department of the California Highway Patrol, at regular stops, terminal points, or driver-change points.

31608. The inspection of a vehicle required under subdivision (b) of Section 31607 shall include inspection of the following: Scope of inspection

(1) Brakes and the brake system.

(2) The ignition and lighting systems.

(3) All tires on the equipment.

(4) All supplemental equipment as required by Section 31610.

31609. Every person operating a vehicle or combination of vehicles in the transportation of explosives subject to this division shall complete a record of every inspection which is required under subdivision (b) of Sections 31607 and 31608 in such form as approved by the Department of the California Highway Patrol showing the time and place of every inspection. The person making the inspection shall certify the fact in the record. The forms may be based upon the type used by the Interstate Commerce Commission. Record

The driver of the vehicle shall display the record upon demand of any member of the California Highway Patrol or any police officer of a city who is on duty for the exclusive or main purpose of enforcing the provisions of this code.

31610. Every vehicle or combination of vehicles used in the transportation of explosives and subject to this division, in addition to any other equipment required by law, shall be equipped and maintained as required by this section. Requirements in respect to equipment

(1) Brakes and the brake system shall be maintained in good and safe operating condition.

(2) The ignition and lighting systems shall be maintained in good operating condition Every vehicle or combination of vehicles shall be equipped with at least one spare electric bulb for each kind of electric lamp used for any of the lighting devices required under this code and one spare fuse for each type fuse used in the electrical system.

(3) All tires shall be in good condition, properly matched and inflated. Every vehicle or combination of vehicles shall carry at least one spare tire.

(4) There shall be carried at least two fire extinguishers, filled and ready for use, one bearing the approval of the Underwriters Laboratories as a 2:A Unit, the other as a 4.B:C Unit.

(5) Every vehicle or combination of vehicles shall carry two red cloth flags, each not less than 16 inches square, for use as warning devices and either three red electric lanterns or three red emergency reflectors. No flare, fusee, oil lantern or any signal device producing a flame shall be carried upon any vehicles or combination of vehicles.

31611. Every owner of a vehicle used in the transportation of explosives and subject to this division shall give to each person employed by him to drive any such vehicle a summary of the provisions of this division and shall require that the driver be thoroughly familiar with the provisions before operating any vehicle in the transportation of explosives. Instructions to drivers

Shipping instructions

31612. Persons operating vehicles, or combinations of vehicles, in the transportation of explosives and subject to this division, shall not accept any explosives for transportation unless the shipment is accompanied by a bill of lading or other shipping paper supplied by the shipper, showing the kind of explosives and bearing a statement that they have been packaged, labeled and marked in accordance with regulations of the Interstate Commerce Commission, and the bill of lading or other shipping paper shall be carried in the vehicle while en route and shall be displayed upon demand of any member of the California Highway Patrol or any police officer of a city who is on duty for the exclusive or main purpose of enforcing the provisions of this code.

Certain cargoes prohibited

31613. There shall not be included in any cargo of explosives any flammable liquids, acids, or corrosive liquids, oxidizers, or combustible materials, other than the explosives themselves, which may have such characteristics. Blasting caps or detonators shall not be transported upon the same vehicle with other explosives, nor shall electric blasting caps be transported upon any vehicle equipped with two-way radio. The foregoing provisions of this section shall be subject to such exceptions as are permitted by the Interstate Commerce Commission loading chart for cargoes of explosives.

Traffic laws. Explosives

31614. The following provisions shall apply to any vehicle transporting explosives subject to this division:

(a) No person shall operate any vehicle transporting explosives in excess of a maximum speed of 45 miles per hour, subject to other and more restrictive limits set forth in this code.

(b) When transporting explosives through or into a city or any other congested area for which a route has not been designated by the State Fire Marshal, drivers shall follow such routes as may be prescribed or established by local authorities.

(c) Where routes are not prescribed by local authority, every driver of a vehicle transporting explosives shall avoid, so far as practicable, and, where feasible, by prearrangement of routes, driving into or through congested thoroughfares, places where crowds are assembled, street car tracks, tunnels, viaducts, and dangerous crossings.

(d) No driver or other person in charge of any vehicle on any public or private property shall permit any explosive to be loaded into, or on, or to be unloaded from any motor vehicle with the engine running, and, whenever any loading operation is in progress, the parking brake on the motor vehicle shall be securely set and all reasonable precautions taken to prevent movement of the motor vehicle during loading or unloading.

(e) No person shall operate any vehicle transporting explosives unless the explosives are contained entirely within the body of the vehicle and if the vehicle has a tailboard or tailgate it shall be closed and secured in place during transportation.

(f) No person shall operate any vehicle transporting explosives unless the vehicle has a closed body or the body thereof is covered with a flame retardant tarpaulin and in either event the driver shall exercise care to protect the load from moisture and sparks.

(g) No person shall operate any vehicle transporting explosives past any fire of any kind burning on or near the highway until the driver ascertains that such passing can be made with safety.

(h) No motor vehicle transporting explosives shall be left unattended upon any street or highway except in extreme emergency. The vehicle shall be deemed attended whenever a driver or person in charge thereof is in or upon the vehicle or is in a position to observe the vehicle at all times. The driver or person in charge of a vehicle transporting explosives may, however, leave the vehicle unattended at any place designated as a safe parking place on the maps prepared by the State Fire Marshal unless conditions exist, which are known to the driver, which make it unreasonable to do so

(i) No driver or other person shall smoke or light any match or otherwise have or produce any fire or flame while in, upon, or near any vehicle transporting explosives.

Application of other vehicle code provisions

31615. Nothing contained in this division shall be deemed to exempt any vehicle transporting explosives and subject to this division, or the owner or any other person, from other provisions of this code, but all such other provisions relating to the driving and movement of vehicles, the size, weight, and equipment thereof, shall be deemed to apply as applicable to each and every vehicle engaged in transporting explosives subject to this division.

DIVISION 15. SIZE, WEIGHT, AND LOAD

CHAPTER 1. GENERAL PROVISIONS

Division refers to vehicles upon highways

35000. The provisions of this division refer exclusively to the size and weight of, and loads upon, vehicles when operated upon the highways.

Snow removal devices

35001. The provisions of this division, except those requiring a permit for overweight loads, do not apply to motor trucks equipped with snow removal devices

Authorized emergency vehicles

35002. The provisions of this division are inapplicable in the case of any authorized emergency vehicle of the kind specified in Sections 155, 160 and 190, while being operated or used in responding to and returning from emergency fire calls and in combating and suppressing fire. Any governmental agency operating such an emergency vehicle shall be liable to the governmental agency having custody of any state or county highway for any damage to the highway or any highway structure caused by the operation of any emergency vehicle of a size or weight of vehicle or load exceeding that specified in this division. The cost of repair of the damage shall be a proper charge against the support fund of the governmental agency operating an oversize or overweight vehicle.

CHAPTER 2. WIDTH

Width

35100. The total outside width of any vehicle or the load thereon shall not exceed 96 inches, except as otherwise provided in this chapter.

Pneumatic tires

35101. When any vehicle is equipped with pneumatic tires the maximum width from the outside of one wheel and tire to the outside of the opposite outer wheel and tire shall not exceed 100 inches, but in such event the outside width of the body of such vehicle or the load thereon shall not exceed 96 inches.

Loose loads

35102. When any vehicle carries a load of loosely piled agricultural products such as hay, straw, or leguminous plants in bulk but not crated, baled, boxed, or sacked, such load of loosely piled material and any loading racks retaining the same shall not exceed 120 inches in width.

Implements of husbandry

35103. The limitations as to width do not apply to implements of husbandry or tractor trailers used by farmers in farming operations and only incidentally operated, transported, moved, or towed over a highway except that when an implement of husbandry is transported or moved over a highway on another vehicle, if the load exceeds 96 inches in width, the vehicle and load shall not be operated for a distance in excess of 25 miles from the point of origin of the trip and shall not be operated at a speed in excess of 30 miles per hour.

Special mobile and highway construction equipment

35104. The limitations as to width do not apply to special mobile equipment, nor to highway construction or maintenance equipment, but tractor trailers, special mobile equipment and highway construction or maintenance equipment shall not exceed a width of 120 inches.

Chartered cities

35105. Any city organized under a freeholders' charter may by ordinance permit a total outside width of vehicle and load in excess of the limits set forth in Sections 35100, 35101, 35102, 35103, 35104, 35106, and 35108 when such vehicle is used exclusively within the boundary limits of the city.

Passenger-carrying vehicles

35106. Motor coaches or buses operated under the jurisdiction of the Public Utilities Commission in urban or suburban service may have a maximum outside width not exceeding 104 inches, when approved by order of the Public Utilities Commission for use on routes designated by it Motor coaches or buses operated by common carriers of passengers for hire in urban or suburban service and not under the jurisdiction of the Public Utilities Commission may have a maximum outside width not exceeding 104 inches.

"Urban and suburban service"

35107. "Urban and suburban service" means a service performed in urban or suburban areas, or between municipalities in close proximity, except that:

(a) The one-way route mileage of the service shall not be more than 50 miles.

(b) Designated motor coach routes over state highways outside limits of incorporated cities where the one-way route

mileage is over 25 miles, but does not exceed 50 miles, shall be approved by the Department of Public Works.

Gantry trucks

35108. Up to four inches additional width shall be allowed to gantry trucks for purposes of installation of sheathing or guards to comply with any safety order of the Industrial Accident Commission.

Projecting lights

35109. Lights or devices which are required to be mounted upon a vehicle under this code may extend beyond the permissible width of the vehicle to a distance not exceeding 10 inches on each side of the vehicle, except that the maximum width shall not exceed 120 inches.

Projecting equipment

35110. Door handles, hinges, cable cinchers and chain binders may extend two inches on each side, except that the maximum width of body and door handles, hinges, cable cinchers, or chain binders shall not exceed 100 inches.

Loads on passenger vehicles

35111. No passenger vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the hub caps on its left side or more than six inches beyond the line of the hub caps on its right side.

Projecting lights or devices

35112. Notwithstanding the limitations of this chapter, and in addition to the provisions of this chapter, drip rails, awning rails, drip caps, rub rails, grab rails, electrical receptacles, bumper guards, window louvers, window frames, exhaust fans, and similar necessary appendages may extend two inches on each side of the main portion of the body of a trailer coach; provided, that the maximum width of body and any or all of such appendages does not exceed 100 inches. Enactment of the foregoing provisions shall not be construed as a change in the existing law, but rather as declaratory thereof under the provisions of this chapter.

This section shall have no application to the national system of interstate and defense highways as described in Section 108 of the Federal-aid Highway Act of 1956, and on such system the provisions of this chapter shall govern the permissible width of trailer coaches unless and until it be determined by the Attorney General of the State of California that the application of this section to trailer coaches using the national system of interstate and defense highways would not prevent the apportionments of federal funds to this State for expenditure upon said system of highways by reason of the provisions of the Federal Highway Act of 1956, relating to the use of public highways by vehicles having a width not exceeding the maximums permitted under laws or regulations established by appropriate state authorities in effect on July 1, 1956.

It is further provided, that regardless of the opinion of the Attorney General of the State of California, in the event of a determination by the Secretary of Commerce, or other officer of the Federal Government authorized to rule on this subject, that the application of this section to the national system of interstate and defense highways would result in the withholding of any apportionment of federal funds to this State, then this section shall forthwith become inoperative.

CHAPTER 3. HEIGHT

Height

35250. No vehicle or any load upon a vehicle shall exceed a height of 13 feet and 6 inches measured from the surface upon which the vehicle stands. This section does not apply to implements of husbandry incidentally moved or operated over a highway.

CHAPTER 4. LENGTH

General limitations

35400. (a) No vehicle shall exceed a length of 35 feet, except that a semitrailer meeting all of the requirements of this section may be of a length not to exceed 40 feet.

(b) Semitrailers over 35 feet in length shall not exceed 32 feet from the center of the turning axis (kingpin) to the center of the rearmost axle, and no portion of the semitrailer or its body or load forward of the turning axis shall project to a greater distance than a 60-inch radius from the center of the turning axis.

(c) This section does not apply to a vehicle used in a combination of vehicles, when the excess length is caused by auxiliary parts, equipment, or machinery not used as space to carry any part of the load, except that the combination of vehicles shall not exceed the length provided for combination vehicles.

(d) This section does not apply to a vehicle when the excess length is caused by any parts necessary to comply with the fender and mudguard requirements of this code.

Combination of vehicles

35401. No combination of vehicles including any attachments thereto coupled together shall exceed a total length of 60 feet.

Extension devices

35402. Any extension or device used to increase the carrying capacity of a vehicle shall be included in measuring the length of a vehicle, except that a drawbar shall not be included in measuring the length of a vehicle but shall be included in measuring the overall length of a combination of vehicles.

Passenger buses

35403. A passenger bus may exceed 35 feet in length but shall not exceed a length of 40 feet when operated in urban or suburban service under the conditions and subject to the limitations described in Section 35106 and when the Public Utilities Commission by order has approved the use of buses in excess of 35 feet in length on routes designated by it.

Same; Three or more axles

35404. A passenger bus equipped with three or more axles and having an outside turning radius of not more than 45 feet, may exceed 35 feet in length but shall not exceed a length of 40 feet.

Trolley coach

35405. A trolley coach may exceed 35 feet in length, but shall not exceed a length of 40 feet, except that an articulated trolley coach shall not exceed a length of 50 feet.

Loads

35406. The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three feet beyond the foremost part of

the front tires of the vehicle or the front bumper of the vehicle, if it is equipped with a front bumper.

Booms and masts

35407. Section 35406 does not apply to the booms or masts of shovels or cranes carried upon a motor vehicle if the following conditions are met:

(a) The booms or masts shall not extend more than two-thirds of the wheelbase beyond the front tires of such vehicle.

(b) The projecting structure or attachments thereto shall be securely held in place to prevent dropping or swaying.

(c) No part of the structure which extends beyond the front tires shall be less than seven feet from the roadway.

(d) The driver's vision shall not be impaired by the projecting or supporting structure.

Front bumper

35408. In no event shall a front bumper on a motor vehicle be constructed or installed so as to project more than two feet forward of the foremost part of either the fenders or cab structure or radiator, whichever extends farthest toward the front of such vehicle.

Moving picture equipment

35409. Any motor vehicle used for the purpose of taking photographs, motion pictures, or television pictures may be equipped with a dismountable platform or other device extending forward of either the fenders or cab structure or radiator, whichever extends farthest toward the front of such vehicle, for a distance not exceeding five feet while such vehicle is in use for such purpose.

Projections to the rear

35410. The load upon any motor vehicle alone or an independent load only upon a trailer or semitrailer shall not extend to the rear beyond the last point of support for a greater distance than that equal to two-thirds of the length of the wheelbase of the vehicle carrying such load, except that the wheelbase of a semitrailer shall be considered as the distance between the rearmost axle of the towing vehicle and the rearmost axle of the semitrailer.

Combinations of vehicles

35411. The load upon any combination of vehicles, except loads of poles or pipes shall not exceed 75 feet measured from the front extremity of the front vehicle or load to the rear extremity of the last vehicle or load.

Drawbar

35412. When one vehicle is towing another, the drawbar or other connection shall not exceed 15 feet.

Tires on front of vehicle

35413. No person shall drive a motor vehicle upon a highway with any tire fastened in front of the vehicle, except that a commercial vehicle may be so driven when such a tire is securely mounted in a tire carrier firmly attached to the vehicle.

Dollies

35414. (a) The limitations of this chapter as to length of vehicles and loads shall not apply when only poles, timbers, pipes, or integral structural materials not exceeding 80 feet in length are being transported upon a pole or pipe dolly or other lawful trailer used in connection with a motor vehicle.

Implements of husbandry

35415. The limitations of this chapter except Section 35412 as to length of vehicles shall not apply to implements of husbandry incidentally operated or moved over a highway.

CHAPTER 5. WEIGHT

Article 1. Axle Limits

Axles

35550. The gross weight imposed upon the highway by the wheels on any one axle of a vehicle shall not exceed 18,000 pounds and the gross weight upon any one wheel, or wheels, supporting one end of an axle, and resting upon the roadway, shall not exceed 9,500 pounds. The gross weight limit provided for weight bearing upon any one wheel, or wheels, supporting one end of an axle shall not apply to vehicles the loads of which consist of livestock.

Ratio of weight to length

35551. Every vehicle whether operated singly or in a combination of vehicles, and every combination of vehicles must comply with both subdivisions (a) and (b) of this section. The limitations imposed by this section are in addition and supplemental to all other provisions of this code imposing limitations upon the size and weight of vehicles.

(a) The total gross weight with load imposed on the highway by any group of two or more consecutive axles of a vehicle or of a combination of vehicles where the distance between the first and last axles of the two or more consecutive axles is 18 feet or less, shall not exceed that given for the respective distance in the following table:

Distance in feet between first and last axles of group	Allowed load in pounds on group of axles
4	32,000
5	32,000
6	32,200
7	32,900
8	33,600
9	34,300
10	35,000
11	35,700
12	36,400
13	37,100
14	43,200
15	44,000
16	44,800
17	45,600
18	46,400

(b) The total gross weight with load imposed on the highway by any vehicle or combination of vehicles where the distance between the first and last axles is more than 18 feet shall not exceed that given for the respective distances in the following table:

Distance in feet	Allowed load in pounds
18	46,400
19	47,200
20	48,000
21	48,800
22	49,600
23	50,400
24	51,200
25	55,250
26	56,100
27	56,950
28	57,800
29	58,650
30	59,500
31	60,350
32	61,200
33	62,050
34	62,900
35	63,750
36	64,600
37	65,450
38	66,300
39	67,150
40	68,000
41	68,000
42	68,000
43	68,000
44	68,000
45	68,000
46	68,800
47	69,600
48	70,400
49	71,200
50	72,000
51	72,800
52	73,600
53	74,400
54	75,200
55	76,000
56 or over	76,800

(c) The distance between axles shall be measured to the nearest even foot. When a fraction is exactly one-half foot the next larger whole number shall be used.

Weight limits transporting logs

35552 Trucks and vehicle combinations transporting loads composed solely of logs shall be deemed in compliance with subdivision (a) of Section 35551 if the allowed load in pounds on the group of axles permitted by that subdivision does not exceed by more than 2,500 pounds the amounts respectively stated in such subdivision, and if the vehicle or combination is in full compliance with subdivision (b) of Section 35551 or any

provision made applicable to the vehicle or combination in lieu of subdivision (b).

Vehicles or vehicle combinations transporting logs solely and loaded in excess of the provisions of this section shall be deemed in violation of subdivision (a) of Section 35551.

This section shall have no application to highways which are a part of the National System of Interstate and Defense Highways (as referred to in subdivision (a) of Section 108 of the Federal-aid Highway Act of 1956).

The provisions of this section shall be operative only until the ninety-first day after final adjournment of the 1959 Regular Session of the Legislature.

Article 2. Tire Limits

Solid tires

35600. The gross weight upon a solid tire upon a vehicle shall not exceed 600 pounds upon any inch of the channel base width of such tire.

Metal tires

35601. The gross weight of any vehicle and load resting upon any metal tire in contact with the roadway shall not exceed 500 pounds upon any inch of the width of such tire but this limitation shall not apply to traction engines or tractors, the propulsive power of which is not exerted through wheels resting upon the roadway but by means of a flexible band or chain, known as a movable track, when the portions of the movable tracks in contact with the surface of the roadway present plane surfaces.

Article 3. Limit Changes on State Highways

Increases

35650. The Department of Public Works, whenever it determines after an engineering investigation that any highway under its jurisdiction will with safety to itself sustain vehicles and loads weighing more than the maximum weight limits set forth in this code, shall have authority to declare and to fix a weight limit for the highway greater than the maximum weight limit set forth in this code. Thereafter it shall be lawful to operate or move vehicles and loads of a gross weight upon the highways designated, equal to but not in excess of the maximum weight limit fixed by the department.

Decreases

35651. Whenever in the judgment of the Department of Public Works any state highway will not with safety to itself sustain the maximum weights permitted under this code for the highway, the department shall determine, after a public hearing, the maximum weight which the highway will sustain.

Notice of hearing

35652. The Department of Public Works shall give notice of the time and place of the hearing by posting a notice in the county seat of each county in which any affected portion of the highway is located and shall also post copies of the notice at intervals of not more than one mile along said highway and a notice at each end of the affected portion thereof. Notice of the hearing shall be given for not less than 10 days and the

hearing shall be had at the county seat of the county in which the affected highway is situated or at some other place convenient to the portion of the highway affected.

Hearing

35653. The hearing shall be conducted by one or more engineers appointed by the Director of Public Works. The engineers shall hear all evidence presented at the time and place mentioned in the notice and shall report findings made in writing to the Director of Public Works. Upon the basis of the findings, the Director of Public Works shall declare in writing the maximum weight which can be maintained with safety upon the state highway. In no event shall the weight be less than 16,000 pounds.

Erection of signs

35654. Following the declaration of maximum weight as provided in this article, the Department of Public Works shall erect suitable signs at each end of the affected portion of the highway and at such other points as the department deems necessary to give adequate notice of the weight limits.

Violation of decreased restriction

35655. (a) No person shall drive a vehicle on any state highway when the weight of the vehicle and load is greater than the maximum weight which the highway will sustain.

(b) Upon the trial of any person charged with a violation with respect to signs erected under Section 35654, proof of the determination and the maximum weight by the Department of Public Works and the existence of the signs constitutes prima facie evidence of the maximum weight which the state highway will sustain.

Article 4. Local Authorities

Increases

35700. (a) The legislative body of any county or city may by ordinance permit the operation and moving of vehicles and loads upon highways under their respective jurisdictions of a maximum gross weight in excess of the maximum gross weight of vehicles and loads specified in this code.

(b) This section does not apply to state highways.

Decreases by cities

35701. (a) Any city may by ordinance prohibit the use of a street to be described in the ordinance by any commercial vehicle or by any vehicle exceeding a maximum gross weight limit to be specified in the ordinance, except with respect to any vehicle which is subject to the provisions of Sections 1031 to 1036, inclusive, of the Public Utilities Code.

(b) The ordinance shall not be effective until appropriate signs are erected indicating either the streets affected by the ordinance or the streets not affected, as the local authority determines will best serve to give notice of the ordinance.

Approval of ordinance

35702. No ordinance proposed under Section 35701 is effective with respect to any highway which is not under the exclusive jurisdiction of the local authority enacting the ordinance, or, in the case of any state highway, until the ordinance has been submitted by the governing body of the local authority to, and approved in writing by, the Department of Public Works. In submitting a proposed ordinance to the

department for approval, the governing body of the local authority shall designate therein, an alternate route for the use of vehicles, which route shall remain unrestricted by any local regulation as to weight limits or types of vehicles so long as the ordinance proposed shall remain in effect. The approval of the proposed ordinance by the Department of Public Works shall constitute an approval by it of the alternate route so designated.

Commercial vehicles

35703. No ordinance adopted pursuant to Section 35701 shall prohibit any commercial vehicles coming from an unrestricted street having ingress and egress by direct route to and from a restricted street when necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted street or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted street for which a building permit has previously been obtained.

Public utility vehicle

35704. No ordinance adopted by a city to decrease weight limits shall apply to any vehicle owned by a public utility while necessarily in use in the construction, installation, or repair of any public utility.

Procedure re certain streets

35705. Section 35701 shall not be applicable to any city street on which money from the State Highway Fund has been or is used for construction or maintenance except in such cases as the legislative body of the city, after notice and hearing, determines to reduce weight limits on such streets. Notice of the hearing shall be published as provided in Section 6064 of the Government Code. The notice shall advise all interested parties that they may submit written and oral objections to the proposed action and shall designate a time and place for presentation of such objections. The time for submission of objections shall not expire, and the hearing may not be held, less than 60 days after the first publication of notice. The hearing shall be held before the legislative body of the city. All objections shall be considered and interested parties shall be afforded an adequate opportunity to be heard in respect to their objections.

Unimproved county highways

35706. Boards of supervisors in their respective counties may by ordinance reduce the permissible weight of vehicles and loads upon unimproved county highways or upon county bridges.

Improved county highways

35707. Boards of supervisors in their respective counties may by ordinance reduce the permissible weights upon improved highways only which by reason of deterioration will be destroyed unless the weight limits are reduced, but no such reduction shall extend for a period of more than 90 days unless actual repair of the highway is begun within that time and thereafter continuously carried on to completion.

For the purposes of this section, an improved county highway means a highway paved with cement concrete or asphaltic

concrete, or a highway with a roadway of hard surface not less than four inches thick made up of a mixture of rock, sand, or gravel bound together by an artificial binder other than natural soil.

Ordinances subject to approval

35708. In the event any person protests in writing to the clerk of the board of supervisors within 15 days after the adoption of an ordinance reducing the permissible gross weight upon an improved highway, the reduction in weight shall not become final until the Department of Public Works after a hearing approves the action of the board of supervisors in making such reduction.

Hearing

35709. The hearing shall be held in the county in which the highway is located within 25 days after a request therefor, and shall be conducted by one or more engineers of the Department of Public Works to be designated by the Director of Public Works. The engineers shall hear all evidence presented and report their findings in writing to the director. Such director shall, upon the basis of the findings, declare in writing the approval or disapproval of the reduction.

Signs on unimproved county highways

35710. Whenever any weight limit different from those specified in this code is fixed in accordance with Section 35706 or 35707, the board of supervisors shall cause signs indicating the weight so fixed to be erected at all entrances to the highway upon which the permissible gross weight is altered.

Delivery routes

35711. No ordinance adopted pursuant to Section 35706 or 35707 shall prohibit any commercial vehicle from using any county highway by direct route to or from a state highway for the purpose of delivering or loading for transportation goods, wares, or merchandise.

Commercial vehicles

35712. Any county may by ordinance prohibit the use of any highway located in an unincorporated residential subdivision area by any commercial vehicle exceeding a gross weight of 14,000 pounds.

Signs for commercial vehicles

35713. No ordinance closing a highway under Section 35711 is effective until appropriate signs are erected indicating either the highways affected by the ordinance or the highways not affected as the county may determine will best serve to give notice of the ordinance, nor shall any ordinance be effective with respect to any county highway unless the board of supervisors designates in the ordinance an alternate route for the use of the vehicles which shall remain unrestricted by any local regulation as to commercial vehicles so long as the ordinance proposed shall remain in effect.

Exemption

35714. No ordinance adopted pursuant to Section 35711 shall be effective with respect to:

(a) Any vehicle which is subject to the provisions of Article 2 of Chapter 5 of Part 1 of Division 1 of the Public Utilities Code, commencing at Section 1031.

(b) Any highway which is a through highway or was a through highway on or after January 1, 1955.

(c) Any highway, any portion of which is also under the jurisdiction of a city, unless the consent of the governing body of the city is first obtained.

(d) Any commercial vehicle coming from an unrestricted highway having ingress and egress by direct route to and from the restricted highway when necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted highway or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted highway for which a building permit has previously been obtained.

(e) The operation of ambulances or hearses.

(f) Any vehicle owned, operated, controlled, or used by a public utility in connection with the construction, installation, operation, maintenance, or repair of any public utility facilities.

(g) Any state highway, until the proposed ordinance has been submitted by the board of supervisors of the county to and approved in writing by the Department of Public Works. In submitting a proposed ordinance to the department for approval, the board of supervisors shall designate therein, an alternate route for the use of the vehicles which shall remain unrestricted by any local regulation as to commercial vehicles so long as the ordinance proposed shall remain in effect. The approval of the proposed ordinance by the Department of Public Works shall constitute an approval by the department of the alternate route so designated.

(h) Vehicles operated as an incident to any industrial, commercial or agricultural enterprise conducted within the boundaries of the unincorporated residential subdivision area.

Article 5. Bridges and Other Structures

Decreases

35750. The Department of Public Works may, in the manner provided in Section 35751, determine the maximum weight of vehicle and load, lower than the maximum weight otherwise permitted under this code which a bridge or other structure with safety to itself will sustain.

Investigation and hearing

35751. (a) The Department of Public Works shall make an engineering investigation and hold a public hearing whenever such a determination appears necessary, except that if the bridge or other structure is not under the jurisdiction of said department, it shall not proceed unless it has first received a request from the board of supervisors or road commissioner of the county, the governing body of the local authority having jurisdiction over the bridge or other structure.

(b) Notice of the time and place of the hearing shall be posted upon the bridge or other structure at least five days before the date fixed for the hearing. Upon the basis of the investigation and all evidence presented at the hearing, the

department shall determine by order in writing the maximum weight of vehicle and load which the bridge or other structure with safety to itself will sustain.

Signs

35752. Thereupon, the authority having jurisdiction over the bridge or other structure shall erect and maintain suitable signs specifying the maximum weight so determined, at a distance of not more than 500 feet from each end of the bridge or other structure or any approach thereto.

Any such signs may contain the words "Load Limit _____ Tons per Vehicle" with the maximum gross weight inserted in figures preceding the word "tons," the words "load limit" and the figures and the word "tons" set forth in letters not less than three inches in height, and the words "per vehicle" in letters not less than 1½ inches in height. Any such sign may also contain additional provisions stating maximum gross weight in tons for a tractor and semitrailer and any other combination or combinations of vehicles in figures and words not less than 1½ inches in height. The stroke for letters and figures three inches or more in height shall be not less than one-half inch and for letters and figures 1½ inches and not more than three inches in height shall be not less than one-fourth inch. It shall only be necessary to state the words "load limit" once upon any such sign.

Any sign meeting the above requirements shall be deemed a suitable sign.

Violation of decreased restrictions

35753. (a) No person shall drive a vehicle over any bridge, causeway, viaduct, trestle or dam constituting a part of a highway when the weight of the vehicle and load thereon is greater than the maximum weight which the bridge or other structure with safety to itself will sustain.

(b) Upon the trial of any person charged with a violation with respect to a weight restriction sign erected under Section 35752, proof of the determination of the maximum weight by the department and the existence of the weight restriction signs shall constitute prima facie evidence of the maximum weight which the bridge or other structure with safety to itself will sustain.

Maximum weights on county bridges

35754. Whenever, in the opinion of a county road commissioner, a county bridge is in a dangerous or weak condition, he may temporarily erect suitable signs at all entrances to such bridge specifying the maximum weight which he believes the bridge with safety to itself will sustain. The maximum weight limit so fixed and posted shall remain in effect until 15 days following the next succeeding monthly meeting of the board of supervisors.

Article 6. Permits and Agreements

Permits for variances

35780. The Department of Public Works with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction may at their dis-

cretion upon application in writing and if good cause appears issue a special permit in writing authorizing the applicant:

(a) To operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum specified in this code.

(b) To use corrugations on the periphery of the movable tracks on a traction engine or tractor, the propulsive power of which is not exerted through wheels resting upon the roadway but by means of a flexible band or chain.

(c) Under emergency conditions, to operate or move a type of vehicle otherwise prohibited hereunder, upon any highway under the jurisdiction of the party granting the permit and for the maintenance of which the party is responsible.

Application for permit

35781. The application for a permit shall specifically describe the vehicle and load to be operated or moved and the particular highways over which permit to operate is requested, and whether the permit is requested for a single trip or for continuous operation.

Refusing or restricting permit

35782. The Department of Public Works or local authority is authorized to issue or withhold the permit at its discretion, or, if the permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicle or vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operation of the vehicle, when necessary to assure against undue damage to the road foundations, surfaces or structures, and may require the undertaking or other security as may be deemed necessary to protect the highways and bridges from injury, or to provide indemnity for any injury resulting from the operation of the vehicle.

Possession of permit

35783. Every permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection of any peace officer, traffic officer, authorized agent of the Department of Public Works, or any other officer or employee charged with the care or protection of such highways.

Violation of permit

35784. It is a misdemeanor for any person to violate any of the terms or conditions of any such special permit.

Hauling of saw logs

35785. The axle weight limitations imposed in Sections 35550 and 35551 shall not apply to the transportation of a single saw log which does not exceed eight feet in diameter and 21 feet in length or six feet in diameter and 33 feet in length, if such log is hauled on a combination of vehicles consisting of a three-axle truck tractor and a two-axle pole trailer under permit issued by the Department of Public Works with respect to highways under its jurisdiction or by local authorities with respect to highways under their jurisdiction. Such permit may be granted for not more than thirty (30) days and may be revocable upon notice by the department or local authorities, as the case may be. When so transported, the vehicle shall not be operated over any bridge or causeway at a speed of more than 15 miles per hour or on the

highway at more than 25 miles per hour, on routes designated in the permit by the Department of Public Works on state highways and by local authorities with respect to highways under their jurisdiction. Diameter measurements of the logs shall be made on the large end.

Use of truck booster power units

35786. Truck booster power units may be used to aid in propelling or moving any motor truck or lawful combination of motor vehicles upon a highway upon an ascending or descending grade, subject to the following conditions:

(a) A permit for such operation must be obtained as provided in this article.

(b) The truck booster power unit shall be operated only on such highways and at such times and according to such conditions and requirements as may be specified in the permit.

Same Issuance of permit

35787. The Department of Public Works or local authority, as the case may be, shall issue a truck booster power unit permit only if in its opinion the proposed operation would not tend to endanger the traveling public or to damage the highway, bridge or any highway structure.

The Department of Public Works and local authorities, in issuing a permit, may make such conditions and requirements as in their opinion are necessary or desirable for the safety of the traveling public and of the highway, including bridges and other highway structures.

Agreements for transporting loads

35788. Upon application to the Director of Public Works for permission to use and operate on highways private or contract vehicles for the purpose of hauling loads which weigh in excess of the maximum load weight limits, the director may enter into an agreement with the applicant, permitting such overloads, specifying protective restrictions and providing for the payment of a financial contribution for the issuance of such permission, except that the overload shall not exceed 25 percent of the maximum load weight limitation, in pounds, set forth in this code. The agreement shall not permit the applicant to transport such excess weight loads on highways for distances exceeding 75 miles. All contributions received by the Department of Public Works shall be used for the construction, improvement, or maintenance of the highway designated in the permission to operate overweight loads. Sections 188 and 188.4 of the Streets and Highways Code shall not apply to contributions received pursuant to this section, and any expenditures of the contributions by the department shall not be credited against amounts required to be expended pursuant to Sections 188 and 188.4 of the Streets and Highways Code.

Building mover's notice to railroad

25789. Any housemoving contractor or other person who by contract or otherwise moves or transports a dwelling house or other building across railroad tracks shall furnish to the division or district superintendent of the railroad company operating such tracks written notice of intention to make such movement at least 36 hours prior to doing so. The written notice of intention to make such a movement shall contain the

name of the street, highway or road over which such dwelling house or other building will be moved across the railroad tracks, the approximate time of day such movement will be made and such other information as may be necessary to enable the railroad company to take precautionary measures to avoid a collision by a train with such dwelling house or other building.

Overwidth trailer coaches

35790. (a) The State Department of Public Works with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction may upon application in writing and if good cause appears issue a special permit in writing authorizing the applicant to move a trailer coach in excess of the maximum width but not exceeding 10 feet in width, exclusive of lights and devices provided for in Sections 35112, 35109, and 35110, upon any highway under the jurisdiction of the party granting such permit.

(b) A public agency in the exercise of its discretion in granting permits for the movement of overwidth trailer coaches, and in considering the individual circumstances of each case, may use merchandising or relocation of residence as a basis for movement for good cause.

(c) The application for any permit shall specifically describe the trailer coach to be moved and the particular highways over which the permit to operate is requested, and whether the permit is requested for a single trip or for continuous operation.

(d) The State Department of Public Works or local authority is authorized to establish seasonal or other time limitations within which the trailer coach described may be moved on the highways indicated, and may require an undertaking or other security as may be deemed necessary to protect the highways and bridges from injury or to provide indemnity for any injury resulting from the operation.

(e) Permits for the movement of trailer coaches as provided for in this section may not be issued except to licensed manufacturers, dealers and transporters and only under the following conditions:

1. The power unit used to tow overwidth trailers must be a three-quarter-ton truck or tractor, or a truck or tractor of greater power, equipped with dual wheels.

2. The trailer coach for which the permit is issued shall not have a gross weight in excess of 18,000 pounds.

3. A permit which has been issued for the movement of a trailer coach shall not be valid between sunset and sunrise of the following day, nor between sunset on Friday to sunrise on Monday following, nor on any days declared to be legal holidays by the State.

(f) The Department of Public Works shall have the authority to establish additional reasonable permit regulations as they may deem necessary in the interest of public safety, which regulations shall be consistent with this section.

(g) Every permit shall be carried in the trailer coach to which it refers and shall be open to inspection of any peace officer or traffic officer, any authorized agent of the Department of Public Works or any other officer or employee charged with the care and protection of the highways.

(h) It is a misdemeanor for any person to violate any of the terms or conditions of any such special permit.

(i) To the extent that the application of this section to highways which are a part of the National System of Interstate and Defense Highways (as referred to in subdivision (a) of Section 108 of the Federal-aid Highway Act of 1956) would cause this State to be deprived of any federal funds for highway purposes, this section to such extent shall not be applicable to highways which are a part of such system.

DIVISION 17. OFFENSES AND PROSECUTION

CHAPTER 1. OFFENSES

Article 1. Violation of Code

Misdemeanors

40000. It is unlawful and constitutes a misdemeanor for any person to violate, or to fail to comply with, any provision of this code, unless the violation is under the provisions of this code expressly declared to be a felony or a public offense which is punishable either as a felony or misdemeanor.

Operation by agent

40001. It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to cause the operation of the vehicle upon a highway in any manner contrary to law, or for an owner knowingly to permit the operation of any vehicle:

(a) Which is not registered or for which any fee has not been paid under this code.

(b) Which is not equipped as required in this code.

(c) Which does not comply with the size, weight, or load provisions of this code.

Prosecution of persons owning vehicles

40002. A warrant of arrest shall not issue against an owner of a vehicle or other person referred to in Section 40001 following the filing of a complaint for an offense under that section if the owner or person was not driving the vehicle involved unless he is given notice of the offense against him and is informed that unless he appears in the court designated in the notice within 10 days after service of the notice and answers the charge, a warrant or citation to appear will be issued against him. The notice shall be given as prescribed by Section 22

Prosecution of employees

40003. Whenever an employee is prosecuted for a violation of any provision of this code relating to the size, weight or loading of a vehicle while operating a vehicle he was employed to operate, and which is owned by his employer, the court shall on request of the employee take appropriate proceedings to

make the owner of the vehicle a codefendant. In the event it is found that the employee had reasonable grounds to believe that the vehicle operated by him as an employee did not violate such provisions, and in the event the owner is found guilty under the provisions of Section 40001, the court may dismiss the charges against the employee.

Article 2. Procedure on Equipment Violations

Equipment

40150. Whenever any vehicle or combination of vehicles is found to be in an unsafe mechanical condition or is not equipped as required by this code, the officer making the inspection may issue the driver a notice to appear which requires the driver or the owner of the vehicle to produce in court satisfactory evidence that the vehicle or its equipment has been made to conform with the requirements of this code. Every officer issuing such notice to appear shall notify the owner and any legal owner of the vehicle, if other than the driver, that the notice to appear has been issued.

Lighting equipment

40151. (a) Whenever any lighting equipment or device is not of a type approved by the Department of the California Highway Patrol, the officer making the inspection shall direct the driver to remove the lighting equipment or device within 24 hours.

(b) Whenever any lighting equipment or device is a type approved by the department but by reason of faulty adjustment or otherwise fails to comply with this code, the officer making the inspection shall direct the driver to make it comply with this code within 48 hours.

Chapter 2. Procedure on Arrests

Article 1. Arrests

Application

40300. The provisions of this chapter shall govern all peace officers in making arrests for violations of this code without a warrant for offenses committed in their presence, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.

Procedure

40301. Except as provided in this chapter, whenever a person is arrested for any violation of this code declared to be a felony, he shall be dealt with in like manner as upon arrest for the commission of any other felony.

Mandatory appearance

40302. Whenever any person is arrested for any violation of this code, not declared to be a felony, the arrested person shall be taken without unnecessary delay before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made in any of the following cases:

(a) When the person arrested fails to exhibit his driver's license or other satisfactory evidence of his identity.

(b) When the person arrested refuses to give his written promise to appear in court.

(c) When the person arrested demands an immediate appearance before a magistrate.

(d) When the person arrested is charged with violating Section 20001, 23102, 23105, or 23106.

Optional appearance before a magistrate

40303. Whenever any person is arrested for any of the following offenses and the arresting officer is not required to take the person without unnecessary delay before a magistrate, the arrested person shall, in the judgment of the arresting officer, either be given a 10 days' notice to appear as herein provided or be taken without unnecessary delay before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made.

(a) Sections 10852 or 10853, relating to injuring or tampering with a vehicle.

(b) Sections 23103 or 23104, relating to reckless driving.

(c) Section 2800, insofar as it relates to a failure or refusal of the driver of a vehicle to stop and submit to an inspection or test of the lights upon the vehicle under Section 2805 hereof, which is punishable as a misdemeanor.

(d) Section 2800, insofar as it relates to a failure or refusal of the driver of a vehicle to stop and submit to a brake test which is punishable as a misdemeanor.

(e) Section 2800, insofar as it relates to refusal to submit vehicle and load to a weighing which is punishable as a misdemeanor.

(f) Section 20002, relating to failure to stop in the event of an accident involving damage to property.

(g) Section 20007, relating to failure to stop after collision with an unattended vehicle.

(h) Section 23109, relating to participating in speed contests.

(i) Section 14601, relating to driving while license is suspended or revoked.

(j) When the person arrested has attempted to evade arrest.

(k) Section 23332, relating to persons upon vehicular crossings.

Discretionary procedure

40304. Whenever any person is arrested by any member of the California Highway Patrol for any violation of any state law regulating the operation of vehicles or the use of the highways declared to be a misdemeanor but which offense is not specified in this code, he shall, in the judgment of the arresting officer, either be given a 10-day notice to appear in the manner provided in this chapter or be taken without unnecessary delay before a magistrate within the county in which the offense charged is alleged to have been committed

and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made, or, upon demand of the person arrested, before a magistrate in the judicial district in which the offense is alleged to have been committed.

Offense by nonresident

40305. Whenever a nonresident is arrested for violating any section of this code while driving a foreign motor vehicle and does not furnish satisfactory evidence of identity and an address within this State at which he can be located, he may, in the discretion of the arresting officer, be taken immediately before a magistrate within the county where the offense charged is alleged to have been committed, and who has jurisdiction over the offense and is nearest or most accessible with reference to the place where the arrest is made. If the magistrate is not available at the time of the arrest and the arrested person is not taken before any other person authorized to receive a deposit of bail, and if the arresting officer does not have the authority or is not required to take the arrested person before a magistrate or other person authorized to receive a deposit of bail by some other provision of law, the nonresident shall be released from custody upon giving a written promise to appear as provided in Article 2 (commencing at Section 40500).

Misdemeanor procedure before magistrate

40306 (a) Whenever a person is arrested for a misdemeanor and is taken before a magistrate, the arresting officer shall file with the magistrate a complaint stating the offense with which the person is charged.

(b) The person taken before a magistrate shall be entitled to at least five days continuance of his case in which to plead and prepare for trial and the person shall not be required to plead or be tried within the five days unless he waives such time in writing or in open court.

(c) The person taken before a magistrate shall thereupon be released from custody upon his own recognizance or upon such bail as the magistrate may fix.

Magistrate unavailable

40307. (a) When an arresting officer attempts to take a person arrested for a misdemeanor violation of this code before a magistrate and the magistrate or person authorized to act for him is not available, the arresting officer shall take the person arrested before the clerk of the magistrate or the officer in charge of the most accessible county jail, city jail, or other place of detention within the county, who shall admit him to bail in accordance with a schedule, fixed as provided in Section 1269(b) of the Penal Code.

Disposition of bail

40308. Any bail deposited with an officer in charge of the most accessible county jail, city jail, or other place of detention within the county shall be transmitted to a magistrate having jurisdiction over the offense, or to the clerk of the magistrate, not later than the next business day.

Authority to accept bail

40309. The authority to admit to bail under Section 40351 includes authority to approve the same, to issue and sign an order for the release of the person arrested, and to set a

time and place for his appearance before the appropriate magistrate.

40310. Any jail custodian authorized to accept bail who is not already bonded shall give a bond in such sum as the board of supervisors, or the governing body of the city in the case of a city jail, shall prescribe. Bond of jail custodian

Article 2. Release Upon Promise to Appear

40500. Whenever a person is arrested for any violation of this code not declared to be a felony, or for a violation of an ordinance of a city or county relating to traffic offenses and he is not immediately taken before a magistrate, the arresting officer shall prepare in triplicate a written notice to appear in court or before a person authorized to receive a deposit of bail, containing the name and address of the person, the license number of his vehicle, if any, the offense charged and the time and place when and where he shall appear. Notice

40501 The time specified in the notice to appear must be at least 10 days after such arrest. Time

40502. The place specified in the notice to appear shall be either: Place

(a) Before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made.

(b) Upon demand of the person arrested, before a municipal court judge or other magistrate having jurisdiction of the offense at the county seat of the county in which the offense is alleged to have been committed or before a magistrate in the judicial district in which the offense is alleged to have been committed.

(c) Before a person authorized to receive a deposit of bail.

The clerk and deputy clerks of the municipal and justice courts are persons authorized to receive bail in accordance with a schedule of bail approved by the judges of said courts.

40503. Every notice to appear and every complaint or information charging a violation of any provision of this code regulating the speed of vehicles upon a highway shall specify the approximate speed at which the defendant is alleged to have driven and exactly the prima facie speed limit applicable at the time and place of the alleged offense and shall state any other speed limit alleged to have been exceeded if applicable to the particular type of vehicle or combination of vehicles operated by the defendant. Speed charge

40504. The officer shall deliver one copy of the notice to appear to the arrested person and the arrested person in order to secure release must give his written promise to appear in court or before a person authorized to receive a deposit of bail by signing two copies of the notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody. Delivery of notice

Copy of notice

40505. Whenever any traffic or police officer delivers a notice to appear charging an offense under this code to any person, it shall include all information set forth upon the copy of the notice filed with a magistrate and no traffic or police officer shall set forth on any notice filed with a magistrate or attach thereto or accompany the notice with any written statement giving information or containing allegations which have not been delivered to the person receiving the notice to appear.

Filing copies

40506. The officer shall, as soon as practicable, file a copy of the notice with the magistrate or before a person authorized by the magistrate or judge to receive a deposit of bail specified therein, and a copy with the commissioner, chief of police, sheriff or other superior officer of the arresting officer.

Appearance by council

40507. A written promise to appear in court may be complied with by an appearance by counsel.

Violation of promise to appear

40508. Any person wilfully violating his written promise to appear in court or before a person authorized to receive a deposit of bail is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

Notice to department

40509. Whenever any person has for a period of 15 or more days wilfully violated his written promise to appear in court or before the person authorized to receive a deposit of bail, the magistrate or clerk of the court before whom the defendant so promised to appear shall give notice of such fact to the department not less than 10 nor more than 30 days after issuance of the warrant. Whenever thereafter the case in which such promise was given is adjudicated the magistrate or clerk of the court hearing the case shall file with the department a certificate showing that the case has been adjudicated.

Deposit of bail

40510. The defendant may, prior to the date upon which he promised to appear, deposit bail with the magistrate or the person authorized to receive a deposit of bail.

Fixing bail

40511. If bail has not been previously fixed and approved by the judges of the court in accordance with a schedule of bail, the magistrate shall fix the amount of bail which in his judgment, in accordance with Section 1275 of the Penal Code, will be reasonable and sufficient for the appearance of the defendant and shall endorse upon the notice a statement signed by him in the form set forth in Section 815a of the Penal Code.

Forfeiture

40512. If at the time when the case is called for arraignment before the magistrate the defendant does not appear, either in person or by counsel, the magistrate may declare the bail forfeited and may in his discretion order that no further proceedings be had in the case.

Upon the making of the order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the city or county treasury, as the case may be.

Filing of complaint

40513 Whenever written notice to appear has been prepared, delivered, and filed with the court, or whenever notice

of illegal parking has been given pursuant to the provisions of Section 41102, an exact and legible duplicate copy of the notice when filed with the magistrate, in lieu of a verified complaint, shall notwithstanding the provisions of Section 1426 of the Penal Code, constitute a complaint to which the defendant may plead "Guilty."

If, however, the defendant violates his promise to appear in court or does not deposit lawful bail, or pleads other than "Guilty" of the offense charged, a complaint shall be filed which shall conform to the provisions of Section 1426 of the Penal Code, and which shall be deemed to be an original complaint, and thereafter proceedings shall be had as provided by law, except that a defendant may, by an agreement in writing, subscribed by him and filed with the court, waive the filing of a verified complaint and elect that the prosecution may proceed upon a written notice to appear.

Issuance of warrant

40514. No warrant shall issue on the charge for the arrest of a person who has given his written promise to appear in court or before a person authorized to receive a deposit of bail, unless he has violated the promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment, as required by law.

Same For violation of promise to appear

40515. (a) When a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail, the magistrate shall issue and have delivered for execution a warrant for his arrest within 20 days after his failure to appear before the magistrate, or if the person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date on which he promised to appear, then, within 20 days after the delivery of the written promise to appear by the officer to a magistrate having jurisdiction over the offense.

(b) When the person violates his promise to appear before an officer authorized to receive bail other than a magistrate, the officer shall immediately deliver to a magistrate having jurisdiction over the offense charged the written promise to appear and the complaint, if any, filed by the arresting officer.

Expense to departments

40516. (a) The expenses incurred by the Department of California Highway Patrol and the Department of Motor Vehicles in executing any warrant issued as a result of a notice to appear issued by a member of the California Highway Patrol shall be a legal charge against the city or county in which jurisdiction the warrant was issued except where the commissioner authorizes the acceptance of a warrant for execution within 30 days of the date of its issuance.

(b) The commissioner or director shall certify to the Controller the cost of executing warrants on behalf of each city or county under this section. The departments shall be reimbursed for costs as provided in Section 11004.5 of the Revenue and Taxation Code.

(c) The peace officer to whom a warrant has been delivered for execution, upon demand, shall transfer the warrant, if it has not been executed within 30 days of the date of its issuance, to any member of the California Highway Patrol or to the Department of Motor Vehicles for execution.

Change of venue

40517. (a) Whenever any person has given his written promise to appear before a magistrate who is other than a municipal court judge or other magistrate at the county seat of the county wherein the offense is alleged to have been committed, he may at any time before trial demand a transfer of the case in which the promise was given for trial before a municipal court judge or other magistrate having jurisdiction of the offense at the county seat upon filing with the magistrate before whom he has promised to appear an affidavit that he believes that a fair trial without excessive penalties cannot be had before the magistrate.

(b) Thereupon the magistrate with whom the affidavit is filed shall be without jurisdiction to proceed with the case and shall immediately transfer the case and all papers in connection therewith for further proceedings before a municipal court judge or other magistrate having jurisdiction of such offense at the county seat.

(c) The foregoing method of securing a change of venue is in addition to any other method provided by law for obtaining a change of venue.

CHAPTER 3. ILLEGAL EVIDENCE

Article 1. Prosecutions Under Code

Vehicles and uniforms

40800. Every traffic officer shall wear a full distinctive uniform, and if the officer while so on duty uses a motor vehicle, it must be painted a distinctive color specified by the commissioner.

This section does not apply to an officer assigned exclusively to the duty of investigating and securing evidence in reference to any theft of a vehicle or failure of a person to stop in the event of an accident or violation of Section 23109 or in reference to any felony charge, or to any officer engaged in serving any warrant when the officer is not engaged in patrolling the highways for the purpose of enforcing the traffic laws.

Speed trap prohibition

40801. No peace officer or other person shall use a speed trap in arresting, or participating or assisting in the arrest of, any person for any alleged violation of this code nor shall any speed trap be used in securing evidence as to the speed of any vehicle for the purpose of an arrest or prosecution under this code.

"Speed trap"

40802. A "speed trap" is a particular section of a highway measured as to distance and with boundaries

marked, designated or otherwise determined in order that the speed of a vehicle may be calculated by securing the time it takes the vehicle to travel the known distance.

Evidence

40803. No evidence as to the speed of a vehicle upon a highway shall be admitted in any court upon the trial of any person for an alleged violation of this code when the evidence is based upon or obtained from or by the maintenance or use of a speed trap.

Testimony based on speed trap

40804. (a) In any prosecution under this code upon a charge involving the speed of a vehicle, any officer or other person shall be incompetent as a witness if the testimony is based upon or obtained from or by the maintenance or use of a speed trap.

(b) Every officer arresting, or participating or assisting in the arrest of, a person so charged while on duty for the exclusive or main purpose of enforcing the provisions of Divisions 10 and 11 is incompetent as a witness if at the time of such arrest he was not wearing a full distinctive uniform or was using a motor vehicle not painted the distinctive color specified by the commissioner.

This section does not apply to an officer assigned exclusively to the duty of investigating and securing evidence in reference to any theft of a vehicle or failure of a person to stop in the event of an accident or violation of Section 23108 or in reference to any felony charge or to any officer engaged in serving any warrant when the officer is not engaged in patrolling the highways for the purpose of enforcing the traffic laws.

Admission of speed trap evidence

40805. Every court shall be without jurisdiction to render a judgment of conviction against any person for a violation of this code involving the speed of a vehicle if the court admits any evidence or testimony secured in violation of, or which is inadmissible under this article.

Police reports

40806. In the event a defendant charged with an offense under this code pleads guilty, the trial court shall not at any time prior to pronouncing sentence receive or consider any report, verbal or written, of any police or traffic officer or witness of the offense without fully informing the defendant of all statements in the report or statement of witnesses, or without giving the defendant an opportunity to make answer thereto or to produce witnesses in rebuttal, and for such purpose the court shall grant a continuance before pronouncing sentence if requested by the defendant.

Article 2. Civil Actions

Effect of convictions

40830. In either of the following circumstances a violation of any provision of this code does not establish negligence as a matter of law, but in any civil action under either of the circumstances negligence must be proved as a fact without regard to the violation. The circumstances under which this section applies are either:

(a) Where violation of the provision was required by a law of the Federal Government or by any rule, regulation, directive or order of any agency of the Federal Government, the violation of which is subject to penalty under an act of Congress or by any valid order of military authority.

(b) Where violation of the provision was required in order to comply with any regulation, directive, or order of the Governor promulgated under the California Disaster Act.

Effect of speed conviction

40831. In any civil action proof of speed in excess of any prima facie limit declared in Section 22352 at a particular time and place does not establish negligence as a matter of law but in all such actions it shall be necessary to establish as a fact that the operation of a vehicle at the excess speed constituted negligence.

Suspension or revocation

40832. No record of the suspension or revocation of the privilege to operate a motor vehicle by the department, nor any testimony of or concerning or produced at the hearing terminating in the suspension or revocation, shall be admissible as evidence in any court in any civil action.

Report or action of department as evidence

40833. Neither the report required by Sections 16000, 16001, 16002, or 16003, the action taken by the department pursuant to Chapter 1 of Division 7 (commencing at Section 16000), the findings, if any, of the department upon which action is based, nor the security filed as provided in that chapter shall be referred to in any way, or be any evidence of the negligence or due care of any party, at the trial of any action at law to recover damages.

Chapter 4. Presumptions

Speed restriction signs

41100. In any action involving the question of unlawful speed of a vehicle upon a highway which has been signposted with speed restriction signs of a type complying with the requirements of this code, it shall be presumed that existing facts authorize the erection of the signs and that the prima facie speed limit on the highway is the limit stated on the signs. This presumption may be rebutted.

Official signs and traffic control devices

41101. (a) Whenever a traffic sign or traffic control device is placed in a position approximately conforming to the requirements of this code, it shall be presumed to have been placed by the official act or direction of lawful authority, unless the contrary is established by competent evidence.

(b) Any sign or traffic control device placed pursuant to this code and purporting to conform to the lawful requirements pertaining to it shall be presumed to comply with the requirements of this code unless the contrary is established by competent evidence.

Illegal parking

41102. In any prosecution charging a violation of any regulation governing the standing or parking of a vehicle under this code or any ordinance enacted by local authorities, proof by the people of the State of California that the particular vehicle described in the complaint was parked in violation of

any provision of this code or such ordinance, together with proof that the defendant named in the complaint was at the time of parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred, but for the purposes of this section proof that a person is the registered owner of a vehicle does not create a presumption that the registered owner has violated any other provision of law. The above provisions shall apply only when the following conditions are complied with:

(a) During the time of the illegal parking a notice thereof shall be securely attached to the vehicle setting forth the fact of illegal parking including reference to the section of this code or of the ordinance violated, the approximate time thereof and the location where the violation occurred and fixing a time and place for appearance by the registered owner in answer to the notice.

The notice shall be attached to the vehicle either on the steering post or front door handle thereof or in such other conspicuous place upon the vehicle as to be easily observed by the person in charge of the vehicle upon his return thereto.

(b) Before any warrant of arrest shall issue following the filing of a complaint charging the offense of illegal parking, a notice of the illegal parking shall be given to the person charged. The notice shall contain the information required in subdivision (a) and shall inform the registered owner that unless he appears in the court to be designated in the notice within five days after service of the notice and answers the charge, a warrant or citation to appear will be issued against him.

The notice shall be given, either by personal delivery thereof to the owner or by deposit in the United States mail of an envelope with postage prepaid, which shall contain the notice and shall be addressed to the owner at his address as shown by the records of the department. The giving of notice by personal delivery is complete upon delivery of a copy of the notice to the person. The giving of notice by mail is complete upon the expiration of 10 days after deposit of the notice in the mail.

Proof of giving notice may be made by the certificate of any traffic or police officer or affidavit of any person over 18 years of age naming the person to whom the notice was given and specifying the time, place, and manner of the giving thereof.

Chapter 5. Defenses

41400. Whenever any person is charged with a violation of this code, it is a sufficient defense to such charge if it appears that in a criminal prosecution in another state or by

Prior conviction or acquittal

the Federal Government, founded upon the act or omission in respect to which he is on trial, he has been convicted or acquitted.

Federal law

41401. No person shall be prosecuted for a violation of any provision of this code if the violation was required by a law of the Federal Government, by a regulation of the Interstate Commerce Commission promulgated pursuant to law, by any rule, regulation, directive or order of any agency of the Federal Government, the violation of which is subject to penalty under an act of Congress, or by any valid order of military authority.

Disaster act

41402. No person shall be prosecuted for a violation of any provision of this code when violation of such provision is required in order to comply with any regulation, directive, or order of the Governor promulgated under the California Disaster Act.

DIVISION 18. PENALTIES AND DISPOSITION OF FEES, FINES, AND FORFEITURES

CHAPTER 1. PENALTIES

Article 1. Public Offenses

Felony

42000. Unless a different penalty is expressly provided by this code, every person convicted of a felony for a violation of any provision of this code shall be punished by a fine of not less than one thousand dollars ($1,000) or more than five thousand dollars ($5,000) or by imprisonment in the state penitentiary for not less than one year or more than five years or by both such fine and imprisonment.

Special misdemeanors

42001. Every person convicted of a misdemeanor for a violation of Division 10 (commencing at Section 20000), Division 11 (commencing at Section 21000), except Chapters 11 (commencing at Section 22950) and 13 (commencing at Section 23250) and except Section 21461 as it applies to vehicular crossings, and Section 25264, Division 12 (commencing at Section 24000), Division 13 (commencing at Section 29000), and Division 15 (commencing at Section 35000) and Sections 2800, 2801, 2802, 2803, 2804 insofar as they affect failure to stop and submit to inspection of equipment or for an unsafe condition endangering any person, 2806, 2809, and 2812, except where a different penalty is expressly provided in said provisions, shall be punished upon a first conviction by a fine not exceeding fifty dollars ($50) or by imprisonment in the county jail for not exceeding five days and for a second conviction within a period of one year by a fine of not exceeding one hundred dollars ($100) or by imprisonment in the county jail for not exceeding 10 days, or by both such fine and imprisonment and for a third or any subsequent conviction within a period of one year by a fine of not exceeding five hundred dollars ($500)

or by imprisonment in the county jail for not exceeding six months or by both such fine and imprisonment.

General misdemeanors

42002. Unless a different penalty is expressly provided by this code, every person convicted of a misdemeanor for a violation of any of the provisions of this code shall be punished by a fine of not exceeding five hundred dollars ($500) or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment.

Imprisonment until fine satisfied

42003. A judgment that a person convicted of any violation of this code be punished by a fine may also order, adjudge and decree that the person be imprisoned until the fine is satisfied. In every such case, the judgment shall specify the extent of the imprisonment which shall not exceed one day for every five dollars ($5) of the fine, nor extend in any such case beyond the term for which the defendant might be sentenced to imprisonment for the offense of which he was convicted.

Operation of trolley coach

42004. Any driver or operator of a trolley coach is guilty of a misdemeanor, or a felony if the particular section so provides, upon the violation of any of those sections enumerated in subdivision (c) of Section 21051.

Pedestrians' right-of-way violation

42005. Every person convicted of a violation of Sections 21950 and 21951 shall be punished by a fine of not exceeding fifty dollars ($50) or by imprisonment in the county jail for not exceeding five days, except that a violation of this section proximately causing bodily injury to the pedestrian shall be punished as a misdemeanor.

Article 2. Weight Violations

Restrictions

42030. Every person convicted of a violation of any weight limitation provision of Division 15 (commencing at Section 35000), and every person convicted of a violation of Section 21461 with respect to signs provided for by Sections 35654 and 35752, and every person convicted of a violation of Section 40001 for requiring the operation of a vehicle upon a highway in violation of any provision referred to in this section shall be punished by a fine which shall equal the amounts specified in the following table:

Pounds of excess weight	Fine
1,000- 1,500	$10
1,501- 2,000	15
2,001- 2,500	20
2,501- 3,000	25
3,001- 3,500	30
3,501- 4,000	35
4,001- 4,250	40
4,251- 4,500	55
4,501- 4,750	70
4,751- 5,000	85
5,001- 5,250	100
5,251- 5,500	120

Pounds of excess weight	Fine
5,501- 5,750	$140
5,751- 6,000	160
6,001- 6,250	180
6,251- 6,500	205
6,501- 6,750	230
6,751- 7,000	255
7,001- 7,250	280
7,251- 7,500	310
7,501- 7,750	340
7,751- 8,000	370
8,001- 8,250	400
8,251- 8,500	435
8,501- 8,750	470
8,751- 9,000	505
9,001- 9,250	540
9,251- 9,500	580
9,501- 9,750	620
9,751-10,000	660
10,001-10,250	700
10,251-10,500	730
10,501-10,750	760
10,751-11,000	790
11,001-11,250	820
11,251-11,500	850
11,501-11,750	880
11,751-12,000	910
12,001-12,250	940
12,251-12,500	970
12,501 and over	1,000

The maximum fine under this section shall be one thousand dollars ($1,000).

No part of the penalties prescribed by this section shall be suspended upon a second or subsequent conviction of a violation of any provision referred to in this section, including violation of Section 40001 for requiring operation of a vehicle upon a highway in violation of any provision referred to in this section.

Weight and axle or wheel weight

42031. Whenever the gross weight and any axle or wheel weight of a vehicle are in excess of the limits prescribed in this code, the excess weights shall be deemed one offense in violation of this code.

Article 3. Driver Training Penalty Assessments

Assessment for driver training appropriations

42050. To reimburse the General Fund for amounts appropriated therefrom for driver training pursuant to Section 5154.5 of the Education Code, on and after January 1, 1954, there shall be levied a penalty assessment on all offenses involving a violation of a section of this code or of a city or county ordinance, relating to the operation of motor vehicles,

except offenses relating to parking or registration, in the following amounts:

(a) Where a fine is imposed	$1 for each $20 of fine, or fraction thereof.
(b) If sentence is suspended	$1 if jail only, otherwise based on the amount of the fine levied, as in subdivision (a).
(c) If bail is forfeited	$1 for each $20 of bail, or fraction thereof.
(d) Where multiple offenses are involved	The penalty assessment shall be based on the total fine or bail for all offenses, or $1 for each jail sentence.

When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

Deposit of bail

42051. When any deposit of bail is made for an offense to which Section 42050 applies, the person making the deposit shall also deposit a sufficient amount to include the penalty assessment for forfeited bail. If bail is forfeited, the amount of the penalty assessment shall be transmitted by the clerk of the court to the county treasury and thence to the State Treasury.

Disposition of assessment

42052. After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State Treasury to be deposited in the General Fund. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the State by a county.

Waiver

42053. In any case where a person convicted of any violation of this code punishable by fine and the levy of the driver training penalty assessment is imprisoned until the fine is satisfied, the judge may waive all or any part of the penalty assessment the payment of which would work a hardship on the person convicted or his immediate family.

CHAPTER 2. DISPOSITION OF FEES, FINES, AND FORFEITURES

Article 1 Fines and Forfeitures

Disposition By cities

42200. Of the total amount of fines and forfeitures received by a city under Section 1463 of the Penal Code that proportion which is represented by fines and forfeitures collected from any person charged with a misdemeanor under this code following arrest by an officer employed by a city, shall be paid into the treasury of the city and deposited in a special fund to be known as the "Traffic Safety Fund," and shall be used exclusively for official traffic control devices, the maintenance thereof, equipment and supplies for traffic law

enforcement and traffic accident prevention, and for the maintenance, improvement, or construction of public streets, bridges, and culverts within the city, but the fund shall not be used to pay the compensation of traffic or other police officers The fund may be used to pay the compensation of school crossing guards who are not regular full-time members of the police department of the city.

Same: By county

42201. Of the total amount of fines and forfeitures received by a county under subsection (a) of subdivision (1) of Section 1463 of the Penal Code, that proportion which is represented by fines and forfeitures collected from any person charged with a misdemeanor under this code following arrest by any officer employed by the State or by the county shall be paid into the treasury of the county and deposited in the special road improvement fund.

Disobedience by officials

42202. Failure, refusal, or neglect on the part of any judicial or other officer or employee receiving or having custody of any fine or forfeiture mentioned in this article either before or after deposit in the respective fund to comply with the foregoing provisions of this article is misconduct in office and ground for removal therefrom.

Article 2. Refund of Fees and Penalties

Return after rejection of application

42230. Whenever any application made under this code is accompanied by any fee, except an application for a duplicate operator's or chauffeur's license, as required by law, and the application is refused or rejected, the fees shall be returned to the applicant except that whenever any application is made for the first set of special plates under subdivision (a) of Section 9262, and the application is refused or rejected, the sum of five dollars ($5) only shall be returned to the applicant.

Erroneous collection of fees

42231. Whenever any application is made under this code and the application is accompanied by any fee which is excessive or not legally due, or whenever the department in consequence of any error either of fact or of law as to the proper amount of any fee or any penalty thereon or as to the necessity of obtaining any privilege under this code collects any fee or penalty which is excessive, erroneous, or not legally due, the person who has paid the erroneous or excessive fee or penalty, or his agent on his behalf, may apply for and receive a refund of the amount thereof as provided in this article, or the department may refund the same within one year after the date of the payment or collection.

Application for refund

42232. The application for refund shall be presented to the department in writing within one year from the date of payment of the erroneous or excessive fee or penalty and shall identify the payment made and state the grounds upon which it is claimed that the payment was excessive or erroneous.

42233. (a) Whenever any fee or penalty subject to refund under Section 42231 after application therefor has not been paid into the State Treasury, the department shall refund the fee or penalty. Making of refund

(b) Whenever any fee or penalty subject to refund under Section 42231 after application therefor or Section 10901 of the Revenue and Taxation Code has been paid into the State Treasury to the credit, in whole or in part, of the Motor Vehicle License Fee Fund or of the Motor Vehicle Fund, the department shall prepare a claim setting forth the facts pertaining to the fee or penalty sought to be refunded, and the Controller shall draw his warrant upon the fund or funds to which the fee or penalty was credited. In lieu of filing claims for refund against both the Motor Vehicle Fund and the Motor Vehicle License Fee Fund when an amount has been determined to be due from both funds, the director may file a single claim with the State Controller, drawn against the Motor Vehicle Fund covering the amount of both refunds, and the Controller shall thereupon draw his warrant on the Motor Vehicle Fund. At least quarterly, the director shall certify to the State Controller the amounts paid from the Motor Vehicle Fund which are properly chargeable to the Motor Vehicle License Fee Fund supported by such detail as the Controller may require. Upon order of the State Controller, the amounts so required shall be transferred from the Motor Vehicle License Fee Fund to the credit of the Motor Vehicle Fund.

(c) This section is an appropriation of any and all amounts necessary to refund and repay any excessive or erroneous fees and penalties collected under this code, and the procedure prescribed in this article for refunds shall be deemed a compliance with the requirements of the Government Code relating to the refund of excessive or erroneous fees or penalties.

42234. Whenever any application has been made and fees have been paid for the registration of a vehicle which is not in fact operated upon the highways of this State during the calendar year for which fees have been paid, this article shall apply if the application for refund is made within 60 days after the date such fees are paid to the department. Vehicle not used

42235. Whenever the department collects any fee which is excessive or not legally due and application for the refund of the fee is not filed within the time prescribed by law because the applicant failed to receive from the department a certificate of registration for the vehicle upon which the refund of fee is sought, the director shall have the power to authorize the payment of a refund in such a case upon a proper showing by the applicant that the delay in applying for the refund was due to the failure to receive the certificate of registration within the statutory period allowed for making application for refund of fees. Late application for refund

CHAPTER 3. MOTOR VEHICLE FUND

Report and deposit of money

42270. The Department of Motor Vehicles and the Department of the California Highway Patrol each shall file at least monthly with the State Controller a report of money received by the department covering all fees for applications accepted by the department and all other moneys received by the department under the provisions of this code, and at the same time shall remit all money so reported to the State Treasurer. On order of the Controller the Treasurer shall deposit in the Motor Vehicle Fund all such moneys so reported and remitted

Support and operation of the department

42271. Such moneys in the Motor Vehicle Fund as are appropriated in the Budget Act or any other appropriation act for the support of or expenditure by the Department of Motor Vehicles and the Department of the California Highway Patrol shall be expended by the departments in carrying out the provisions of this code and in enforcing any other laws relating to vehicles or the use of highways. The departments may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate one hundred thousand dollars ($100,000) for each department, the sums so drawn to be used as a revolving fund where cash advances are necessary. At the close of each fiscal year the moneys drawn must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the State Controller.

Prohibition against deficiencies

42272. Section 11006 of the Government Code does not apply to the Motor Vehicle Fund.

Disposition of remainder of Motor Vehicle Fund

42273. Within 60 days after March 31st, June 30th, and September 30th of each year the moneys in the Motor Vehicle Fund on said respective dates, except so much as the State Controller determines shall be retained to meet appropriations therefrom, shall on order of the State Controller be transferred to the Highway Users Tax Fund.

An amount equal to the total moneys remaining in the Motor Vehicle Fund at the close of business on the last day of December of each year, after the expenditures and deductions authorized by this chapter, shall, during the month of February of each year, be transferred on order of the State Controller to the Highway Users Tax Fund, to be expended in accordance with law.

Upon the transfer of any amount to the Highway Users Tax Fund pursuant to the provisions of this section, an equal amount may, on order of the State Controller, be transferred forthwith from the Highway Users Tax Fund to the State Highway Fund.

SEC. 3. Chapter 6.5 is added to Title 14 of Part 4 of Division 3 of the Civil Code, to read:

CHAPTER 6.5. LIENS ON VEHICLES

3067. Words used in this chapter which are defined in Division 1 of the Vehicle Code shall have the same meaning as in the Vehicle Code. Meanings of words

3068. (a) Every person has a lien dependent upon possession for the compensation to which he is legally entitled for making repairs or performing labor upon, and furnishing supplies or materials for, and for the storage, repair or safekeeping of, and for the rental of trailer parking space for, any vehicle of a type subject to registration under the Vehicle Code, subject to the limitations set forth in this chapter. Liens

(b) That portion of the lien in excess of one hundred dollars ($100), for any work or services rendered or performed at the request of any person other than the holder of the legal title, is invalid, unless prior to commencing any such work or service the person claiming the lien gives actual notice in writing either by personal service or by registered letter addressed to the legal owner named in the registration certificate, and the consent of the holder of the legal title is obtained before any such work or services are performed. If any portion of a lien includes charges for the care, storage or safekeeping of, or for the rental of trailer parking space for, a vehicle for a period in excess of 60 days, the portion of the lien which accrued after the expiration of such period is invalid unless the provisions of Sections 10650, 10651, and 10652 of the Vehicle Code have been complied with by the holder of the lien.

3069. Any lien for labor or materials provided for in this chapter may be assigned by written instrument accompanied by delivery of possession of the vehicle, subject to the lien, and the assignee may exercise the rights of a lienholder as provided in this chapter. Any lienholder assigning a lien as authorized herein shall at the time of assigning the lien give written notice either by personal delivery or by registered mail with return receipt requested, to the registered and legal owner of the assignment, including the name and address of the person to whom the lien is assigned. Assignment of lien

3070. Whenever the lien upon any such vehicle is lost by reason of the loss of possession through trick, fraud, or device, the repossession of the vehicle by the lienholder revives the lien but any lien so revived is subordinate to any right, title or interest of any person under any sale, transfer, encumbrance, lien or other interest acquired or secured in good faith and for value between the time of the loss of possession and the time of repossession. Revival of lien

3071. If the lienholder is not paid the amount due, and for which the lien is given, within 10 days after the same becomes due, then the lienholder may proceed to sell the property, or so much thereof as may be necessary to satisfy the lien and costs of sale at public auction. Sale of property

Notice of sale

3072. Prior to any such sale the lienholder shall give at least 10 days but not more than 20 days notice of the sale by advertising for one issue in some newspaper of general circulation published in the county in which the property is situated. If there is no newspaper printed in such county, notice shall be given by posting notice of sale in three of the most public places in the town or place where the property is to be sold, for 10 days previous to the date of the sale. Prior to the sale of any vehicle to satisfy any such lien, 20 days notice by registered mail or certified mail shall be given to the legal owner and to the registered owner of the vehicle, if registered in this State, as the same appear in the registration certificate, and also to the Department of Motor Vehicles by registered mail or certified mail whether or not the vehicle is registered in this State. The department shall in like manner immediately notify the legal owner and the registered owner of the proposed sale, but failure on the part of the department to give such notice shall not affect the validity of the sale. All notices required in this chapter shall specify the make and the engine, vehicle identification or license number of the vehicle, and the date, time, and place of the sale. The proceeds of the sale shall be applied to the discharge of the lien and the cost of keeping and selling the property. The remainder, if any, shall be paid to the legal owner, if any, or to the owner if there is no legal owner, or if no legal owner can be located, the remainder shall be deposited with the department for deposit in the Motor Vehicle Fund.

Vehicle appraised at less than seventy-five dollars

3073. Where the vehicle subject to the lien is appraised at a value not exceeding seventy-five dollars ($75) by an officer or employee of the Department of Motor Vehicles, the lienholder may sell such vehicle at public sale, upon the giving of notice as provided in this section. At least 10 days before the sale, the lienholder shall notify the legal owner, the registered owner, and the department by registered mail or certified mail of the time and place of the sale. At least 10 days before the sale, the lienholder shall also post a notice of the sale in a conspicuous place on the premises where the vehicle is stored, giving the date of the sale and a description of the vehicle, including the make, model, type, and license number.

Redemption period

3074. Within 20 days after the sale of any vehicle under the authority of Section 3071, the legal owner may redeem such vehicle upon the payment of the amount thereof, all costs and expenses of said sale, together with interest on said sum at the rate of 12 percent per annum from the due date thereof or the date when the same were advanced until the repayment.

This section shall not be applicable to vehicles sold under the authority of Section 3073.

Penalty

3075. It is a misdemeanor for any person to obtain possession of any vehicle or any part thereof subject to a lien under this chapter through surreptitious removal or by trick, fraud, or device perpetrated upon the lienholder.

SEC. 4. Section 11004.5 of the Revenue and Taxation Code is amended to read:

11004.5. The Controller shall deduct from the allocations he would otherwise make pursuant to Section 11005, the amounts chargeable to each city, county, and city and county under Section 40516 of the Vehicle Code, and transfer that amount to the Motor Vehicle Fund in augmentation of the funds available for the support of the Department of California Highway Patrol. Deduction by controller

The Controller shall make such deductions at the time of the first allocation which occurs after the filing with him of the charges certified by the Commissioner of the California Highway Patrol. If the amount of the deduction for any city, county, or city and county exceeds the amount of the allocation for such city, county, or city and county, the balance of the deduction in excess of the amount of the apportionment shall be carried over and applied to the next succeeding allocation or allocations until exhausted.

CHAPTER 4

An act to repeal Chapters 5 and 8, Part 2, Division 1 of the Insurance Code, to add Chapters 5 (commencing at Section 1621), and 8 (commencing at Section 1831), to Part 2, Division 1 of said code, and to amend Sections 383.5, 766, 773, 783, 1760.5, 1765, 1776, 1813, 1821, 10252, 11101, 11102, 11103, 12280.2, 12282 and 12977 of said code, relating to the licensing of insurance producers, declaring the urgency thereof, to take effect immediately

[Approved by Governor February 27, 1959. Filed with Secretary of State February 27, 1959.] In effect immediately

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

SECTION 1. Chapters 5 and 8 of Part 2, Division 1 of the Insurance Code are repealed. Repeal

SEC. 2. Chapter 5 (commencing at Section 1621) is added to Part 2, Division 1 of the Insurance Code, to read:

CHAPTER 5. PRODUCTION AGENCIES

Article 1. Definitions

1621. An insurance agent is a person authorized by and on behalf of an insurer to transact insurance. The term "insurance agent" as used in this chapter does not include a life agent as defined in this article. "Insurance agent"

1622. A life agent is a person authorized by and on behalf of a life, disability, or life and disability insurer to transact life, disability, or life and disability insurance. "Life agent"

"Insurance broker"

1623. An insurance broker is a person who, for compensation and on behalf of another person, transacts insurance other than life with, but not on behalf of, an insurer.

"Insurance solicitor"

1624. An insurance solicitor is a natural person employed to aid an insurance agent or insurance broker in transacting insurance other than life.

Article 2. Comprehensive Definitions

"Fire and casualty licensee"

1625. A fire and casualty licensee is a person licensed to act as an insurance agent, broker or solicitor, or travel insurance agent, and a fire and casualty license is a license so to act.

"Life licensee"

1626. A life licensee is a person licensed to act as a life agent. Licenses to act as a life agent issued by the commissioner under this chapter shall be of the following types and on such forms as shall clearly distinguish one from the other:

Forms of licenses

(a) Life and disability agent which shall entitle the licensee to transact life insurance and also to transact all types of disability insurance;

(b) Life only agent which shall entitle the licensee to transact life insurance and contracts supplemental thereto either included in the life insurance contract or in a rider attached thereto and which contain only one or more of the following provisions relating to disability insurance:

(1) A provision for additional benefits in case of death by accident;

(2) A provision which operates to safeguard the contract against lapse in the event the insured shall become totally and permanently disabled as defined by the contract or supplemental contract;

(3) A provision which gives a special surrender value or a special benefit or an annuity in the event that the insured or annuitant shall become totally and permanently disabled as defined by the contract or supplemental contract;

(c) Disability only agent which shall entitle the licensee to transact only disability insurance on behalf of an insurer of any kind which is admitted for disability insurance.

License

1627. A license is a permit to act in the capacity specified therein. A person licensed is the holder of such license. In case of a license as insurance agent or insurance broker issued to an organization, the organization is the holder thereof, but the natural person or persons named thereon are thereby permitted to exercise the agency or brokerage powers of the organization in accordance with and subject to the provisions of this chapter and other applicable law. A joint firm life license is issued jointly to the organization and the natural person or persons named thereon, and the organization and such natural person or persons are joint holders of such license. As used in this chapter, the term "license" includes a certificate of convenience and a permanent license, and the term "persons who are licensed" includes the holders of any such certificate or such license, but these definitions and the use of such terms in this

chapter shall not confer upon a certificate of convenience or any holder thereof any property right in or to such certificate, such certificate being and remaining only a temporary permit, issued as a matter of convenience, allowing the transaction of insurance without a permanent license, but within the limits, and subject to the conditions of the certificate of convenience issued and the laws applicable thereto.

Organization

1628. As used in this chapter, an organization is a copartnership, association or corporation. Where reference is made to a natural person named on an organization license such reference shall be to a person who is named to exercise the power and perform the duties under an organization license to act as a fire and casualty licensee, or to a person who is a joint holder with an organization of a joint firm license as a life agent.

License year

1629. "License year" as used in this chapter means the period from July 1st to and including June 30th of the following calendar year.

License term

1630. "License term" as used in this chapter means all of that two-year period from July 1st to and including the June 30th second succeeding, commencing as follows:

(a) On July 1st of each odd-numbered year for persons licensed as life licensees;

(b) On July 1st of each even-numbered year for persons licensed as fire and casualty licensees.

Article 3. Licensing

License requirement

1631. Unless exempt by the provisions of this article, a person shall not act in any of the capacities defined in Article 1 of this chapter unless he holds a valid license from the commissioner authorizing him to act in such capacity.

License eligibility

1632. Unless prohibited in this article, a person otherwise eligible for a license may be licensed to act in one or more of the capacities specified in this chapter.

Misdemeanor

1633. Any person who acts, offers to act, or assumes to act in a capacity for which a license is required without a valid license so to act is guilty of a misdemeanor.

Exceptions

1634. No license is required under the provisions of this chapter for a person to act in the following capacities:

(a) As an employee, not paid on a commission basis, of a title insurer;

(b) As a solicitor or agent of a mortgage insurer;

(c) As the attorney in fact of a reciprocal or interinsurance exchange;

(d) As a life insurance analyst;

(e) As a surplus line broker or special lines surplus line broker; or

(f) As a bail agent, bail solicitor or bail permittee.

Same

1635. No license is required under the provisions of this chapter for a person to act in the following capacities or to engage in the following activities, providing no commission

is paid or allowed, directly or indirectly, for acting in such capacities or engaging in such activities:

(a) The business of examining, certifying or abstracting titles to real property;

(b) The solicitation for membership in a fraternal benefit society and other activities to the extent and as described in Sections 11013 and 11102 of this code;

(c) As a salaried representative of a reciprocal or inter-insurance exchange or of its attorney in fact;

(d) Employment which does not include the solicitation, negotiation or effecting of contracts of insurance and the signing of policies or other evidences of insurance;

(e) As an officer of an insurer or a salaried traveling employee of the type commonly known as a special agent or as an agency supervisor, while performing duties and exercising functions such as are commonly performed by a special agent or agency supervisor, if the person engaging in such activity does not:

(1) Effect insurance; or

(2) Solicit or negotiate insurance except as a part of and in connection with the business of an insurance agent, insurance broker or life agent licensed under this chapter;

(f) As an officer or salaried representative of a life insurer if his activities are limited to direct technical advice and assistance to a properly licensed person and his activities do not include effecting insurance or soliciting or negotiating insurance except as a part of and in connection with the business of an insurance agent, insurance broker, or life agent licensed under this chapter.

(g) Employment by an insurer at its home or branch office which does not include the solicitation or negotiation of insurance, and which may as part thereof include the signing of policies or other evidences of insurance;

(h) The completion or delivery of a declaration or certificate of coverage under a running inland marine insurance contract evidencing coverage thereunder and including only such negotiations as are necessary to such completion or delivery if the person performing such acts or his employer has an insurable interest in the risk covered by the certificate or declaration; or

(i) As an employee of a licensed insurance agent or broker, whose employment is:

(1) That of a regularly salaried administrative or clerical employee who devotes substantially all of his services to activities other than the solicitation of insurance from the insuring public; or

(2) That of a salesman who devotes substantially all of his activities to selling merchandise and whose solicitation of insurance is limited only to the quoting of a premium for insurance to be included in the purchase price covering the interest retained in such merchandise by the seller.

1636. A natural person who is a joint holder of a firm license shall not be a holder of or named in any license to act as a life agent except firm licenses. Such natural person may conduct or assist in the conduct of a life insurance agency business for and on behalf of the organization which jointly holds a firm license with him. Joint holder of firm license

1637. An organization may hold any license or licenses necessary to act in the following capacities under this chapter and no others: Organization holding license

(a) A license to act as an insurance agent;

(b) A license to act as an insurance broker;

(c) A joint firm license to act as a life and disability agent;

(d) A joint firm license to act as a life only agent;

(e) A joint firm license to act as a disability only agent.

A joint firm license is a license to act as a life agent applied for and issued jointly in the name of an organization and one or more of the natural persons specified in Section 1647.

1638. A nonresident license, is a license issued to a person not a resident of this State. Nonresident license

1639. The following types of licenses under this chapter may be issued to nonresidents as hereinafter provided: Types of licenses

(a) An insurance agent or broker if the nonresident is duly licensed to transact more than one class of insurance, other than life insurance, disability insurance or life and disability insurance, under the laws of the state or province of Canada wherein he resides, provided such state or province does not prohibit a resident of this State from acting as an insurance agent or broker therein;

(b) A life and disability agent if the nonresident is licensed in the state of his residence to transact both life insurance and disability insurance;

(c) A life only agent if the nonresident is licensed in the state of his residence to transact life insurance and contracts supplemental thereto as defined in Subdivision (b) of Section 1626;

(d) A disability only agent if the nonresident is licensed in the state of his residence to transact disability insurance.

The class or classes of insurance which a person is licensed to transact in the state or province of his residence shall be determined according to the definitions of classes of insurance in Sections 101 to 120, inclusive, of this code. A certificate under official seal and original signature from the insurance regulatory authority of the nonresident's home state or province may be accepted as evidence of such applicant's license status and the capacity or capacities in which he is licensed.

1640. A person licensed to act as an insurance solicitor is not eligible at the same time for a license to act as an insurance agent or broker, and a person licensed to act as either an insurance agent or broker is not eligible at the same time for a license to act as an insurance solicitor. However, a person who terminates a license to act as an insurance broker to acquire a license to act as an insurance solicitor and who Eligibility

maintains such license to act as an insurance solicitor in force continuously may reacquire a license to act as an insurance broker upon meeting all the requirements therefor except those of Article 7 of this chapter.

Ineligibility for license

1641. A person licensed to act as a life insurance analyst is not eligible for any license under this chapter.

1642. An insurer or reciprocal or interinsurance exchange is not eligible for a license under this chapter.

1643. Except as provided in Section 1639, a person who is neither a citizen or a national of the United States nor an applicant for such citizenship is not eligible to be licensed as an insurance agent or broker under this chapter.

1644. A minor is not eligible for a license to act as an insurance agent or broker.

Requirements re examination

1645. A person is not eligible to take the qualifying examination for a license to act as an insurance broker unless he has:

(a) Successfully completed a course or courses of study approved as to method of instruction and content by the commissioner, covering the principal branches of the insurance business and requiring not less than 90 hours of classroom work or the equivalent thereof in correspondence work; or

(b) Successfully completed a course or courses of study approved as to method of instruction, content and number of hours by the commissioner, covering the principal branches of the insurance business and given to members of the armed forces by the United States Armed Forces Institute; or

(c) Been regularly employed by an insurance company, insurance broker, or an insurance agent, or licensed as an insurance agent, broker, or solicitor, in any state or any province of Canada for a period or periods aggregating not less than one year during the three years next preceding the date of application, in responsible insurance duties relating to classes of insurance other than life; provided, that time spent in military service shall be excluded in computing such three-year period; and he shall submit evidence satisfactory to the commissioner stating facts which show compliance with this requirement.

Such course or courses under subdivision (a) or (b) shall either (1) be given by a degree-conferring college or university which has, when such course is taken by such individual, a curriculum or curricula approved by the commissioner whether such course be given as part of any such curriculum or separately or (2) have been given by any other institution which maintains equivalent satisfactory standards of instruction, and which shall have been approved for such purpose by the commissioner.

The commissioner shall not so approve any curriculum, whether given by a degree-conferring college or university, a correspondence school, or any other institution, unless it includes instruction in: classes of insurance except life insurance; the fundamental characteristics of each of the types of

insurers admitted to transact insurance in California; the laws of the State of California relating to the transaction of insurance by insurance agents, brokers and solicitors; and such other subjects as the commissioner finds to be necessary to qualify a person to discharge his responsibilities as an insurance agent or broker or to exercise agency or brokerage powers.

Organization's eligibility

1646. An organization is not eligible for a license under this chapter if its articles of incorporation or association or agreement of copartnership forbid it to act in the capacity for which a license is sought.

Scope of license

1647. Only the following natural persons are eligible to be named under an organization license:

(a) Any general partner or employee of a copartnership;

(b) Any member, officer or employee of an association; and

(c) Any officer or employee of a corporation.

Limited partnership, etc.

1648. A limited partnership, unincorporated association or nonprofit corporation which is not the holder of a certificate of authority issued pursuant to Part 5, Division 2 of this code is not eligible to receive or to continue to hold a license as a fire and casualty licensee issued under this chapter unless each member thereof possesses an individual license to transact fire and casualty insurance or is named to exercise the agency or brokership powers of such limited partnership, unincorporated association or nonprofit corporation at all times; provided, that the commissioner may issue a license to a limited partnership upon a showing by the applicant satisfactory to the commissioner that the partnership agreement will not result in any violation of the provisions of Article 5, Chapter 1, Part 2, Division 1 of this code.

Qualification re limited broker's license

1649. A salaried employee or officer, exclusive of a director, of an admitted insurer, other than an insurer admitted to transact only life insurance or life and disability insurance, is not eligible for a license as an insurance broker, except that such person may, upon fulfilling all prerequisites for a license to act as an insurance broker, be granted a limited broker's license authorizing the transaction of insurance as an insurance broker on risks not located in this State.

Contents of license

1650. Every license issued under this chapter shall state on its face:

(a) The name of the licensee;

(b) The capacity in which he is licensed to act;

(c) The conditions, if any, subject to which the license is issued; and

(d) If issued to an organization, the name of each natural person who has qualified to be named thereon as defined in Section 1628.

Commissioner's powers

1651. The commissioner shall at all times retain full property rights in any document evidencing any license issued pursuant to Chapters 5, 6, 7, and 8 of this part. He may require the surrender of said document for any proper reason.

Article 4. Applications

Application

1652. A license under this chapter shall be applied for, and renewed by the filing with the commissioner of a written application therefor. Such application shall be on a form prescribed by the commissioner, which form shall prescribe the disclosure of such information as will aid the commissioner in determining whether the prerequisites for the license sought have been met. The commissioner may decline to act on an incomplete or defective application until an amended application which completes the prescribed form is filed with him.

Questionnaire to fire and casualty licensee

1653. After July 1st of odd-numbered years, the commissioner shall, irrespective of any license application or renewal application which the licensee may have filed, send a questionnaire to each fire and casualty licensee receiving total premiums of less than ten thousand dollars ($10,000) on insurance transacted under any and all fire and casualty licenses of such licensee as shown in the last application for renewal filed with the commissioner. Such questionnaire shall be in a form prescribed by the commissioner, shall be verified, shall disclose whether there has been compliance with Section 760 of this code, and may include questions to disclose whether there has been compliance with such other provisions of this code as the commissioner may determine. The commissioner may send the same or another form of questionnaire to any or all fire and casualty licensees licensed under this chapter. Failure by the licensee within 60 days from the mailing date thereof to answer, verify, and return such questionnaire to the commissioner shall be grounds for the suspension or revocation of the license of the particular licensee to which the questionnaire appertains.

Questionnaire to life licensee

1654. After July 1st of even-numbered years, the commissioner shall, irrespective of any license application or renewal application which the licensee may have filed, send a questionnaire to each person licensed as a life licensee receiving total commissions of less than one thousand dollars ($1,000) on insurance transacted by him under any and all life agent's licenses as shown in the last application for renewal filed with the commissioner. Such questionnaire shall be in a form prescribed by the commissioner, shall be verified, shall disclose whether there has been compliance with Section 760.5 of this code, and may include questions to disclose whether there has been compliance with such other provisions of this code as the commissioner may determine. The commissioner may send the same or another form of questionnaire to any or all life licensees licensed under this chapter. Failure by the licensee within 60 days from the mailing date thereof to answer, verify and return such questionnaire to the commissioner shall be grounds for the suspension or revocation of the license of the particular licensee to which the questionnaire appertains.

1655. No application for a license shall be deemed filed unless the document itself has been actually delivered to, and the proper filing fee, including any required application fee for any qualifying examination required by this chapter for the license applied for has been paid at an office of the commissioner during office hours, or unless both such document and the required fee or fees are filed and remitted pursuant to Sections 11002 and 11003 of the Government Code. Filing of application

1656. Every application for a license filed by an organization shall contain: Organization's application for license

(a) The names of the members, officers or employees of the applicant who may exercise the power and perform the duties under the license or be joint holders thereof; and

(b) An agreement by all members of the copartnership, or of an officer empowered to bind the association or corporation, that in the event the applicant is granted the license, only those persons named in the license will transact the insurance authorized under the license.

1657. An application for license as an insurance solicitor shall contain a statement by the employing agent or broker agreeing to employ the applicant upon issuance of the license. Insurance solicitor's application

1658. Each application for a license shall contain the principal business address of the applicant. In the case of an applicant for a license to act as a life agent, such address shall be his residence address unless he in good faith has established an office for the transaction of business separate from both the office of any insurer he is to represent and from the office of any general agent, other than the applicant, of any such insurer, in which case the address of that office may be used. Address requirement

1659. Every applicant for a nonresident license shall file with the commissioner a stipulation which shall recite the name of the applicant, the nonresident license applied for and shall agree: Applicant for nonresident license

"I (or we), do stipulate and agree:

"(a) That in any action or special proceeding brought against me (or us) in the State of California for or on account of any act or transaction lawfully permitted to be done or performed by me (or us) solely by reason of the existence of such license, any document or process may be served on the commissioner with the same effect as though served upon me (or us) and such service will give jurisdiction over me (or us) to the same extent as if I (or we) were a resident of the State of California.

"(b) That any action or special proceeding brought by me (or us) against the Insurance Commissioner of the State of California will be brought in the City and County of San Francisco or in the County of Los Angeles.

"(c) That I (or we) will appear at the Office of the Insurance Commissioner in the City of San Francisco or in the City of Los Angeles at any time, pursuant to notice of hearing, order to show cause, or subpoena issued by the commissioner, if such document is deposited in the United States mail, cer-

tified and postage prepaid, in a cover addressed to me (or us) at the last address filed by me (or us) with the commissioner, such deposit in mail being 31 or more days before the date specified in such document for such appearance, and that in the event of failure so to appear I (or we) hereby consent to any subsequent suspension, revocation, refusal to renew, or denial of such license by the commissioner."

Jurisdiction over non-resident

1660. The stipulation and agreement referred to in Section 1659 shall give jurisdiction over, and shall be binding pursuant to its terms upon, the person executing it.

Whenever any document is served upon the commissioner pursuant to the terms of such stipulation and agreement, he shall transmit a copy thereof to the respective licensee or former licensee by depositing the same in the United States mail, certified and postage prepaid, in a cover addressed to the person on behalf of which the commissioner was so served. Such deposit shall be made within 10 days of such service on the commissioner and such service shall be complete as to such person at the end of 60 days after service on the commissioner.

Change in persons transacting insurance

1661. Whenever an organization licensed as an insurance agent or broker, desires to change, remove, or add to, the natural person or persons who are to transact insurance under authority of its license, it shall immediately file an application with the commissioner for an endorsement changing its license accordingly. The commissioner shall require that the qualifying examination provided by this code be taken by any natural person named by such organization to exercise its agency or brokerage powers who, if he were applying for an individual license, would be required to take and pass the qualifying examination. Such natural person or persons and such organization are in all other respects subject to the provisions of this chapter and the insurance laws.

Article 5. Bonds

Bond

1662. An applicant for a license as an insurance broker shall, as part of his application, file the bond as required by this article, and, if licensed, shall continuously maintain such bond in force.

Requirements

1663. Such bond shall be duly executed by an admitted surety insurer, shall be continuous in form, and shall be in favor of the people of the State of California.

Period of bond

1664. Such bond shall remain in force and effect until the surety is released from liability by the commissioner or until the bond is canceled by the surety. The surety may cancel the bond and be released of further liability thereunder by delivering 30 days' written notice to the commissioner. Such cancellation shall not affect any liability incurred or accrued thereunder prior to the termination of the 30-day period. Upon receipt of any notice of cancellation, the commissioner shall immediately notify the licensee.

1665. The bond of an insurance broker shall be in the amount of one thousand dollars ($1,000), and the total aggregate liability on such bond shall be limited to such amount. Such bond shall be contingent on the accounting by the broker to any person requesting the broker to obtain insurance, for moneys or premiums collected by the broker for insurance other than life. Amount

Article 6. License Qualifications

1666. Upon the filing of an application for a license in accordance with Article 4 of this chapter, the commissioner may make such investigation and require the filing of such supplementary documents, affidavits and statements as may be necessary to obtain a full disclosure of such information as will aid him in determining whether the prerequisites for the license have been met. If the applicant makes a showing satisfactory to the commissioner that he meets all such prerequisites, the commissioner, if the applicant be eligible therefor, may issue a certificate of convenience, and upon the applicant meeting any applicable examination requirements may issue a permanent license. Investigation

1667. Except as provided in Section 1669, a license shall not be denied without an opportunity to the applicant to be heard in support of his application. When a hearing is held, the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code. Hearing

1668. The commissioner may deny an application for any license issued pursuant to this chapter if: Denial of license. Causes

(a) The applicant is not properly qualified to perform the duties of a person holding the license applied for;

(b) The granting of the license will be against public interest;

(c) The applicant does not intend actively and in good faith to carry on as a business with the general public the transactions which would be permitted by the issuance of the license applied for;

(d) The applicant is not of good business reputation;

(e) The applicant is lacking in integrity;

(f) The applicant has been refused a professional, occupational or vocational license or had such a license suspended or revoked by any licensing authority for reasons that should preclude the granting of the license applied for;

(g) The applicant seeks the license for the purpose of avoiding or preventing the operation or enforcement of the insurance laws of this State;

(h) The applicant has knowingly or wilfully made a misstatement in an application to the commissioner for a license, or in a document filed in support of such an application, or has made a false statement in testimony given under oath before the commissioner or any other person acting in his stead;

(i) The applicant has previously engaged in a fraudulent practice or act or has conducted any business in a dishonest manner;

(j) The applicant has shown incompetency or untrustworthiness in the conduct of any business, or has by commission of a wrongful act or practice in the course of any business exposed the public or those dealing with him to the danger of loss;

(k) The applicant has knowingly misrepresented the terms or effect of an insurance policy or contract;

(*l*) The applicant has failed to perform a duty expressly enjoined upon him by a provision of this code or has committed an act expressly forbidden by such a provision;

(m) The applicant has been convicted of:

(1) A felony;

(2) A misdemeanor denounced by this code or other laws regulating insurance; or

(3) A public offense having as one of its necessary elements a fraudulent act or an act of dishonesty in acceptance, custody or payment of money or property;

(n) The applicant has aided or abetted any person in an act or omission which would constitute grounds for the suspension, revocation or refusal of a license or certificate issued under this code to the person aided or abetted;

(o) The applicant has permitted any person in his employ to violate any provision of this code; or

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

1669. The commissioner may, without hearing, deny an application if the applicant has:

(a) Committed a felony as shown by a final judgment of conviction thereof;

(b) Committed a misdemeanor denounced by this code or by other laws regulating insurance as shown by a final judgment of conviction thereof;

(c) Had a previous application for a license denied for cause within five years before the filing of the application to be acted upon; or

(d) Had a previously issued license suspended or revoked for cause within five years before the filing of the application to be acted upon.

Automatic denial of application

1670. If an applicant for any license under this chapter within six months from the date of the receipt by the commissioner of the application, whether or not the filing is complete, or within six months from the date of the issuance to him of a certificate of convenience, if any, whichever is the later date, neither fully qualifies for and receives such license on a permanent basis, nor is denied its issue, such application is automatically denied without prejudice to the filing of a new application for such license.

Conclusive presumption

1671. It shall be conclusively presumed that an applicant does not intend actively and in good faith to carry on the business of (1) a fire and casualty licensee if the license is sought primarily for the purpose of transacting personal or controlled insurance as defined in Section 760, or (2) a life licensee if the license is sought primarily for the purpose of transacting personal or controlled insurance as defined in Section 760.5.

Denial of organization's application

1672. The commissioner may deny an application filed by an organization, unless both the organization and all natural persons named thereon meet the qualifications for the license for which such application is filed, but the qualifying examination shall be administered only to natural persons. In case the application is for more than one natural person to be named thereon and at least one, but not all, of such persons satisfy the examination requirement, the commissioner may issue such license omitting therefrom the names of the person or persons who fail to satisfy the examination requirement.

Life insurer transacting disability insurance

1673. A person licensed as an insurance agent may be authorized to transact disability insurance on behalf of life insurers by the filing of an appointment by a life insurer for that purpose. The commissioner shall prescribe the forms of such appointments.

Article 7. License Qualification Examinations

Exemptions

1675. Except as provided in Section 1680, the following applicants who have theretofore been licensed under this code are exempt from the requirements of this article:

(a) An applicant for a license to act as an insurance broker who has been licensed as an insurance broker or surplus line broker during any part of the license year in which the application is filed or the immediately preceding license year;

(b) An applicant for a license to act as an insurance agent or insurance solicitor who has been licensed as an insurance broker, surplus line broker, insurance agent or insurance solicitor during any part of the license year in which the application is filed or the immediately preceding license year;

(c) An applicant for a license to act as a life only agent who has been licensed to transact life insurance during any part of the license year in which the application is filed or the immediately preceding license year;

(d) An applicant for a license to act as a life and disability agent who has been licensed to transact life insurance and all types of disability insurance during any part of the license year in which the application is filed or the immediately preceding license year;

(e) An applicant for a license to act as a disability only agent who has been licensed to transact all types of disability insurance during any part of the license year in which the application is filed or the immediately preceding license year;

(f) An applicant for a license to act as travel insurance agent;

(g) An applicant for a license who is the holder of a valid certificate entitling him to the license requested, issued pursuant to Sections 1714 or 1715;

(h) An applicant specifically exempted from the particular qualifying examination requirement by other provisions of this code.

Permanent license examination

1676. Except as set forth in Sections 1675 and 1679, the commissioner shall not issue a permanent license pursuant to this chapter to an applicant therefor until such applicant has taken and passed the qualifying examination for such license.

Examination requirements

1677. Every qualifying examination for a license under this chapter shall be in writing and shall be of sufficient scope to satisfy the commissioner that the applicant has sufficient knowledge of and is reasonably familiar with the insurance laws of this State and with the provisions, terms and conditions of the insurance which may be transacted pursuant to the license sought, and has a general and fair understanding of the obligations and duties of the holder of such license.

Time and place of examination

1678. The commissioner shall, at least once each month, give in each of the cities in which he has an office qualifying examinations under this chapter. He may give such examinations at more frequent intervals or in other places throughout the State.

Nonresident examination

1679. A nonresident applicant for a license shall be subject to the same qualifying examination as is required of a resident applicant. Such examination may be administered to an eligible nonresident applicant through the insurance authority of the state or province of Canada of his residence; provided, however, that the commissioner may, in his discretion, enter into a reciprocal arrangement with the officer having supervision of the insurance business in any other state or province of Canada whose qualification standards for the applicant to be examined are substantially the same as or in excess of those of this State, to accept, in lieu of the examination of an applicant residing therein, a certificate of such officer to the effect that the applicant is licensed in that state or province of Canada in a capacity similar to that for which a license is sought in this State and has complied with its qualification standards in respect to the following:

(a) Experience or training,

(b) Reasonable familiarity with the broad principles of insurance licensing and regulatory laws and with the provisions, terms and conditions of the insurance which the applicant proposes to transact, and

(c) A fair and general understanding of the obligations and duties of a holder of the license sought.

Exception

1680. If a nonresident secures a license without examination through the filing of a certificate described in Section 1679 and thereafter seeks a license as a resident, he must take and pass the qualifying examination for the license sought.

Failure of examination

1681. If an applicant fails the qualifying examination, he may, subject to the provisions of this article and such rules

and regulations as may be promulgated hereunder, retake such qualifying examination within the six months period prescribed in Section 1670 during which he must qualify for the license sought.

Rules

1682. The commissioner may, in accordance with the procedure set forth in Chapter 4 of Part I of Division 3 of Title 2 of the Government Code, promulgate rules setting reasonable time limits within which a person who has twice failed an examination or failed to fulfill examination requirements may not take further examinations.

Notice of examination

1683. At a reasonable time before an applicant is required to appear for a qualifying examination, the commissioner shall send him written notice thereof. Such notice shall set forth the time and place of such examination. The commissioner shall not send such notice to an applicant until he has paid the fee required for filing application to take or retake such examination. If an applicant fails to appear at the time and place set for the examination, he shall be deemed to have failed the examination. If the applicant fails the qualifying examination, the commissioner shall give him written notice thereof.

Applicant defined

1684. Except as otherwise provided in this article, whenever reference is made in this article to an applicant for a license, such reference includes each natural person who applies to be named on the license of an organization, and wherever reference is made to a person who has been licensed in a specified capacity, such reference shall also apply to a person named to act in such capacity under the license of an organization.

Article 8. Certificates of Convenience

Certificates of convenience

1685. The commissioner may issue to a person eligible therefor a certificate of convenience to act as:

(a) An insurance agent, insurance broker or life agent to administer the business of an insurance agent, insurance broker or life agent who has died or who has been declared incompetent by the judgment of a court of competent jurisdiction. Such certificate of convenience may be denominated an estate certificate of convenience;

(b) Any type of a licensee under this chapter or Chapters 6, 7 or 8 of this part or Part 5 of Division 2 of this code to conserve the business of a natural person who enters the military service of the United States or to conserve the business of an organization under the conditions specified in Section 1697. Such certificate of convenience may be denominated a military service certificate of convenience;

(c) An insurance agent;

(d) An insurance solicitor;

(e) A life and disability agent;

(f) A life only agent;

(g) A disability only agent.

Certificates of convenience issued pursuant to subsections (c), (d), (e), (f), and (g) hereof may be denominated certificates of convenience pending examination.

Estate certificate of convenience

1686. To be eligible for an estate certificate of convenience, a person must be:

(a) The executor or administrator of the estate of a deceased insurance agent, insurance broker or life agent; or

(b) If no executor or administrator has been appointed, the widow or heir otherwise entitled to conduct the business of such deceased insurance agent, insurance broker or life agent; or

(c) The guardian of the estate of an incompetent insurance agent, insurance broker or life agent.

Military service certificate of convenience

1687. Except as provided in Section 1637, to be eligible for a military service certificate of convenience, a person must be nominated therefor by the holder of a permanent license who, while the holder thereof, entered the military service of the United States. "Military service" and "persons in the military service" have the meanings ascribed to them by Section 101 of the Soldiers' and Sailors' Relief Act of 1940.

Requirements pending examination

1688. To be eligible for a certificate of convenience pending examination, a person must be an applicant for a permanent license, and any certificate of convenience issued shall only be to act in the capacity for which such license is sought.

Education requirement

1689. A natural person who is an applicant for a license as an insurance agent or solicitor is not eligible for a certificate of convenience pending examination if he has ever before been licensed or named on a license to act as an insurance agent, broker, or solicitor, nor unless at least one appointing insurer, or in the case of a solicitor the appointing agent or broker certifies to the commissioner that such person is enrolled in and will pursue a course of study and instruction previously approved by the commissioner and given by or on behalf of the appointing insurer, agent or broker.

Before approving any such course the commissioner shall be satisfied that it meets all the following requirements:

(a) That it covers the fundamentals of insurance, and instruction in those classes of insurance in which the applicant is going to be engaged.

(b) That it contains a system of progress checks whereby it can be determined whether the person is taking the course in good faith and obtaining information and training Such progress checks shall be in writing, be taken by the person himself, and kept on file in the State for a period of two years.

Same

1690. An applicant for a license to act as any type of life licensee is not eligible for a certificate of convenience pending examination if he has ever before been licensed to act as any type of life licensee, nor unless the appointing insurer certifies to the commissioner that such applicant is enrolled in and will pursue a course of study and instruction previously approved by the commissioner and given by or on behalf of such insurer.

Before approving such course of study and instruction, the commissioner shall be satisfied that it meets all of the following requirements:

(a) That it covers the fundamentals of the life and disability business, life business or disability business, as the case may be, and gives instruction designed to protect the insuring public.

(b) That it includes further instruction commensurate with the type of business in which the applicant is to engage.

(c) That it contains a system of written progress checks whereby it can be determined whether the applicant is taking the course and obtaining information or training. A record of such progress checks must be kept on file for a period of two years in this State.

Approval of instruction

1691. The approval of any such course of study and instruction specified in Sections 1689 and 1690 may be withdrawn by the commissioner if he finds after notice and hearing that:

(a) Such course as administered does not meet the requirements for its approval; or

(b) Such course is not then adequate to meet the requirements hereinabove set forth.

Withdrawal of approval

1692. Upon withdrawal of approval of such course given by or on behalf of an insurer, insurance agent or broker the commissioner shall forthwith call all holders of certificates of convenience who are appointees of such insurer, agent or broker for examination and shall not accept any certificates from such insurer, agent or broker as a basis for the further issuance of certificates of convenience until the course or courses have been revised to meet the requirements of Section 1689 or Section 1690 as applicable, and have been resubmitted to and reapproved by the commissioner.

A certificate of convenience shall not be revoked and a holder of such a certificate shall not be called for examination pursuant to this section without a hearing on notice to the holder. The proceedings shall be conducted in accordance with Chapter 5 of Part 1, Division 3, Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

Estate certificate expiration

1693. An estate certificate of convenience expires upon the happening of any of the following events, whichever occurs first:

(a) Upon the filing with the commissioner of a certified copy of an order appointing an executor or administrator, if such certificate of convenience has been issued to a person other than the person so appointed executor or administrator.

(b) Upon the filing with the commissioner of a certified copy of an order appointing a new guardian of the estate of an insurance agent, insurance broker or life agent who has been judicially declared incompetent.

(c) Upon the disposal of the business of the deceased or incompetent insurance agent, insurance broker or life agent.

(d) Upon the expiration of one year after the death of the deceased insurance agent, insurance broker or life agent; provided, however, that if during the said year the holder of such certificate of convenience files an application for a license to act as an insurance agent, insurance broker or life agent in his individual capacity, then such certificate of convenience may remain in force until the holder thereof has been given an opportunity to take the qualifying examination for such license.

(e) Upon the restoration to competency of the insurance agent, insurance broker or life agent.

Military service certificate termination

1694. A military service certificate of convenience shall terminate upon the relicensing of the nominating licensee, but in no event shall it remain in force beyond the period set forth in Section 1722.

Certificate pending examination

1695. A certificate of convenience pending examination to act as an insurance agent or solicitor expires at one of the following times, whichever occurs first:

(a) Two days after the mailing of notice of failure of the qualifying examination; or

(b) Six months after the issuance of the certificate of convenience.

Expiration of certificate pending examination

1696. A certificate of convenience pending examination to act as any type of a life licensee expires at one of the following times, whichever occurs first:

(a) Forty-five days after the failure of the qualifying examination; or

(b) Six months after the issuance of the certificate of convenience. If more than one certificate of convenience has been issued to a natural person, the expiration date of the first certificate issued shall be the termination date of all certificates of convenience issued to him.

Issuance of military service certificate to organization

1697. A military service certificate of convenience may be issued to an organization only under the following circumstances:

(a) Such organization is the holder of a permanent license, and

(b) The person entering the military service of the United States is the only natural person named on the fire and casualty license of such organization, or the only natural person jointly holding a license to act as a life agent with such organization.

Expiration

1698. The military service certificate of convenience referred to in Section 1697 expires at one of the following times, whichever occurs first:

(a) Upon the qualification of a natural person to be named on the permanent license of the organization; or

(b) Six months after the issuance of the certificate of convenience.

Right to permanent license

1699. If a person acting under a certificate of convenience pending examination passes the qualifying examination and is otherwise eligible for the permanent license applied for, such

permanent license may be issued to him; provided that, if he becomes entitled to such permanent license in a license period for which the application filing fee for license has not been paid, such permanent license shall not be issued to him until he pays the required fee. If he fails to pay such fee within 60 days after notice of his eligibility for such permanent license, his right thereto is forfeited. This section shall not operate to extend any certificate of convenience pending examination beyond six months after the issuance thereof.

Failure of examination

1700. If the holder of any certificate of convenience pending examination to act as an insurance agent or solicitor fails the qualifying examination by reason of his failure to appear for examination, the commissioner may require the cancellation of any or all contracts of insurance transacted by or through the holder of such certificate of convenience and may cancel the certificate of authority of any insurer which fails to comply with such order.

Holder of certificate

1701. The holder of a certificate of convenience may not transact insurance, nor participate directly or indirectly in any commissions paid thereunder or therefor covering himself or any person specified in Sections 760 or 760.5, except that the holder of a certificate of convenience to act in the following capacities may, if he receives no commissions thereon until after he has received his permanent license, transact personal insurance upon himself to the following extent:

(a) As a life and disability agent or life only agent, life insurance for a face amount of not exceeding five thousand dollars ($5,000);

(b) As a life and disability agent or disability only agent, disability insurance under which the largest specific indemnity is not more than ten thousand dollars ($10,000).

Article 9. Issuance of Licenses

Issuance of licenses

1702. All licenses issued pursuant to this chapter shall be issued to the holder thereof, except that:

(a) A license to act as an insurance solicitor shall be issued to his employing agent or broker; and

(b) A license to act as a life licensee shall be mailed or delivered to the appointing insurer.

Separate licenses

1703. An applicant for a license to act as a life and disability agent, or life only agent or disability only agent shall file a separate application for, and secure a separate license for each insurer for which he intends to act in such capacity.

Statement of insurer

1704. When an applicant for any of the licenses specified in Section 1703 is at the time of the filing of his application not licensed to act in any such capacity, he shall file with his application a statement by a duly authorized representative of the insurer which he seeks to represent, setting forth the following:

(a) The applicant is known to him.

(b) The applicant has had experience or instruction in the classes of insurance, the transaction of which is authorized by the license sought, or will be given the necessary instruction within 30 days after the issuance of such license.

(c) The nature of any business other than insurance in which the applicant is engaged and the name under which such business is conducted.

(d) The applicant is of good reputation.

(e) The applicant is worthy of a license.

Exception

1705. The provisions of Section 1704 do not apply to a holder of a license to act as a life agent who desires to transact for other insurers a class or classes of insurance which he is entitled to transact for an insurer under any existing life agent's license.

Such holder may secure such additional licenses by the filing of an application in the form of a certificate of appointment executed by such holder and by the insurer, jointly. Such certificate of appointment shall bear written evidence of acceptance of the appointment by the agent.

Notice of appointment

1706. Every applicant for a license to act as an insurance agent or as a travel insurance agent must file with the commissioner a notice of appointment executed by an insurer, or its authorized representative, admitted to transact one or more classes of insurance included within the scope of the license sought, appointing such applicant, upon licensing, its agent in this State. Additional notices of appointment may be filed by other insurers before such license is issued and thereafter as long as such license remains in force. Such appointment shall, by its terms, continue in force until:

(a) The termination of the license applied for; or

(b) The filing of a notice of termination by the insurer, its representative, or by such insurance agent or travel insurance agent.

Triplicate filing

1707. Each notice of appointment or notice of termination filed by an insurer pursuant to this article shall be filed in triplicate on forms prescribed by the commissioner. The commissioner shall retain one copy thereof in his files, forward one copy thereof to the insurance agent or travel insurance agent whose appointment is effected or terminated, and return one copy thereof to the insurer or insurer's representative filing either such notice.

Article 10. Termination of Licenses

Surrender of license by licensee

1708. A licensee may at any time surrender for cancellation any license under which he is permitted to act in any of the capacities specified in this chapter. If the license is in the possession of the licensee, surrender may be accomplished by the delivery of the document itself to the commissioner. If the license is in the possession of the insurer or the licensee's employer, the licensee may nevertheless make such surrender by written notice thereof delivered to the commissioner.

1709. A life or disability insurer may at any time surrender to the commissioner for cancellation any license under which any person may act as a life licensee on its behalf, and the employing insurance agent or broker may at any time surrender to the commissioner for cancellation any license under which any employee of his acts as an insurance solicitor. Surrender of license by insurer

1710. All licenses issued to natural persons terminate upon the death of such person. Termination upon death

1711. For the purposes of this chapter and except as provided in this article, an organization ceases to exist as an entity eligible to hold a license: Organization's termination

(a) Upon dissolution of a copartnership or upon any change in membership of a copartnership.

(b) Upon the termination of an association.

(c) Upon dissolution of a corporation.

Provided, however, should a change occur in the membership of a copartnership licensed under this chapter, the surviving or continuing copartnership may continue to transact insurance under the license issued to the predecessor copartnership until action is taken by the commissioner on the application herein prescribed if:

(1) The surviving or continuing copartnership immediately files an application on a form prescribed by the commissioner for registration of such change in membership, and pays the lawful fee therefor and, if licensed to transact as an insurance broker, furnishes the bond required under Article 5 of this chapter, and

(2) At least one person who exercised the agency or brokership powers of the predecessor copartnership continues to exercise the agency or brokership powers of the surviving or continuing copartnership, and

(3) Such application for registration be signed by a general partner.

1712 The termination of the existence of the license entity as provided in Section 1711, automatically terminates the right of that entity and of any persons named on its license to transact insurance thereunder; except that a natural person, copartnership, association, or corporation licensed under this article, may continue to transact insurance under an existing license in either a different capacity or as a different organization or entity if no additional license examination qualification is required and if no substantial change in ownership and no change in control of the licensed insurance business has taken place; provided, that immediately following such change the person or the successor copartnership, association or corporation files a properly completed and executed application in the form prescribed by the commissioner for an appropriate license and pays the lawful fees therefor. Automatic termination

Nothing herein shall be construed to nullify any provision of Section 1718 except that any fee paid as required by subdivision (a) of Section 1718 for a license not issued, or one-half of any double fee paid as required by subdivision (b) of

Section 1718 for a license not issued, may be applied towards the fee for filing an application under this section.

Return of license

1713 Upon the termination of all appointments of a natural person licensed as an insurance agent by insurers or upon the termination of the employment of an insurance solicitor by an insurance agent or insurance broker, or upon the termination of a license to act as a life agent, such license shall be returned by its lawful custodian to the commissioner for cancellation. If unable to return the license such custodian shall furnish evidence of loss or destruction satisfactory to the commissioner who shall thereupon cancel the license and shall enter the cancellation in his records.

Reacquisition of license

1714. If all appointments of a natural person licensed as an insurance agent by insurers are terminated or if the employment of an insurance solicitor is terminated, the licensee, upon request, is entitled to a certificate from the commissioner stating that a license will be issued to him upon the filing of a notice of appointment of agent or a statement of employment, as the case may be; provided, however, that such right to the reacquisition of a license must be renewed in the same manner and subject to the payment of the same fees as the license itself.

Same

1715. If all of any type of licenses to act as a life agent which a natural person holds are terminated, such licensee, upon request, is entitled to a certificate from the commissioner stating that a license to act as a life agent of the same type so terminated for which he is exempt from examination under subdivisions (c), (d) and (e) of Section 1675 will be issued to him upon the filing of an application with filing fee and a notice of appointment by an insurer; provided, however, that such right to the reacquisition of a license must be renewed in the same manner and subject to the payment of the same fees as the license itself.

Article 11. License Terms

Scope of article

1716. The provisions of this article shall not apply to any certificate of convenience other than a military service certificate of convenience issued to a natural person.

Term of licenses

1717. Except as provided in Sections 1720 and 1721 all licenses issued under this chapter shall be for a license term of two years. Such licenses may be issued for all of such two-year term, or, upon application made during any such term, for the balance thereof. Such license term shall commence as follows:

(a) For persons licensed to act as life licensees, on the first day of July of each odd-numbered year;

(b) For persons licensed to act as fire and casualty licensees, on the first day of July of each even-numbered year.

Application for renewal

1718. (a) Application for renewal of a license may be filed on or before April 15th prior to the termination of the license year or term upon payment of the fee for filing specified in Section 1750.

(b) Such application for renewal of a license may be filed between April 15th and July 1st of such year upon payment of a fee two times that specified in Section 1750 for such filing.

(c) Upon failure to file application as provided in either (a) or (b) hereof, the license shall expire on July 1st of the applicable year, but the holder may file an application for a new license. Until June 30th of the next succeeding year, the fee shall be two times that specified in Section 1750 for such filing. The commissioner shall mail notice of such expiration not later than June 20th of the applicable year to:

(1) The licensee.

(2) The employing insurance agent or broker, if any. Failure to mail such notice shall not continue the right to a license.

(d) The commissioner shall maintain for a reasonable time readily available for inspection of appointing insurers the names and addresses of the insurance agents and life agents to whom notices of expiration of license were mailed pursuant to subsection (c) hereof or may in lieu thereof prepare and mail to all insurers making request for the same a listing of such names and addresses.

Less than one-year term

1719. The commissioner shall not issue any permanent license with a period of less than one year to any person between said April 1st and the succeeding July 1st unless such person shall have also filed an application for renewal of the license for that license year or term directly following such July 1st to which such application for renewal relates and shall have paid the fee for filing specified in Section 1750. As to the filing of such renewal application, the provisions of Section 1718 shall not be applicable.

Fire and casualty licensee

1720. Any individual applicant for license to act as a fire and casualty licensee who has not held or been named on any license to act as a fire and casualty licensee issued pursuant to this chapter during any portion of the period preceding his application for such license consisting of the five license years ending with the preceding July 1st plus the fractional license year, if any, may, at his option, apply for a license for the license year or term ending with the next June 30th, subject to the provisions of Section 1719. If such June 30th is in an odd-numbered year, application for renewal of such license either under Section 1718 or Section 1719 shall be only for the term ending on the following June 30th, at the appropriate fee for such shorter period.

Life licensee

1721. Any application for license to act as a life licensee for the purpose of representing an insurer for whom the applicant has held no license, issued pursuant to this chapter, during any portion of the preceding or the current two-year license term provided for in Section 1717, may, at the option of the applicant, be for a license year or term ending with the next June 30th. The provisions of Section 1719 shall not apply to such a license, unless such applicant so elects. The fee for filing such an application shall be the amount specified for one

license year. Except as hereinafter limited, an application for renewal of such a license may, at the election of the licensee, be for periods of one license year ending with June 30th, at the appropriate fee for such shorter periods. If such license be first issued in a license year which commenced with the July 1st of an even-numbered year, two such renewals for a period of one license year may be made, otherwise only one such renewal may be made.

Waiver of application

1722. If a natural person while licensed pursuant to the provisions of this chapter enters the military service of the United States and is in such service at a time prescribed for the filing of a renewal application, the filing of such application is waived, and the license held by such licensee at the time of his entry into military service shall remain in force during the period of such military service and until the end of the license year in which he is released from such service but not for less than six months after such release. During such period such person may secure a license of the type held by him on his entry into military service upon the filing of an application and paying the fee therefor without the necessity of taking any examination or paying any penalty.

1723. If a natural person named on the license of an organization, issued pursuant to the provisions of this chapter, enters the military service of the United States and while in such service his name is deleted from such license, the right of such person to a license to act in the capacity for which he was named on such license shall continue for the period set forth in Section 1722.

Article 12. Conduct of Licensee

Certificate of convenience

1724. Except as provided in Section 1703, the holder of a certificate of convenience pending examination, and, in the case of an organization, any person named on its certificate of convenience, may not transact personal or controlled insurance as the same is defined in Insurance Code Sections 760 and 760.5, whichever is applicable, nor receive commissions thereon.

License display. Agent or broker

1725. Every license to act as an insurance agent or broker shall be prominently displayed by the holder thereof in his office.

Same: Solicitor

1726. Every license to act as an insurance solicitor shall be prominently displayed by the employing insurance agent or broker in the office from which the insurance solicitor conducts his business.

Records

1727. Every insurance agent or broker shall keep complete records of all insurance transacted by him and of the collection of all premiums and of the names of all persons from whom business is accepted or to whom commissions are promised or paid.

Such records shall be open to inspection or examination of the commissioner at all times and the commissioner may at any

time require such licensee to furnish him, in such manner or form as he requires, any information kept or required to be kept in such records.

Office

1728. Every resident insurance agent or broker shall maintain an office in this State for the transaction of business. The address of such office shall, pursuant to Section 1658, be specified on all applications for license and renewal applications. The records referred to in Section 1727 shall be kept at such address.

Change in address

1729. Every licensee and every applicant for a license shall immediately notify the commissioner in writing of any change in his address as given to the commissioner pursuant to Sections 1658 and 1728.

Unauthorized transactions

1730. A licensee shall not misrepresent the type of license under which he is transacting insurance, nor shall he engage in transactions not authorized by the licenses held by him.

Presumption of agent capacity

1731. If a person be licensed to act as an insurance broker and as an insurance agent, he shall be deemed to be acting as an insurance agent in the transaction of insurance placed with those insurers for whom a notice of appointment has been filed with the Insurance Commissioner in accordance with Section 1706 and is then in force.

Broker acting as agent

1732. A person licensed as an insurance broker may act as an insurance agent in collecting and transmitting premium or return premium funds and delivering policies and other documents evidencing insurance without being licensed as an insurance agent.

Fiduciary capacity

1733. All funds received by any person acting as an insurance agent, broker or solicitor, life agent, life analyst, surplus line broker, special lines surplus line broker, motor club agent, or bail agent or solicitor, as premium or return premium on or under any policy of insurance or undertaking of bail, are received and held by such person in his fiduciary capacity. Any such person who diverts or appropriates such fiduciary funds to his own use is guilty of theft and punishable for theft as provided by law.

Fiduciary funds

1734. This section applies to any person licensed, whether under a permanent license, restricted license, temporary license, or certificate of convenience, to act in any of the capacities specified in Section 1733. If fiduciary funds, as defined in Section 1733 and held for one or more principals, are maintained in accordance with subsection (b) hereof, such funds for other principals may be held and remitted in accordance with subsection (a) hereof. Otherwise each such person who does not make immediate remittance of all funds received as premium to the insurer entitled thereto must elect and follow with respect to such funds, one of the following methods:

(a) Remit premiums, less commissions, and return premiums received or held by him to the insurer or the person entitled thereto within fifteen (15) days after the receipt thereof; or

(b) Maintain such fiduciary funds at all times in a bank account or depository separate from any other account or depository, in an amount at least equal to the premiums and return premiums, net of commissions, received by him and unpaid to the persons entitled thereto or, at their direction or pursuant to written contract, for the account of such persons. However, such person may commingle with such fiduciary funds in such account or depository such additional funds as he may deem prudent for the purpose of advancing premiums, establishing reserves for the paying of return commissions or for such contingencies as may arise in his business of receiving and transmitting premium or return premium funds. Further, such person may commingle the funds of any principal with his own funds to an unlimited extent, if such principal in writing specifically waives the segregation requirements of this section. Commingling of funds as herein permitted shall not alter the fiduciary nature of such premium or return premium funds.

Managing general agent

1735. As used in this section a managing general agent is a licensed insurance agent who, (1) has a written management contract with one or more admitted insurers covering business transacted by the insurer in a substantial portion of the State of California; (2) under such contract manages the transaction of either all or one or more of the classes of insurance written by such insurers in that territory or the transactions therein by such insurers under a specified fictitious underwriter's name; (3) has the power to appoint, supervise and terminate this appointment of local agents in such territory; (4) has the power to accept or decline risks; and (5) collects premium moneys from producing agents and brokers and remits such moneys to such insurers pursuant to the account current system.

Any such managing general agent may, with respect to any principals for whom fiduciary funds are held, either comply with Section 1734 or with respect to such principals as have in writing specifically waived the segregation requirements of said section, comply with this section. A managing general agent electing to comply with this section may commingle the funds of any such principal with his own funds to an unlimited extent and shall maintain such fiduciary funds held for such principals at all times in a bank account or depository in an amount equal to the net aggregate for all such principals of the premiums and return premiums, net of commissions, received by him and unpaid to the persons entitled thereto or, at their direction or pursuant to written contract, for the account of such persons In computing such net aggregate any balance owed to such managing general agent by any principal may be deducted only if (1) such balance will, in the normal course of business and pursuant to written contract, be paid or allowed to such managing general agent by such principal and (2) such principal is not in liquidation or conservation in

any jurisdiction and is not the subject of voluntary or involuntary receivership proceedings.

Conduct prescribed

1736. If any acts are forbidden or conduct prescribed by any provisions of this code, such acts shall not be performed and such conduct shall be followed by both the organization and by any person named to exercise the power and perform the duties under any license issued to such organization.

Article 13. Disciplinary Actions

Purpose

1737. The purpose of this chapter is to protect the public by requiring and maintaining professional standards of conduct on the part of all persons licensed hereunder.

Grounds of suspension or revocation

1738. The commissioner may suspend or revoke any permanent license issued pursuant to this chapter on any of the grounds set forth in Article 6 hereof on which he may deny an application. Whenever in such grounds the word "applicant" is used, such word shall for the application of this section be the words "the holder of a permanent license." A suspension or revocation based upon a ground set forth in Section 1669 may be without notice or hearing. Suspension or revocation of any permanent license, except a restricted license, on a ground other than that set forth in Section 1669 shall be after notice and hearing conducted in accordance with Chapter 5, Part 1, Division 3, Title 2 of the Government Code, and the commissioner has all of the powers granted therein.

Same, organization

1739. Where a permanent license is held by an organization both the organization itself and any natural persons named thereon shall, for the purposes of this article, be deemed to be the holders thereof. If such natural person commits any act or fails to perform any duty which is a ground for suspension or revocation of the license held by the organization, such action may be taken against the organization. If any natural person named under an organization license commits any act or fails to perform any duty which is a ground for the suspension or revocation of any license held by such organization, the commissioner may suspend or revoke the license of the organization, the right of the natural person to act thereunder, any other license held by the natural person, or his right to act under any other license, or may take all such steps.

Findings

1740. The certificate of the commissioner certifying any facts found after a hearing held under this chapter shall be prima facie evidence of the facts set forth therein.

Hearing and proof of qualifications

1741. If the commissioner finds, after a hearing, that there be grounds for the denial of an application for a license to act in any capacity set forth in Article 1 of this chapter or if he finds, after a hearing, that any licensee has violated the provisions of this code and that such violation would justify the suspension or revocation of any license held by such person, the commissioner may order him to prove his qualifications by taking and passing the qualifying examination for any such license held or applied for. The commissioner shall set the

time for the taking of such examination. Failure thereof by any licensee shall result in the termination of all licenses of such licensee to which the examination is applicable. An order to take such examination may be in lieu of any other action in respect to the application or the license, or, except in the case of revocation, may be in addition to any other action.

Restricted license

1742. Where a person who is or has been licensed under this chapter has been found by the commissioner to have violated any provision of this code which would justify the suspension or revocation of a license held, or where a person is applying for a license under this chapter and there exists grounds for the denial by the commissioner of his application, the commissioner may, after hearing, revoke the license held or deny the application for an unrestricted license, and in lieu thereof issue to such a person a restricted license. The commissioner may impose any reasonable conditions upon the acquisition of such restricted license or the conduct of the holder thereof. The holder of the restricted license has no property right therein and the commissioner may, with or without either hearing or cause, suspend or revoke a restricted license. If a hearing is held under this section, it shall be conducted in accordance with Chapter 5, Part 1, Division 3, Title 2 of the Government Code. The holder of a restricted license is subject to all the provisions of this code and such license shall be kept in force and renewed in the same manner, at the same time, and subject to the same conditions and fees as are applicable to an unrestricted license to act in the same capacity.

Disciplinary action

1743. The lapse or suspension of any license by operation of law, by failure to renew or by its voluntary surrender shall not deprive the commissioner of jurisdiction or right to institute or proceed with any disciplinary proceeding against such license, to render a decision suspending or revoking such license or to establish and make a record of the facts of any violation of law for any lawful purpose. No such disciplinary proceeding shall be instituted against any license after the expiration of five years from the termination of such license.

Filing of statement of issues

1744. The filing of a statement of issues pursuant to Chapter 5, Part 1, Division 3, Title 2 of the Government Code specifying grounds for denial of an application for a license to act in any capacity under this chapter shall automatically suspend any certificate of convenience issued with respect to any such application until the decision and order in the matter of such statement of issues becomes final, and if the order in such matter is for the denial of the application for any such license, the certificate of convenience with respect thereto shall automatically terminate on the effective date of such denial.

Minor offenses

1745. The following acts and omissions may be considered by the commissioner to be minor offenses if committed by a licensee described in Section 1746 and the commissioner may, in lieu of notice and hearing referred to in Section

1738, take disciplinary proceedings and action as set forth in Section 1746:

(a) A first violation of Sections 760 or 760.5.

(b) A first failure to keep or maintain the books and records required under Section 1727.

Same Reprimand or suspension

1746. If the commissioner has been informed and believes that a licensed insurance agent, broker or solicitor or life agent has committed any of the offenses referred to in Section 1745, and if the last application to renew such license states with respect to a fire and casualty licensee that the total premium on all insurance transacted other than life during the previous calendar year does not exceed five thousand dollars ($5,000) or with respect to a life licensee that the total commissions received on life insurance transacted during the prior license year does not exceed one thousand dollars ($1,000), the commissioner may, without prior notice or hearing, mail to such licensee at his last address filed with the commissioner an order reprimanding such licensee or suspending the license of such licensee for a period not in excess of ten (10) days. Such order shall specify the statute violated and the time of the violation; and shall further state that such order shall become effective commencing at a date specified therein not less than fifteen (15) days from the date of mailing, unless such licensee, prior to the effective date, advises the commissioner in writing that formal notice and hearing are requested, in which case such order shall become void and of no effect, and the commissioner may initiate proceedings pursuant to Chapter 5, Part 1, Division 3, Title 2 of the Government Code.

Records

1747. Whenever the commissioner may determine or have good cause to believe that any insurance agent or broker has failed to keep or maintain the records required by Section 1727 of this code, in connection with or in lieu of any other disciplinary action against the license of such licensee, the commissioner may issue his order requiring such licensee to establish and currently complete such records within sixty (60) days from the date of such order. When such order is given in lieu of other disciplinary action, notice of such order may be given by certified mail addressed to the office of such licensee. Failure of such licensee to comply with such order within the time specified therein shall be grounds for the suspension or revocation of the license or licenses of such licensee, and the proceeding shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

Article 14. Fees

Application fees

1750. The commissioner shall require in advance as a fee for filing application for the hereinafter designated licenses, renewals thereof, or changes in outstanding licenses, an amount calculated as set forth herein. The fee is determined by multiplying the number of natural persons to be licensed or to be named on or added to the license by the amounts specified as to

each such license multiplied by the number of license years in the period of the license applied for or the remaining period of an existing license counting any initial fractional license year of such period as one year for such purpose, as follows:

(a) Insurance agent, four dollars ($4).

(b) Insurance broker, ten dollars ($10).

(c) Insurance solicitor, four dollars ($4).

(d) Life agent, resident, two dollars ($2).

(e) Life agent, nonresident:

(1) In the case of an applicant residing within 50 miles of the border of the State of California whose normal operations would include the transaction of insurance on both sides of that border, two dollars ($2).

(2) In all other cases, ten dollars ($10).

Filing fees

1751. The commissioner shall require in advance as a fee for filing the following documents:

(a) Application for registration of change in membership of a copartnership licensed as:

(1) Insurance agent, four dollars ($4).

(2) Insurance broker, ten dollars ($10).

(3) Life agent, resident, two dollars ($2) for each insurer.

(4) Life agent, nonresident:

(a.1) In the case of a licensee maintaining an office within 50 miles of the border of the State of California whose normal operation would include the transaction of insurance on both sides of that border, two dollars ($2) for each insurer.

(a.2) In all other cases, ten dollars ($10) for each insurer.

(b) Application for endorsement removing from any insurance agent's or insurance broker's license issued to an organization the name of any natural person named thereon, one dollar ($1).

(c) First amendment to an application, one dollar ($1).

(d) Application to be given the qualifying examination for a license of a fire and casualty licensee, five dollars ($5) for each person to be examined.

(e) Application to be given the qualifying examination for a license of a life licensee, three dollars ($3) for each person to be examined.

Article 15. Travel Insurance Agents

Travel insurance agents: License

1752. Limited licenses as travel insurance agents may be issued to employees of railroad, steamship, airline, and other organizations engaged in transporting persons as common carriers and to individuals or employees of persons engaged in selling transportation on such common carriers.

Sale of insurance

1753. Travel insurance agents are restricted to the sale of insurance to persons entitled by ticket or otherwise to transportation on a common carrier, as follows:

(a) Transportation ticket policies in the form prescribed by Chapter 4, Part 2, Division 2, of this code.

(b) Baggage insurance on the personal effects of such persons while in transit or while in any hotel or other building en route during any journey.

Filing of employer's authorization

1754. Before receiving a limited license as travel insurance agent, an employee-applicant shall file with the commissioner a document executed by his employer authorizing the employee to act as travel insurance agent when licensed. Upon termination of the employment, the employer shall notify the commissioner and the licensee shall return the license to the commissioner for cancellation or shall furnish proof of loss satisfactory to the commissioner. Upon receiving notice of termination of employment, the commissioner shall cancel the license.

Application and renewal

1755. Such license shall be applied for and renewed in the same manner as is provided in this chapter for a license to act as an insurance agent, except that an applicant for a limited license as a travel insurance agent need not pass a qualifying examination, and that the fee for filing an application shall be two dollars ($2) for each year or fraction thereof in the term of the license applied for.

Appointment and termination of agent

1756. The provisions of this chapter relating to the appointment and termination of an insurance agent by an insurer or its authorized representative are applicable to licenses issued pursuant to this article.

Rules and regulations

1757. The commissioner may make reasonable rules and regulations necessary for the convenient administration of the provisions of this code respecting the licensing and renewal of licenses of travel insurance agents.

SEC. 3. Chapter 8 (commencing at Section 1831) is added to Part 2, Division 1 of the Insurance Code, to read:

CHAPTER 8. LIFE INSURANCE ANALYSTS

Exemptions

1831. The following persons are exempt from this article:

(a) Active members of the State Bar of California.

(b) Licensed life agents, while lawfully acting for a life insurer as its agent.

(c) Any person who has passed all of the qualifying examinations necessary to become an associate of the Society of Actuaries.

(d) An officer or employee of any bank or trust company who receives no compensation from sources other than the bank or trust company for activities connected with his employment which would otherwise subject him to this article.

(e) Any person employed by an employer who on behalf of his employer or any employee of his employer transacts life insurance with, but not on behalf of, an insurer; or,

Advises his employer or any employee of his employer in any manner concerning life insurance; if;

(1) The employer receives no compensation by reason of such transactions or advice; and

(2) Such person receives no compensation from any source other than his employer for such transactions and advice.

License as life insurance analyst

1832. An employee or officer of any insurer or a person licensed under Articles 1 or 2 of this chapter is not eligible for license as a life insurance analyst. A life insurer shall not pay a life insurance analyst any commission directly or indirectly, on any life insurance transacted by a life insurance analyst.

Residence and age requirement

1833. A license to act as life insurance analyst shall not be issued to any person not residing in this State, nor to any person who is under 21 years of age at the time of application.

Application

1834. Such license shall be obtained only on a written application on a form prescribed by the commissioner. The commissioner may decline to act upon an incomplete or defective application until amendments or an amended application are filed with him which complete the prescribed form and are properly executed. He may prescribe the form of such amendments or amended application.

Interrogatories

1835. The applicant shall answer under oath such interrogatories as the commissioner himself or through his deputies propounds on forms prepared by the commissioner.

Requirements prior to issuance

1836 A license shall not be issued until the commissioner has satisfied himself upon evidence presented and recorded as to the integrity of the applicant and that the applicant:

(a) Is of good business reputation and of good general reputation.

(b) Has a thorough knowledge of life insurance.

(c) Has not participated in or been connected with any business transaction which, in the opinion of the commissioner, tends to show unfitness to act in a fiduciary capacity or to maintain the standards of fairness and honesty required of a trustee or other fiduciary.

(d) Has not wilfully misstated any material fact in an application to the commissioner for a license or in a document filed in support of such an application, and has not obtained his license by concealment or knowing misrepresentation.

(e) Is a fit and proper person to hold the license applied for.

(f) Does not seek the license for the purpose of avoiding or preventing the operation or enforcement of the insurance laws of this State.

(g) Has within six months preceding issuance of the license taken and passed the qualification examination provided in this article.

(h) Has filed the bond required by this article.

Refusal to issue

1887. The commissioner may decline to issue a license if an applicant:

(a) Has been refused a license or had a license revoked by any public authority for reasons which indicated lack of honesty or integrity or which showed improper business practice on the part of the applicant.

(b) Has been convicted of a misdemeanor or felony denounced by this code or one of the elements of which involved the misappropriation of money or property.

(c) Has committed an act forbidden by this code.

Hearing

1838. A license shall not be refused by the commissioner on the basis of Section 1836, excepting subdivisions (g) and (h), without hearing on notice to the applicant held within 60 days after his application is filed in proper form. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

Written examination

1839. The commissioner shall conduct or arrange for a written examination, to be given at least twice a year upon questions prepared by the commissioner, as to the qualifications of the applicant to act as life insurance analyst.

Scope of examination

1840. The examination shall be of sufficient scope to satisfy the commissioner that the applicant has sufficient knowledge of and is thoroughly familiar with the life and/or disability insurance laws of this State, and the provisions, terms, and conditions of life insurance contracts written on residents of this State, and has a thorough and complete knowledge of life insurance.

Bond

1841. Every applicant for a license to act as a life insurance analyst shall file with his application or maintain in effect a satisfactory bond to the people of the State of California, duly executed by an admitted surety insurer, approved by the commissioner, in the amount of two thousand dollars ($2,000). Such bond shall be continuous in form and the total aggregate liability on such bond shall be limited to the amount of the penalty of the bond.

The bond shall indemnify any person who may be damaged by any fraudulent act or conduct of the licensee in connection with his activities as a life insurance analyst and shall be conditioned upon the faithful accounting and application of all moneys coming into his possession in connection with his activities as a life insurance analyst

The bond shall remain in force and effect until the surety is released from liability by the commissioner, or until the bond is canceled by the surety. The surety may cancel the bond and be relieved of further liability thereunder by delivering 30 days' written notice to the commissioner. Such cancellation shall not affect any liability incurred or accrued thereunder prior to the termination of the 30-day period. The right of the licensee to act under his license terminates on cancellation of the bond and may be revived only by the furnishing of another bond during the license period in which cancellation occurred.

Applicability of Chapter 5

1842. The provisions of Chapter 5 of this part concerning the license period and the procedure and time for filing applications for renewal of licenses and for filing annual notices of intention to keep licenses in force applicable to life agents are applicable to licenses authorized by this chapter except

that participation in such applications or notices by an admitted insurer is not required. The fee for filing an application for the issuance or renewal of a license to act as a life insurance analyst or an annual notice of intention to keep such a license in force is ten dollars ($10). As respects life insurance analysts all references in Section 1718 to fees shall be deemed to be to the fee herein specified. The fee for filing application to take the qualifying examination for life insurance analyst is twenty-five dollars ($25) and the fee for filing the first application to take the qualifying examination must be paid at the same time the application for issuance of the license is paid.

Licensees and applicants

1843. The provisions of Sections 780, 781, 782 and 784 and Article 13 of Chapter 5 of this part are applicable to licensees and applicants for license under this article.

Penalties

1844. Any person who acts, offers to act, or assumes to act, as a life insurance analyst when not licensed by the commissioner as provided by this article, or after such license granted to him has been suspended or revoked, unless proceedings are pending in the courts to review the act of the commissioner, is guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars ($1,000) or by imprisonment for not more than one year or by both such fine and imprisonment.

Public nuisance

1845. Any person who acts, offers to act or assumes to act as a life insurance analyst in violation of Section 1844 is guilty of a public nuisance and may be enjoined from so doing pursuant to Section 12928.6.

Change of address

1846. A licensee or applicant for a license under this article shall notify the commissioner, in writing, of any changes in the address from which he intends to conduct his business.

SEC. 4. Section 383.5 of the Insurance Code is amended to read:

"Document"

383.5. "Document," as used in this section, means a policy or a certificate evidencing insurance under a master policy. Such policy or certificate shall conform to Section 381 and shall segregate the premiums charged for each risk insured against. Such a certificate, in lieu of specifying the risks insured against, may designate them by name or by description

"Owner"

"Owner" as used in this section means any person who is named as an insured in such contract of insurance or document, or in a loss payable clause therein, and, whether or not he is named therein, the vendee, pledgor, or chattel mortgagor of a motor vehicle where insurance contracts subject to this section are procured with respect to the motor vehicle by or on behalf of either party to the purchase, pledge, or mortgage.

Contract of insurance

Every contract of insurance against hazards incident to ownership, maintenance, operation and use of motor vehicles shall be embodied in a document.

The original or true copy of such document shall be delivered to each owner. Where it is executed by an insurer, the insurer shall deliver the original or a true copy:

(a) To the agent or broker who negotiated the insurance, for delivery to each owner of the motor vehicle, or

(b) To each owner of the motor vehicle.

Any owner whose interest in the insured vehicle is for security purposes only may by written notice to the insurer waive delivery of such policy and in lieu thereof there shall be delivered to such owner a written certificate of insurance setting forth in brief form the matters specified in Section 381.

The agent or broker receiving such original or copy shall deliver one to each owner. Where coverage subject to this section is evidenced by a document executed by an agent licensed under Chapter 5, Part 2, of this division, and not by an insurer, the agent and not the insurer is responsible for delivery of the original or a true copy to each owner.

The licenses of any agent or broker found by the commissioner after hearing to have violated this section may be suspended or revoked in accordance with the procedure provided in Article 13 of Chapter 5, Part 2, of this division, or the certificate of authority of any insurer found by the commissioner after hearing to have violated this section may be suspended or revoked in accordance with the procedure provided in Section 704.

Purpose

The purpose of this section is to prevent fraud or mistake in connection with the transaction of insurance covering motor vehicles and in furtherance of that purpose the commissioner may make reasonable rules and regulations therefor. Such rules and regulations shall be adopted, amended or repealed in accordance with the procedure provided in Chapter 4, Part 1, Division 3, Title 2 of the Government Code.

SEC. 5. Section 766 of the Insurance Code is amended to read:

Violations

766. If an insurance agent, broker, or solicitor knowingly and wilfully violates any of the provisions of this article, the commissioner, after a hearing in accordance with the procedure provided in Article 13 of Chapter 5 of this part may suspend or revoke the violator's license.

SEC. 6. Section 773 of the Insurance Code is amended to read:

Suspension or revocation of license

773. The commissioner may suspend or revoke any license held by any person who violates Section 770, pursuant to Article 13 of Chapter 5 of this part.

SEC. 7. Section 783 of the Insurance Code is amended to read:

Hearing

783. Whenever any insurance agent, broker, or solicitor knowingly violates any provisions of Sections 780 or 781, the commissioner, after a hearing in accordance with the procedure provided in Article 13 of Chapter 5 of this part, may suspend the license of any such person for not exceeding three years.

SEC. 8. Section 1760.5 of the Insurance Code is amended to read:

Exceptions

1760.5. The provisions of this chapter limiting the insurance which may be placed with nonadmitted insurers and requiring any report thereof shall not apply to:

(a) Reinsurance of the liability of an admitted insurer.

(b) Insurance against perils of navigation, transit or transportation upon hulls, freights or disbursements, or other shipowner interests; upon goods, wares, merchandise and all other personal property and interests therein, in course of exportation from or importation into any country, or transportation coastwise, including transportation by land or water from point of origin to final destination and including war risks; and marine builder's risks, drydocks and marine railways, including insurance of ship repairer's liability, and protection and indemnity insurance, but excluding insurance covering bridges or tunnels.

(c) Aircraft insurance.

(d) Insurance on property or operations of railroads engaged in interstate commerce.

The insurance specified in the foregoing paragraphs (b), (c), and (d), may be placed with a nonadmitted insurer only by and through a special lines' surplus line broker. The license of a special lines' surplus line broker shall be applied for and procured and shall be subject to the same fees for filing on issuance in the same manner as the license of a surplus line broker, except that in lieu of the bond required by subdivision (b) of Section 1765, there shall be delivered to the commissioner a bond in the form, amounts, and conditions specified in Section 1644 of this code and only one fee shall be collected from one person for both licenses. Such licensee in respect to such business shall be subject to all the provisions of this chapter except Sections 1761, 1763 and 1775.5.

The commissioner may, in respect to business written or placed under the provisions of this section, require such information and reports thereof as he considers necessary, convenient or advisable for tax or statistical purposes.

Each placing of insurance in violation of this chapter is a misdemeanor.

The commissioner may revoke, suspend or deny any license granted pursuant to this code in accordance with the procedure provided in Article 13 of Chapter 5 of this part, or any certificate of authority granted pursuant to this code in accordance with the procedure provided in Section 704 whenever he finds that the licensee or holder of the certificate has committed a violation of this section.

The premium for insurance placed by or through a special lines' surplus line broker pursuant to this section shall not be subject to the tax imposed upon such broker based upon gross premiums paid for insurance placed under authority conferred by his license.

SEC 9. Section 1765 of the Insurance Code is amended to read:

1765. Upon application in such form as the commissioner prescribes and subject to the provisions of Sections 1666, 1667 and 1668 of this code, the commissioner shall issue a license authorizing any applicant that is trustworthy and competent to transact an insurance brokerage business in such manner as to safeguard the interest of the insured, to act as a surplus line broker from the date of such license until the first day of July succeeding, on the delivery to the commissioner of a bond to the State of California in the sum of five thousand dollars ($5,000) with an admitted surety insurer conditioned that said licensee will fully and faithfully comply with the requirements of this chapter.

License to transact insurance brokerage business

The commissioner shall charge and collect in advance a fee of fifty dollars ($50) for filing each application for license to act as a surplus line broker.

SEC. 10. Section 1776 of the Insurance Code is amended to read:

1776. Any surplus line broker who wilfully fails or refuses to report to the commissioner any insurance on subject matter located within this State placed under his name with nonadmitted insurers, or who, by wilful omission from the records required to be maintained by him for such purpose, attempts to evade the payment of taxes on any such insurance, is, in addition to being required to pay the tax, together with a penalty equal in amount to the tax, guilty of a misdemeanor.

Surplus line brokers' Violations

It is a misdemeanor for any surplus line broker or special lines' surplus line broker to accept or pay directly or indirectly any consideration or remuneration for or in connection with the placing of insurance which, if done by a person within this State, is governed by the provisions of this chapter, when such placing was not done by a person licensed therefor pursuant to this chapter.

It is a misdemeanor for any agent or broker to solicit, negotiate or effect any insurance governed by the provisions of this chapter in nonadmitted insurers, except by and through a surplus line broker or special lines' surplus line broker licensed pursuant to this chapter. Except in the case of insurance specified in paragraph (b) of Section 1760.5, it is a misdemeanor for any surplus line broker or special lines' surplus line broker to accept, place, pay, or permit the payment of commission or other remuneration on insurance placed by him under authority of his license to any person other than one holding a license to act as an insurance agent, insurance broker, surplus line broker, or special lines' surplus line broker, except that such business may be accepted by such surplus line broker or special lines' surplus line broker directly from an assured or other person who would likewise be entitled to place the same directly with an admitted insurer without the solicitation, negotiation or effecting thereof by an insurance agent or broker.

The Commissioner may deny, suspend or revoke any license issued pursuant to this code if he finds after notice and hear-

ing in accordance with the procedure provided in Article 13 of Chapter 5 of this part that the licensee has violated any provisions of this section.

The permission granted in this chapter to place any insurance in a nonadmitted insurer shall not be deemed or construed to authorize any such insurer to do business in this State.

SEC. 11. Section 1813 of the Insurance Code is amended to read:

Suspension, etc., of license

1813. The commissioner, after notice and hearing, in accordance with the procedure provided in Article 13 of Chapter 5 of this part may suspend, revoke, or deny any license or certificate of authority issued pursuant to any provision of this code whenever he finds that the holder thereof has violated any provisions of this chapter.

SEC. 12. Section 1821 of the Insurance Code is amended to read:

Procedure

1821. A license shall not be refused by the commissioner without proceedings in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, being initiated within 60 days from the date of filing the complete application.

The provisions of Sections 1733, 1734, 1735 and Article 13 of Chapter 5 of this part are applicable to persons licensed under this chapter and the words "insurance agent" used in those sections include persons licensed under this chapter.

SEC. 13. Section 10252 of the Insurance Code is amended to read:

Funeral insurance contract

10252. No person shall sell or offer for sale any such funeral insurance contract in this State unless he is licensed as a life agent pursuant to the provisions of Chapter 5, Part 2, Division 1 of this code.

SEC. 14. Section 11101 of the Insurance Code is amended to read:

Life agents

11101. Except as otherwise provided in Sections 11102 and 11103, such agents and such societies shall be subject to the provisions of Chapter 5, Part 2, Division 1 of this code and such agents shall be licensed as life agents. Such agents also shall be subject to the provisions of Sections 750, 751, and 760.5 of this code, and the terms "insurance agent" and "life agent" as used in said sections shall be deemed to include such agents of such societies.

SEC. 15. Section 11102 of the Insurance Code is amended to read:

Exceptions

11102. The provisions of Chapter 5, Part 2, Division 1 of this code shall not be applicable to the following nor shall the following be required to be licensed as life agents:

(a) Any officer of a local lodge of a society, while acting as such, if such officer (1) does not effect insurance, (2) solicits or negotiates only as a part of and in connection with the business of a fraternal agent licensed in accordance with the

provisions of Section 11101, and (3) is not remunerated on a commission basis.

(b) Any member of a society who does not effect insurance and whose solicitation or negotiation is incidental to the securing of new members for the society and whose only remuneration therefore consists of prizes in the form of merchandise or payments of a nominal amount. This subsection shall not exempt from the provisions of said Chapter 5 nor from the license requirement of Section 11101 any person remunerated on a regular salary or commission basis or employed either full or part time for the purpose of soliciting or negotiating fraternal benefit insurance.

(c) Any person directly employed by a society at the home or a branch office thereof who does not solicit or negotiate fraternal benefit insurance and who receives no commissions but who may, as a part of his or her regular employment sign policies, certificates or other evidences of fraternal benefit insurance.

(d) Any person whose employment does not include the solicitation, negotiation or effecting of fraternal benefit insurance contracts and who does not sign policies, certificates or any other evidences of such contracts.

SEC. 16. Section 11103 of the Insurance Code is amended to read:

Fraternal benefit societies

11103 Insofar as his license to represent a fraternal benefit society is concerned the examination requirements of Article 7, Chapter 5, Part 2, Division 1 of this code shall not be applicable to any agent of a society who was in the service of a society on March 1, 1945, and who is licensed to represent a fraternal benefit society on the effective date of this chapter and continuously thereafter, nor to any agent of a society who does not devote substantially full time to the sale of life or disability insurance, whether such insurance is provided by insurance policies or by fraternal benefit policies or certificates. If any person exempted from such examination requirements by virtue of not devoting substantially full time to the sale of life or disability insurance as hereinabove provided, shall, after securing a license pursuant to the provisions of this section, thereafter devote substantially full time to the sale of such insurance, the society shall give notice thereof to the commissioner. The commissioner thereupon shall send to such licensee a notice specifying when the examination fee shall be paid and when, not sooner than one month nor later than three months, such licensee must qualify by examination. Failure to pass the examination or failure to appear pursuant to notification shall result in a termination 45 days thereafter of all license privileges unless within such 45-day period such licensee passes the examination. Such licensee shall not be permitted to retake the examination more than twice within such 45-day period. Thereafter such person may be licensed as a fraternal benefit agent only if he files a new application for such license and either (a) takes and passes the qualifying

examination or (b) demonstrates affirmatively to the commissioner that he will no longer devote substantially full time to the sale of life or disability insurance.

SEC. 17. Section 12280.2 of the Insurance Code is amended to read:

Motor club agent fee

12280.2. The fee for filing application for license as motor club agent is the same as that for filing application for license as insurance agent and the provisions of Chapter 5, Part 2, Division 1, relating to the form and time of and procedure for filing application for license as insurance agent and for issuance and changing of such licenses are applicable to motor club agents and their applications and licenses.

Insurance agents and brokers licensed under Chapter 5, Part 2, Division 1, need not be licensed to act as motor club agents under this article.

SEC. 18. Section 12282 of the Insurance Code is amended to read:

License suspension or revocation

12282. Such license may, upon notice and hearing, be suspended or revoked by the commissioner in accordance with the procedure provided in Article 13, Chapter 5, Part 2, Division 1, for misrepresentation, fraud or any other violation of this part.

SEC. 19. Section 12977 of the Insurance Code is amended to read:

Refunds

12977. The commissioner may authorize the refund of money received or collected by the department in payment for the filing of applications for licenses, permits or certificates, or for the rendering of other services:

(a) Where the receipt or collection has resulted in an overpayment or duplicate payment.

(b) In cases where no payment is required for filing the application for the license permit or certificate sought, or for rendering the other service.

(c) Where an insufficient fee is paid and for which reason the application for the license, permit or certificate cannot be filed or the other service cannot be rendered.

(d) One-half of the fee required by subdivision (b) of Section 1718 upon a written showing, filed within sixty (60) days after the delinquency date, with particularity as to facts that late payment resulted from mistake, inadvertence or excusable neglect.

This section does not exclude the making of refunds under other appropriate provisions of law requiring the approval of the Director of Finance before such refunds may be made.

Urgency

SEC. 20. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act revises and codifies the provisions of the Insurance Code providing for the licensing and regulation of insurance producers applicable to fire and casualty agents, brokers and

solicitors and to life disability and life and disability agents as formerly contained in Chapter 5, Part 2, Division 7 of the Insurance Code.

The primary purpose of this revision is to clarify and make more understandable the existing law by the elimination of ambiguities of substance, inconsistencies of meaning and of obsolete and superseded provisions. The scope of the laws encompassed in this revision and the extent and frequency of the changes which are proposed to such laws at each session of the Legislature indicate the urgent necessity for this measure. The consideration of the numerous bills proposing substantive changes in the laws affected by this revision concurrently with or preceding consideration of this measure could create new and more serious conflicts, inconsistencies and confusion. Therefore, in order to give full effect to the clarification of the law contained in this measure, to facilitate the legislative process and avoid the economic burden to the industry of possible litigation, it is essential that this act take effect immediately.

CHAPTER 5

An act to add Section 940 to Article 2, Chapter 4, Part 1, Division 1 of the Unemployment Insurance Code, relating to unemployment and disability compensation insurance, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 9, 1959. Filed with Secretary of State March 10, 1959.] In effect immediately

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

SECTION 1. Section 940 is added to Article 2, Chapter 4, Part 1, Division 1 of the Unemployment Insurance Code, to read:

940. Effective with respect to wages paid in calendar quarters beginning on and after January 1, 1959, the term "wages" for the purposes of this section and Sections 928, 1026, 1088, 1280, 1281, 2652, 2654 and 2655, means taxable wages as well as wages which would be taxable except for the limitations on taxable wages provided under Sections 930 and 985, except that if an employer so elects, for such purposes the term "wages" for particular employees, or for a class of employees, or for all of his employees, may exclude amounts for an individual worker in excess of three thousand six hundred dollars ($3,600) in the calendar quarter ending March 31, 1959, and such amounts in excess of six thousand dollars ($6,000) for calendar quarters beginning on and after April 1, 1959.

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

Sections 1280 and 2655 of the Unemployment Insurance Code provide that if an individual has been paid wages in a calendar year in excess of taxable wages, his benefit rights are determined by allocating to any quarter of the calendar year falling within the base period that portion of the taxable wages which is equal to the amount of remuneration paid to him in that quarter or one thousand one hundred twenty dollars ($1,120), (one thousand one hundred twenty-five dollars ($1,125) for disability benefits), whichever is the lesser. The term "remuneration" as used in these sections means taxable wages as well as wages which would be taxable except for the three thousand dollars ($3,000), (three thousand six hundred dollars ($3,600) for disability benefit purposes), limitation on taxable wages.

However, the law does not require that employers report remuneration paid in excess of three thousand dollars ($3,000) for unemployment insurance purposes and three thousand six hundred dollars ($3,600) for disability insurance purposes. Since the Department of Employment does not have such information, it must request information on numerous claims from employers and claimants concerning the remuneration paid to claimants in excess of three thousand six hundred dollars ($3,600). Thousands of employers and claimants have been required to assume the burden of responding to these separate requests for computing and submitting this information to the Department of Employment. Only upon receiving the information is the department then able to properly compute benefit awards. Therefore, unavoidable delay in the computation of awards have resulted under the present law, hampering the administration of the unemployment insurance system. This has caused delay in the payment of benefits with corresponding hardship to numerous claimants. This situation can be remedied by requiring that benefit awards and charges be based on the reporting by employers of taxable wages as well as wages which would be taxable except for the limitations on taxable wages provided under Sections 930 and 985. The proposed change would result in a substantial reduction in administrative costs. In order that employers and claimants may be relieved as soon as possible of the additional burden of responding to separate requests to report wage information and to avoid delay in the payment of benefits to claimants, it is necessary that this act take effect immediately.

CHAPTER 6

An act to amend Sections 370, 372 and 372.4 of, and to repeal Section 372.1 of, the Vehicle Code, to amend Sections 9250, 9253, 9400 and 9404 of, and to repeal Section 9401 of, the Vehicle Code as proposed by Assembly Bill No. 5, and to amend Sections 7351 and 8651 of the Revenue and Taxation Code, relating to highway user fees and taxes.

[Approved by Governor March 12, 1959. Filed with Secretary of State March 13, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 370 of the Vehicle Code is amended to read:

Registration fees

370. Registration Fees. (a) A registration fee of eight dollars ($8) shall be paid to the department for the registration of every vehicle of a type subject to registration, except for such thereof as are expressly exempted under this code from the payment of registration fees, and except those referred to in subdivision (b) of this section.

(b) A registration fee of nine dollars ($9) shall be paid to the department for the registration of every station wagon, as defined in Section 33.5, which is subject to registration, except for such thereof as are expressly exempted under this code from the payment of registration fees.

SEC. 2. Section 372 of the Vehicle Code is amended to read:

Weight fees for commercial vehicles

372. Weight Fees for Commercial Vehicles. (a) In addition to the registration fee specified in Section 370, there shall be paid fees as set forth in this section for the registration of every vehicle of a type subject to registration used or maintained for the transportation of persons for hire, compensation or profit or designed, used or maintained primarily for the transportation of property. This section does not include vehicles designed to transport property which are used exclusively to transport passengers without the owner thereof receiving compensation or profit for said transportation.

(b) For any electric vehicle designed, used or maintained as described in subdivision (a) hereof fees shall be paid for registration according to the following schedule:

	Unladen weight	Fee
(1)	Less than 6,000 lbs.	$48.00
(2)	6,000 lbs. or more but less than 10,000 lbs.	96.00
(3)	10,000 lbs. or more	128.00

(c) For any motor vehicle having not more than two axles and designed, used or maintained as described in subdivision (a) hereof, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

	Unladen weight	Fee
(1)	3,000 lbs to and including 4,000 lbs.	$14 00
(2)	4,001 lbs. to and including 5,000 lbs.	27.00
(3)	5,001 lbs. to and including 6,000 lbs.	40.00
(4)	6,001 lbs. to and including 7,000 lbs.	54.00
(5)	7,001 lbs. to and including 8,000 lbs.	67.00
(6)	8,001 lbs. to and including 9,000 lbs.	80.00
(7)	9,001 lbs. to and including 10,000 lbs.	94.00
(8)	10,001 lbs. to and including 11,000 lbs.	107.00
(9)	11,001 lbs. to and including 12,000 lbs.	120.00
(10)	12,001 lbs. to and including 13,000 lbs.	134.00
(11)	13,001 lbs. to and including 14,000 lbs.	147.00
(12)	14,001 lbs. and over	160.00

(d) For any motor vehicle having three or more axles or for any trailer, semitrailer, pole or pipe dolly, or other dolly designed, used or maintained as described in subdivision (a) hereof, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

	Unladen weight	Fee
(1)	2,000 lbs. to and including 3,000 lbs.	$11.00
(2)	3,001 lbs. to and including 4,000 lbs.	20.00
(3)	4,001 lbs. to and including 5,000 lbs.	40.00
(4)	5,001 lbs. to and including 6,000 lbs.	60.00
(5)	6,001 lbs. to and including 7,000 lbs.	80.00
(6)	7,001 lbs. to and including 8,000 lbs.	100.00
(7)	8,001 lbs. to and including 9,000 lbs.	120.00
(8)	9,001 lbs. to and including 10,000 lbs.	140.00
(9)	10,001 lbs. to and including 11,000 lbs.	160.00
(10)	11,001 lbs. to and including 12,000 lbs.	180 00
(11)	12,001 lbs. to and including 13,000 lbs.	200.00
(12)	13,001 lbs. to and including 14,000 lbs.	220.00
(13)	14,001 lbs. to and including 15,000 lbs.	240.00
(14)	15,001 lbs. and over	267.00

Repeal

SEC. 3. Section 372.1 of the Vehicle Code is hereby repealed.

SEC. 4. Section 372.4 of the Vehicle Code is amended to read:

Exemption from weight fees

372.4. Exemption From Weight Fees. Station wagons, as defined in Section 33.5, except those used in the transportation of passengers for hire, are exempted from the payment of weight fees as provided for in Section 372 of this code.

Any provision in this code notwithstanding, the owner of any station wagon may elect to classify such station wagon as a commercial vehicle and, upon payment of the appropriate weight fees, the department shall issue license plates of the same type as are issued to vehicles which are required to pay weight fees.

SEC. 5. Section 9250 of the Vehicle Code as proposed by Assembly Bill No. 5 is amended to read:

9250. A registration fee of eight dollars ($8) shall be paid to the department for the registration of every vehicle of a type subject to registration, except as are expressly exempted under this code from the payment of registration fees, and except those referred to in Section 9253. Registration fee

SEC. 6. Section 9253 of said code is amended to read:

9253. A registration fee of nine dollars ($9) shall be paid to the department for the registration of every station wagon, which is subject to registration. Same Station wagons

SEC. 7. Section 9400 of said code is amended to read:

9400. In addition to any other registration fee there shall be paid the following fees for the registration of commercial vehicles, except vehicles designed to transport property which are used exclusively to transport passengers without the owner thereof receiving compensation or profit for the transportation: Commercial vehicles

(a) For any electric vehicle designed, used, or maintained as described in this section, fees shall be paid for registration according to the following schedule:

	Unladen weight	Fee
(1)	Less than 6,000 lbs.	$48
(2)	6,000 lbs. or more but less than 10,000 lbs.	96
(3)	10,000 lbs. or more	128

(b) For any motor vehicle having not more than two axles and designed, used or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

	Unladen weight	Fee
(1)	3,000 lbs. to and including 4,000 lbs.	$14
(2)	4,001 lbs. to and including 5,000 lbs.	27
(3)	5,001 lbs. to and including 6,000 lbs.	40
(4)	6,001 lbs. to and including 7,000 lbs.	54
(5)	7,001 lbs. to and including 8,000 lbs.	67
(6)	8,001 lbs. to and including 9,000 lbs.	80
(7)	9,001 lbs. to and including 10,000 lbs.	94
(8)	10,001 lbs. to and including 11,000 lbs.	107
(9)	11,001 lbs. to and including 12,000 lbs.	120
(10)	12,001 lbs. to and including 13,000 lbs.	134
(11)	13,001 lbs. to and including 14,000 lbs.	147
(12)	14,001 lbs. and over	160

(c) For any motor vehicle having three or more axles or for any trailer, semitrailer, pole or pipe dolly, or other dolly designed, used or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

	Unladen weight	Fee
(1)	2,000 lbs. to and including 3,000 lbs.	$11
(2)	3,001 lbs. to and including 4,000 lbs.	20

	Unladen weight	Fee
(3)	4,001 lbs. to and including 5,000 lbs.	$40
(4)	5,001 lbs. to and including 6,000 lbs.	60
(5)	6,001 lbs. to and including 7,000 lbs.	80
(6)	7,001 lbs. to and including 8,000 lbs.	100
(7)	8,001 lbs. to and including 9,000 lbs.	120
(8)	9,001 lbs. to and including 10,000 lbs.	140
(9)	10,001 lbs. to and including 11,000 lbs.	160
(10)	11,001 lbs. to and including 12,000 lbs.	180
(11)	12,001 lbs. to and including 13,000 lbs.	200
(12)	13,001 lbs. to and including 14,000 lbs.	220
(13)	14,001 lbs. to and including 15,000 lbs.	240
(14)	15,001 lbs. and over	267

SEC. 8. Section 9404 of said code is amended to read:

Station wagon exemption

9404. Station wagons, except those used in the transportation of passengers for hire, are exempted from the payment of weight fees provided for in Section 9400.

Any provision in this code notwithstanding, the owner of any station wagon may pay the appropriate weight fees, and the department shall issue license plates of the same type as are issued to vehicles which are required to pay weight fees.

Repeal

SEC. 9. Section 9401 of said code is repealed.

SEC. 10. Section 7351 of the Revenue and Taxation Code is amended to read:

Rate of tax

7351. For the privilege of distributing motor vehicle fuel a license tax is hereby imposed upon distributors at the rate of six cents ($0.06) for each gallon of fuel distributed.

SEC. 11. Section 8651 of the Revenue and Taxation Code is amended to read:

Same

8651. An excise tax is hereby imposed at the rate of seven cents ($0.07) for each gallon of fuel used.

Effect. Stats 1959, Ch. 3

SEC. 12. Sections 5 through 9, inclusive, of this act become operative only if the Vehicle Code as proposed by Assembly Bill No. 5 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said code takes effect, at which time Sections 370, 372 and 372.4 of the Vehicle Code adopted in 1935 are repealed.

CHAPTER 7

An act to repeal Section 7148 of the Fish and Game Code, relating to possession of trout, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor March 12, 1959. Filed with Secretary of State March 13, 1959.]

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

SECTION 1. Section 7148 of the Fish and Game Code is repealed.

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

In order to properly utilize the trout resource of Inyo and Mono Counties and maintain the best relative number of each species in these areas it is necessary for this act to be operative during the 1959 trout fishing season and therefore it must take effect immediately.

CHAPTER 8

An act to amend Section 1300.17 of the Agricultural Code, relating to marketing orders.

[Approved by Governor March 12, 1959. Filed with Secretary of State March 13, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1300.17 of the Agricultural Code is amended to read:

1300.17. (a) For the purpose of providing funds to defray the necessary expenses incurred by the director in the formulation, issuance, administration and enforcement of each marketing order issued hereunder, each such marketing order shall provide for the levying and collection of assessments in sufficient amounts to defray such expenses. Each marketing order shall indicate the maximum rate of any such assessment which may be collected and the proportion, if any, payable by each producer and handler directly regulated or affected by such marketing order. The advisory board appointed by the director to assist the director in administering each marketing order shall recommend to the director, from time to time, budgets to cover necessary expenses and the assessment rate necessary to provide sufficient funds. If the director finds that each such budget and assessment rate are proper and equitable and will provide sufficient moneys to defray the necessary expenses he may approve such budget and rate of assessment and order that each producer and handler so assessed shall pay to the director, at such times and in such installments as the director may prescribe, an assessment based upon the units in which such agricultural commodity is marketed, or upon any other uniform basis which the director determines to be reasonable and equitable, but in amounts which in the case of producers will not exceed two and one-half percent (2½%) of the gross dollar volume of sales, of the commodity affected, by all such producers, regulated by such marketing order or in amounts which in the case of processors, distributors or other handlers will not exceed two and one-half percent (2½%) of the gross dollar volume of purchases of the commodity affected by the

marketing order from producers or of the gross dollar volume of sales of the commodity affected by the marketing order and handled by all such processors, distributors or other handlers regulated by such marketing order during the marketing season or seasons during which such marketing order is effective.

The director may require each and every producer, processor, distributor or handler directly regulated by any marketing order to deposit with him in advance, an amount based upon the estimated number of units to be marketed by such producer or handled by such processor, distributor or handler, or upon any other uniform basis which the director determines to be reasonable and equitable, such bases to be applicable during the marketing season or seasons during which such marketing order is effective. At any time after the funds credited to the administrative account of the marketing order are sufficient to so warrant, or at the close of the marketing season, the sums so deposited shall be adjusted to the amount which is chargeable against such producer, processor, distributor or handler upon the basis of the actual number of units marketed by such producer or handled by such processor, distributor or handler, or upon the same uniform basis under which such funds were assessed by the director, during such marketing season.

(b) Each marketing order which authorizes carrying out advertising and sales promotion plans shall provide for the levying and collection of assessments in sufficient amounts to defray the expenses of such activities. Each such marketing order shall indicate the maximum rate of any such assessment and the proportion, if any, payable by each producer and handler directly regulated or affected by such marketing order. The advisory board appointed by the director to assist the director in administering each marketing order shall recommend to the director, from time to time, budgets to cover such expenses and the assessment rate necessary to provide sufficient funds. If the director finds that each such budget and assessment rate are proper and equitable and will provide sufficient moneys to defray such expenses he may approve such budget and approve and levy such assessment. Any assessments so established shall be based upon the units in which such agricultural commodity is marketed or upon any other uniform basis which the director determines to be proper and equitable. Any assessment rates established hereunder shall be in amounts not to exceed four percent (4%) of the gross dollar volume of sales by all producers or by all processors, distributors or other handlers of such agricultural commodity regulated by such marketing order during the marketing season or seasons during which such marketing order is effective.

For the purpose of providing funds to cover the costs of such advertising or sales promotion plans incurred prior to the receipt of sufficient funds from assessments as provided herein, the director may require each person so assessed to deposit with him in advance an amount not exceeding twenty-five percent (25%) of such assessment, based upon the estimated num-

ber of units of such commodity to be marketed or handled by such person, or upon any other uniform basis which the director determines to be reasonable and equitable, during such marketing season. At any time after the funds credited to the advertising or sales promotion account of the marketing order are sufficient to so warrant, or at the close of the marketing season, the sum so deposited by such person shall be adjusted to the amount which is properly chargeable against such person pursuant to the assessment authorized herein.

(c) In lieu of the assessments to defray the costs of formulation, issuance, administration and enforcement and advertising or sales promotion provided for in paragraphs (a) and (b) hereof, if the marketing order contains provisions for advertising or sales promotion as authorized in this chapter, the director may approve and fix one assessment not exceeding six and one-half percent (6½%) of the gross dollar volume of sales of such commodity by all producers, or by all processors, distributors or other handlers of such agricultural commodity regulated by such marketing order during the marketing season or seasons during which such marketing order is effective. The method and manner of assessment and collection thereof, and the limitations and restrictions applicable thereupon, shall conform in all respects with the provisions of paragraph (b) hereof, except as to the maximum amount of such assessment. In such case the advisory board shall recommend and the director may approve the proportions of such assessments which may be expended to defray the costs of formulation, issuance, administration and enforcement of the marketing order and of such advertising or sales promotion program; provided, that, the proportion of such assessments which may be allocated in such manner to defray the cost of such administrative activities for such marketing order shall in no case exceed the maximum amount authorized in paragraph (a) of this section.

(d) In the event any advisory board of any marketing order has reason to believe that the administration of a marketing order will be facilitated or the attainment of the purposes and objectives of the marketing order will be promoted thereby, the advisory board is authorized to borrow money with or without interest to carry out any provision of any marketing order authorized by this chapter, and may hypothecate anticipated assessment collections applicable to such respective provisions.

In lieu of requiring advance deposits or in order generally to provide funds for defraying administrative or advertising and sales promotion expenses until such time as sufficient moneys are collected for such purpose from the payment of assessments established pursuant to Section 1300.17 of this chapter, the director is authorized to receive and disburse for such expense purposes contributions made by producers, processors, distributors or other handlers. Neither the board nor the director shall be held responsible for the repayment of

such contributions; provided, however, that whenever collections from the payment of established assessments credited to the respective marketing order accounts are sufficient to so warrant, the board shall recommend and the director shall authorize the repayment of contributions or authorize the application of such contributions to the assessment obligations of persons who made such contributions.

(e) For the convenience of making collections of any producer assessments established pursuant to this section, the director may collect such assessments from the handlers of the commodity being regulated. Handlers paying such assessments for and on behalf of any producers are authorized to deduct such producer assessments from any moneys owed by such handlers to such producers. Any marketing order may provide that handler shall deduct producer assessments from any moneys owed by such handlers to such producers.

The director shall prescribe rules and regulations with respect to the assessment and collection of funds pursuant to the provisions of this section.

(f) Any moneys collected by the director pursuant to this act shall be deposited in a bank or banks, or other depository, approved by the Director of Finance, allocated to each marketing order under which they are collected, and disbursed by the director only for the necessary expenses incurred by the advisory board and the director and approved by the director with respect to each such separate marketing order. Funds so collected shall be deposited and disbursed in conformity with appropriate rules and regulations prescribed by the director. The expenditure of such funds shall be exempt from the provisions of Section 16003 of the Government Code. All such expenditures by the director shall be audited at least every two years by the Department of Finance and a copy of such audit shall be delivered within 30 days after the completion thereof to the Governor, the Director of Agriculture and the Controller. Any moneys in the State Treasury to the credit of the "State Marketing Act Trust Fund" shall be withdrawn and deposited in accordance with the provisions of this paragraph.

Any moneys remaining in such fund, allocable to any particular agricultural commodity affected by a marketing order, at the discretion of the director, may either be refunded at the close of each fiscal period used by the advisory board for budgetary purposes, or upon recommendation of the advisory board and with the approval of the director, all or a portion of such moneys may be carried over into the next succeeding fiscal period whenever the director finds that such moneys are required to defray subsequent expenses under the marketing order. Any refund made pursuant to this paragraph shall be on a pro rata basis made to persons from whom or on whose behalf the assessments being refunded were collected; provided, that upon termination by the director of any marketing

order, any balances remaining and not required by the director to defray the expenses of such marketing order, shall be returned by the director upon a pro rata basis, to all persons from whom or on whose behalf such assessments were collected; provided further, however, that if the director finds that the amounts so returnable are so small as to make impractical the computation and remitting of such pro rata refund to such persons, the director may use the moneys in such fund to defray the expenses incurred by him in the formulation, issuance, administration or enforcement of any subsequent marketing order for such commodity. Thereafter, if there are any such moneys remaining which have not been used by the director as hereinabove provided, same shall be withdrawn from the approved depository and paid into the State Treasury as unclaimed trust moneys.

(g) Moneys deposited by the director pursuant to this section, which the director determines are available for investment, may be invested or reinvested by the State Treasurer in any of the securities described in Article 1 (commencing at Section 16430), Chapter 3, Part 2, Division 4, Title 2 of the Government Code, or placed in a bank as provided in Chapter 4 (commencing at Section 16500), Part 2, Division 4, Title 2 of the Government Code, and handled in the same manner as money in the State Treasury. Any increment received from such investment or reinvestment or deposit shall be remitted to the director for allocation, upon a proper and equitable basis, to each of the marketing orders concerned, and deposited and disbursed as provided in subdivision (f) of this section. The State Treasurer may deduct from such remittance an amount equal to the reasonable costs incurred in carrying out the provisions of this subdivision or may bill the director for such costs and the director shall pay such costs from moneys collected pursuant to this chapter.

(h) Any checks or warrants drawn against the funds of any marketing order remaining unclaimed or uncashed for a period of six months from date of issuance shall be canceled and the money retained for disbursement to the original payee or claimant upon satisfactory identification for a period of one year from the time the checks or warrants are canceled. The money so retained, if not claimed within the period of one year, shall be credited to the then currently operating marketing order for the commodity under which the funds so retained were collected. If there is no marketing order then in effective operation for the commodity, the funds shall be credited to the unexpended balance, if any, of the last previous marketing order for the commodity. In the event there is no marketing order then in current operation, or no balance exists from any previous marketing order to which the funds may be credited, the funds so retained shall be deposited in the State Treasury as unclaimed trust moneys.

CHAPTER 9

An act to amend Sections 796.1, 796.6, and 828.83 of the Agricultural Code, relating to citrus fruits.

In effect September 18, 1959

[Approved by Governor March 12, 1959. Filed with Secretary of State March 13, 1959.]

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

SECTION 1. Section 796.1 of the Agricultural Code is amended to read:

Citrus fruits: Mixing and blending

796.1. It shall be unlawful to mix or blend citrus fruits which fail to conform to the requirements of this chapter with other citrus fruits which conform to such requirements for the purpose of selling, marketing, or transporting the fruit which has thus failed to conform to the requirements of this chapter.

Any packed citrus fruit or fruits placed loose without packing in standard container number 58 or 59 which has been in storage or after being shipped fails to meet the requirements of the standards for citrus fruits established in this chapter only by reason of brown rot, blue mold, or green mold which has occurred after packing, or being placed loose without packing, shall not be held for violation of the provisions of this chapter on account of such deterioration.

Oranges (except tangerines and mandarins), grapefruit, and lemons when packed in containers holding more than 25 pounds shall be regularly packed throughout in standard containers as provided and designated for each such citrus fruit in Section 828.83; provided, however, that packed citrus fruit imported into this State from another state need not be packed in said containers if they are packed in containers conforming to the applicable laws or regulations of the state of origin or of the United States.

All containers of packed citrus fruits when packed in containers holding more than 25 pounds and when loose or packed in a standard container number 58 or 59 which is closed shall bear upon them in plain sight and in plainly legible letters on one outside end: the name of the packer thereof together with a sufficiently explicit address to permit ready location of such packer; in the case of oranges (except tangerines and mandarins), grapefruit, and lemons the number and average diameter of the citrus fruit in the container; in the case of oranges and grapefruit the name of the variety, if known, and when not known, the words "unknown variety" or "seedlings"; provided, however, that in the case of citrus fruit imported from another state the average diameter of the fruit in the container need not be shown and in the case of a standard container number 58 or 59 which is not closed, the marking requirements of this section need not be shown.

SEC. 2. Section 796.6 of said code is amended to read:

796 6. The count of oranges, grapefruit and lemons when packed or placed loose without packing in standard container number 58 or 59 and the number marked on the container as required in Section 796.1 shall be one of the numbers tabulated in Column A below for oranges or for grapefruit or for lemons and the average diameter marked on the containers shall be the corresponding measurement tabulated in Column B, below: Size of containers

The average diameter in inches of the oranges, grapefruit or lemons in the container, as determined by inspection of a representative sample, shall be not less than the corresponding measurement tabulated in Column B for each such fruit.

Oranges

Column A Count	Column B Av. dia.
24	4 370
32	3.970
36	3.820
40	3.680
48	3.470
56	3 300
72	3.040
88	2.840
113	2.600
138	2.420
163	2.290
180	2.220
210	2 070
245	1.980
270	1.920

Grapefruit

Column A Count	Column B Av. dia.
9	6.200
12	5.640
14	5 350
16	5.120
18	4.920
23	4.540
27	4.270
32	4.030
36	3.880
40	3.740
48	3.530
64	3.170
80	2.900
88	2.840

Lemons

Column A Count	Column B Av. dia.
63	2.925
75	2.775
95	2.570
115	2.410
140	2.240
165	2.130
195	2.010
235	1.880
285	1.770
319	1.685
343	1.640

Until November 1, 1959; the following additional counts and average diameters shall be considered legal when lemons are packed or placed loose without packing in standard container number 58:

Column A Count	Column B Av. dia.
90	2.625
105	2.475
126	2.345
135	2.270
150	2.190
180	2.065
216	1.940
221	1.920
245	1.850
270	1.800
294	1.750

Oranges, grapefruit and lemons when placed loose without packing in standard container number 58 or 59 must be placed in the container so compactly that they will not readily move in the container; the container must be level full of fruit; and the count of fruit in each container must be not less than the count marked with a permissible count in excess not exceeding 8 percent.

The count of oranges, grapefruit and lemons when packed in standard container number 58 or 59 must be not less than the count marked with a permissible count in excess not exceeding 5 percent.

SEC. 3. Section 828.83 of said code is amended to read: Same

828.83.	53	Standard two-compartment orange or grapefruit box, each compartment to be	$11\frac{1}{2}$	$11\frac{1}{2}$	12
	54	Standard one-compartment orange or grapefruit box	$11\frac{1}{2}$	$11\frac{1}{2}$	24
	55	Standard two-compartment half orange or grapefruit box, each compartment to be	$5\frac{3}{4}$	$11\frac{1}{2}$	12
	56	Standard two-compartment lemon box, each comment to be	$9\frac{7}{8}$	13	$12\frac{1}{2}$
	57	Standard two-compartment half lemon box, each compartment to be	$4\frac{15}{16}$	13	$12\frac{1}{2}$
	58	Standard one-half orange or lemon box	$10\frac{1}{4}$	$10\frac{11}{16}$	$16\frac{3}{8}$
	59	Standard one-half grapefruit box	$9\frac{3}{4}$	$10\frac{11}{16}$	$16\frac{3}{8}$

When oranges are placed loose without packing in standard container No. 58, the dimensions may be considered standard when measuring $10\frac{1}{2}$ inches in depth, $10\frac{11}{16}$ inches in width, and $16\frac{3}{8}$ inches in length, all inside measurements.

To allow for reasonable variations in the size of container No. 58 and 59 by reason of manufacturing variations, atmospheric conditions and other factors affecting the size of such containers, the following tolerances from the foregoing dimensions shall be permitted:

A variation of plus or minus of one-eighth of an inch in any two of the dimensions of height, width, or length. Notwithstanding this tolerance the net cubical contents of container No. 58 shall not be less than 1,750 cubic inches and the net cubical contents of container No. 59 shall not be less than 1,665 cubic inches.

To allow for reasonable variations in the size of packing containers by reason of manufacturing variations, atmospheric conditions and other factors affecting the size of such containers, the following tolerances from the foregoing dimensions are hereby permitted:

The total inside length of the two compartments of the standard two-compartment orange or grapefruit box, or the standard two-compartment half orange or grapefruit box, shall not be less than $23\frac{7}{8}$ inches nor more than $24\frac{1}{8}$ inches;

The total inside length of the standard one-compartment orange or grapefruit box shall not be less than $23\frac{7}{8}$ inches nor more than $24\frac{1}{8}$ inches;

The total inside length of the two compartments of the standard two-compartment lemon box, or the standard two-

compartment half lemon box, shall not be less than 24⅞ inches nor more than 25⅛ inches;

If made of wood, tolerance of one-eighth of an inch is hereby permitted in width or depth of any of said standard containers "across the grain" of the wood used in the manufacture thereof, over or under the sizes above specified, and a tolerance of one-thirty-second of an inch over or under such sizes in width or depth "with the grain."

The lids for the above standard orange or grapefruit boxes Nos. 53, 54 and 55 shall not exceed 26⅛ inches in length, and for the above standard lemon boxes Nos. 56 and 57 shall not exceed 27⅛ inches in length.

Standard container No. 58 and 59 shall be considered standard with interior parts such as liners, cleats, posts, or other similar parts, extending from the corners and partially covering the sides or ends or both; providing, (1) the net cubical contents of standard container Nos. 58 and 59 are not less than 1,750 and 1,665 cubic inches, respectively, with interior parts in place, and (2) the actual dimensions conform to the specifications in this section when the inside width is measured from the center of the side panels and the inside length from the center of the end panels, both without allowance for any bulge and also with interior parts in place.

CHAPTER 10

An act to amend Section 2615 of the Business and Professions Code, relating to physical therapy, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor March 12, 1959. Filed with Secretary of State March 13, 1959.]

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

SECTION 1. Section 2615 of the Business and Professions Code is amended to read:

2615. Graduates of approved physical therapy schools who have filed an application for registration with the board, may, between the date of filing and the publication of the results of the next succeeding examination for registration, practice as physical therapists under the supervision of a physician and surgeon and a registered physical therapist in a licensed hospital, clinic, or sanitarium, or under the direct and immediate supervision of a registered physical therapist who is employed as such in the office of a physician and surgeon. Graduate physical therapists practicing under this section shall be exempt from each and all of the provisions of Chapter 5.7 (commencing at Section 2650) of Division 2 of this code. If a person practicing under this section shall fail to pass the examination, all privileges under this section shall automatically cease.

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

There is a serious shortage of physical therapists in this State which has caused untold hardships to the people of California. To alleviate this shortage the Legislature has provided that graduates of approved physical therapy schools who have filed an application for registration with the Board of Medical Examiners may practice as physical therapists under specified supervision prior to taking the examination for registration. However, this privilege is limited to an applicant who files with the board prior to the date of the first examination given after he graduates.

This act would delete this limitation and would authorize a person otherwise qualified to practice as a physical therapist during the period between the filing of an application with the board and the next succeeding examination for registration which occurs after such filing. Thus a greater number of qualified persons could immediately begin practicing as physical therapists and the critical shortage of such trained persons would be greatly alleviated.

CHAPTER 11

An act to amend Sections 468, 468.2, 511, 511.1, 511.2 and 511.3 of, and to add Sections 510.5, 511.6 and 511.9 to, the Vehicle Code, and to amend Sections 21357, 21358, 21359, 22352, 22354, 22355, 22357, 22358 and 22360 of, to amend the heading of Article 1 (commencing at Section 22350) of Chapter 7 of Division 11 of, repeal Sections 22353 and 22356 of, and add Sections 627, 22349 and 22358.5 to, the Vehicle Code as proposed by Assembly Bill No. 5, relating to the speed of vehicles and signs in connection therewith.

[Approved by Governor March 12, 1959. Filed with Secretary of State March 13, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 468 of the Vehicle Code is amended to read:

Speed restriction signs

468. Speed Restriction Signs. (a) Whenever the State Department of Public Works or a local authority as authorized by this code determines and declares a speed limit different from the limit otherwise applicable under Sections 510.5 or 511 of this code upon any street, highway or portion thereof, appropriate speed restriction signs shall be erected and maintained on said street, highway or portion thereof at the outside entrances of that portion of such street or highway upon which the special speed limit is applicable.

(b) Speed restriction signs may, but need not, be erected upon any street or highway other than a state highway at the entrance thereof into a business or residence district unless required under the provisions of subdivision (a) of this section.

SEC. 2. Section 468.2 of said code is amended to read:

Posting outermost boundaries of district

468.2. Posting Outermost Boundaries of District. Where one or more business and residence districts are contiguous, or where, as authorized by this code, speed is to be restricted between two districts, either business or residence, or at the end of either thereof, speed restriction signs affecting traffic on other than state highways as required by Section 468 need be erected and maintained only at the boundaries of the outside limits of the area in which speed is to be restricted.

SEC. 3. Section 510.5 is added to said code, to read:

Maximum speed limit

510.5. Maximum Speed Limit. No person shall drive a vehicle upon a highway at a speed greater than 65 miles per hour.

SEC. 4. Section 511 of said code is amended to read:

Prima facie speed limits

511. Prima Facie Speed Limits. The speed of any vehicle upon a highway not in excess of the limits specified in this section or established as authorized in this code is lawful unless clearly proved to be in violation of the basic rule declared in Section 510 hereof.

The speed of any vehicle upon a highway in excess of any of the prima facie limits specified in this section or established as authorized in this code is prima facie unlawful unless the defendant establishes by competent evidence that any said speed in excess of said limits did not constitute a violation of the basic rule declared in Section 510 hereof at the time, place and under the conditions then existing.

The prima facie limits referred to above are as follows and the same shall be applicable unless changed as authorized in this code and, if so changed, then only when signs have been erected giving notice thereof, in which event the speed designated on the sign shall be the prima facie limit:

(a) Fifteen miles per hour:

(1) When traversing a grade crossing of a steam, electric or street railway, if during the last 100 feet of the approach to such crossing the driver does not have a clear and unobstructed view of such crossing and of any traffic on such railway for a distance of 400 feet in both directions along such railway. This subdivision shall not apply in the case of any railway grade crossing where human flagman is on duty or a clearly visible electrical or mechanical railway crossing signal device is installed but does not then indicate the immediate approach of a railway train or car.

(2) When traversing any intersection of highways if during the last 100 feet of his approach to such intersection the driver does not have a clear and unobstructed view of such intersection and of any traffic upon all of the highways entering such intersection for a distance of 100 feet along all such

highways, except at an intersection protected by stop signs or yield right-of-way signs or controlled by official traffic control signals.

(b) Twenty-five miles per hour:

(1) On any highway other than a state highway, in any business or residence district, unless a different speed is determined by local authority under procedures set forth in this code.

(2) When passing a school building or the grounds thereof, contiguous to the highway while children are going to or leaving such school during opening or closing hours or during the noon recess period. Such prima facie limit shall also apply when passing any school grounds which are not separated from the highway by a fence, gate or other physical barrier while such grounds are in use by children.

SEC. 5. Section 511.1 of said code is amended to read:

Authority to reduce speed limits

511.1. Establishment of State Speed Zones. (a) Authority to Decrease 65-mile Limit. Whenever the Department of Public Works determines upon the basis of an engineering and traffic survey that the limit of 65 miles per hour is more than is reasonable or safe upon any portion of a state highway where such limit of 65 miles is applicable under this code, the department may determine and declare a prima facie speed limit of 60, 55, 50, 45, 40, 35, 30 or 25 miles per hour, which ever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie speed limit shall be effective when appropriate signs giving notice thereof are erected upon said highway.

(b) Authority to Establish Variable Speed Limit. Whenever the Department of Public Works determines upon the basis of an engineering and traffic survey that the safe and orderly movement of traffic upon any state highway which is a freeway will be facilitated by the establishment of variable speed limits, said department may erect, regulate, and control signs upon such state highway which is a freeway, or any portion thereof, which signs shall be so designed as to permit display of different speed limits at various times of the day or night. Such signs need not conform with the provisions of Section 468.1 hereof, but shall be of sufficient size and clarity to give adequate notice of the applicable speed limit. The speed limit upon such freeway at a particular time and place shall be that which is then and there displayed upon such sign.

(c) The authority of the Department of Public Works as set forth in this section shall apply upon all state highways, whether within or outside of the limits of any incorporated city or city and county.

SEC. 6. Section 511.2 of said code is amended to read:

Authority to link districts

511.2. Authority to Link Districts. Whenever a local authority determines upon the basis of an engineering and traffic survey that the limit of 65 miles per hour is more than is reasonable or safe upon any portion of a street or highway other than a state highway for a distance of not exceeding

2,000 feet in length between districts, either business or residence, such local authority may determine and declare a reasonable and safe prima facie limit thereon lower than 65 miles per hour, but not less than 25 miles per hour, which declared prima facie speed limit shall be effective when appropriate signs giving notice thereof are erected upon said street and highway.

SEC. 7. Section 511.3 of said code is amended to read:

Local authority

511.3. Establishment of Local Speed Zones. (a) Authority to Increase 25-mile Limit. Whenever a local authority, as defined herein, determines upon the basis of an engineering and traffic survey that a speed greater than 25 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any street otherwise subject to a prima facie limit of 25 miles per hour under this code, such local authority may by ordinance determine and declare a prima facie speed limit of 30, 35, 40, 45, 50, 55 or 60 miles per hour or a maximum speed limit of 65 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie or maximum speed limit shall be effective when appropriate signs giving notice thereof are erected upon said street. The provisions of this subdivision shall not apply in respect to any 25-mile-per-hour prima facie limit which is applicable when passing a school building or the grounds thereof, as provided in Section 511(b)(2).

(b) Authority to Decrease 65-mile Limit. Whenever a local authority, as defined herein, determines upon the basis of an engineering and traffic survey that the limit of 65 miles per hour is more than is reasonable or safe upon any portion of any street or highway where such limit of 65 miles per hour is applicable under this code, such local authority may by ordinance determine and declare a prima facie speed limit of 60, 55, 50, 45, 40, 35, 30, or 25 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie limit shall be effective when appropriate signs giving notice thereof are erected upon such street.

(c) No local authority shall exercise the powers set forth in this section in reference to any state highway or extension thereof.

(d) With respect to boundary line streets and highways where portions thereof are within different jurisdictions, no ordinance adopted under this section shall be effective as to any such portion unless and until all authorities having jurisdiction of the portions of the street or highway concerned have approved the same. The provisions of this subdivision shall not apply in the case of boundary line streets consisting of separate roadways within different jurisdictions.

SEC. 8. Section 511.6 is added to said code, to read:

Legislative intent

511.6. Legislative Intent as to Speed Zoning. It is the intent of the Legislature that physical conditions such as

width, curvature, grade and surface conditions, or any other condition readily apparent to a driver, in the absence of other factors, would not require special downward speed zoning, as the basic rule of Section 510 is sufficient regulation as to such conditions.

SEC. 9. Section 511.9 is added to said code, to read:

511.9. Engineering and Traffic Survey Defined. Engineering and traffic survey, as used in this chapter, means a survey of highway and traffic conditions in accordance with methods determined by the Department of Public Works for use by state and local authorities. Definition

An engineering and traffic survey shall include, among other requirements deemed necessary by the department, consideration of the following:

(a) Prevailing speeds as determined by traffic engineering measurements.

(b) Accident records.

(c) Highway, traffic and roadside conditions not readily apparent to the driver.

SEC. 10. Section 627 is added to the Vehicle Code, as proposed by Assembly Bill No. 5, to read:

627. Engineering and traffic survey, as used in this code, means a survey of highway and traffic conditions in accordance with methods determined by the Department of Public Works for use by state and local authorities. Same

An engineering and traffic survey shall include, among other requirements deemed necessary by the department, consideration of the following:

(a) Prevailing speeds as determined by traffic engineering measurements.

(b) Accident records.

(c) Highway, traffic and roadside conditions not readily apparent to the driver.

SEC. 11. Section 21357 of said code is amended to read:

21357. Speed restriction signs may, but need not, be erected upon any highway other than a state highway at the entrance thereof into a business or residence district unless required in this chapter. Nonstate highways

SEC. 12. Section 21358 of said code is amended to read:

21358. Where one or more business and residence districts are contiguous, or where, as authorized by this code, speed is to be restricted between two districts, either business or residence, or at the end of either thereof, speed restriction signs affecting traffic on other than state highways as required by Sections 21357 and 21359 need be erected and maintained only at the boundaries of the outside limits of the area in which speed is to be restricted. Contiguous districts

SEC. 13. Section 21359 of said code is amended to read:

21359. Whenever the Department of Public Works or a local authority as authorized by this code determines and de- Special speed limit signs

clares a speed limit different from the limit otherwise applicable under Sections 22349, 22351 and 22352, appropriate speed restriction signs shall be erected and maintained at the outside entrance of the highway or portion thereof upon which the special speed limit is applicable. The special speed limit is not effective until appropriate signs have been erected.

SEC. 14. The heading of Article 1 (commencing at Section 22350) of Chapter 7 of Division 11 of said code is amended to read:

Article 1. Generally

SEC. 15. Section 22349 is added to Article 1 (commencing at Section 22350) of Chapter 7 of Division 11 of said code, to read:

Maximum speed limit

22349. No person shall drive a vehicle upon a highway at a speed greater than 65 miles per hour.

SEC. 16. Section 22352 of said code is amended to read:

Prima facie speed limits

22352. The prima facie limits are as follows and the same shall be applicable unless changed as authorized in this code and, if so changed, only when signs have been erected giving notice thereof:

(a) Fifteen miles per hour:

(1) When traversing a grade crossing of a steam, electric or street railway, if during the last 100 feet of the approach to the crossing the driver does not have a clear and unobstructed view of the crossing and of any traffic on the railway for a distance of 400 feet in both directions along such railway. This subdivision does not apply in the case of any railway grade crossing where human flagman is on duty or a clearly visible electrical or mechanical railway crossing signal device is installed but does not then indicate the immediate approach of a railway train or car.

(2) When traversing any intersection of highways if during the last 100 feet of his approach to the intersection the driver does not have a clear and unobstructed view of the intersection and of any traffic upon all of the highways entering the intersection for a distance of 100 feet along all such highways, except at an intersection protected by stop signs or yield right-of-way signs or controlled by official traffic control signals.

(b) Twenty-five miles per hour:

(1) On any highway other than a state highway, in any business or residence district unless a different speed is determined by local authority under procedures set forth in this code.

(2) When passing a school building or the grounds thereof, contiguous to the highway while children are going to or leaving such school during opening or closing hours or during the noon recess period. Such prima facie limit shall also apply

when passing any school grounds which are not separated from the highway by a fence, gate or other physical barrier while the grounds are in use by children.

SEC. 17. Section 22353 of said code is repealed. Repeal

SEC. 18. Section 22354 of said code is amended to read:

22354. Whenever the Department of Public Works determines upon the basis of an engineering and traffic survey that the limit of 65 miles per hour is more than reasonable or safe upon any portion of a state highway where the limit of 65 miles is applicable, the department may determine and declare a prima facie speed limit of 60, 55, 50, 45, 40, 35, 30 or 25 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie speed limit shall be effective when appropriate signs giving notice thereof are erected upon the highway. Authority to reduce speed limits

SEC. 19. Section 22355 of said code is amended to read:

22355. Whenever the Department of Public Works determines upon the basis of an engineering and traffic survey that the safe and orderly movement of traffic upon any state highway which is a freeway will be facilitated by the establishment of variable speed limits, the department may erect, regulate, and control signs upon the state highway which is a freeway, or any portion thereof, which signs shall be so designed as to permit display of different speed limits at various times of the day or night. Such signs need not conform with the provisions of Section 21403, but shall be of sufficient size and clarity to give adequate notice of the applicable speed limit. The speed limit upon the freeway at a particular time and place shall be that which is then and there displayed upon such sign. Signs re variable speed limits

SEC. 20. Section 22356 of said code is repealed. Repeal

SEC. 21. Section 22357 of said code is amended to read:

22357. Whenever a local authority determines upon the basis of an engineering and traffic survey that a speed greater than 25 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any street other than a state highway otherwise subject to a prima facie limit of 25 miles per hour, the local authority may by ordinance determine and declare a prima facie speed limit of 30, 35, 40, 45, 50, 55 or 60 miles per hour or a maximum speed limit of 65 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie or maximum speed limit shall be effective when appropriate signs giving notice thereof are erected upon the street. The provisions of this section shall not apply in respect to any 25-mile per hour prima facie limit which is applicable when passing a school building or the grounds thereof. Authority to increase prima facie speed limit

SEC. 22. Section 22358 of said code is amended to read:

22358. Whenever a local authority determines upon the basis of an engineering and traffic survey that the limit of 65 Local authority

miles per hour is more than is reasonable or safe upon any portion of any street other than a state highway where the limit of 65 miles per hour is applicable, the local authority may by ordinance determine and declare a prima facie speed limit of 60, 55, 50, 45, 40, 35, 30 or 25 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie limit shall be effective when appropriate signs giving notice thereof are erected upon the street.

Legislative intent

SEC. 23. Section 22358.5 is added to said code, to read:

22358.5. It is the intent of the Legislature that physical conditions such as width, curvature, grade and surface conditions, or any other condition readily apparent to a driver, in the absence of other factors, would not require special downward speed zoning, as the basic rule of section 22350 is sufficient regulation as to such conditions.

Authority to link districts

SEC. 24. Section 22360 of said code is amended to read:

22360. Whenever a local authority determines upon the basis of an engineering and traffic survey that the limit of 65 miles per hour is more than is reasonable or safe upon any portion of a highway other than a state highway for a distance of not exceeding 2,000 feet in length between districts, either business or residence, the local authority may determine and declare a reasonable and safe prima facie limit thereon lower than 65 miles per hour, but not less than 25 miles per hour, which declared prima facie speed limit shall be effective when appropriate signs giving notice thereof are erected upon said street or highway.

Ratification

SEC. 25. All speed restriction signs in place on the effective date of this act are hereby ratified and confirmed and shall establish the applicable prima facie speed limit unless and until changed pursuant to engineering and traffic surveys provided for by this code.

Effect. Stats 1959, Ch 3

SEC. 26. Sections 10 to 24, inclusive, of this act shall become operative only if the Vehicle Code as proposed by Assembly Bill No. 5 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said code takes effect, at which time Sections 468, 468.2, 510.5, 511, 511.1, 511.2, 511.3, 511.6, and 511.9 of the Vehicle Code adopted in 1935 are repealed.

Operative date

SEC. 27. This act shall become operative January 1, 1960 in the manner prescribed by Section 26, except that prior to said date highway authorities may make engineering and traffic surveys and necessary changes in signs to reflect changes in speed limits on January 1, 1960.

CHAPTER 12

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith, declaring the urgency thereof to take effect immediately.

[Approved by Governor March 12, 1959. Filed with Secretary of State March 13, 1959.] In effect immediately

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

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and school districts of any kind or class and public utility districts.

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 4. All acts and proceedings heretofore taken by any public body under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory.

SEC. 5 All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of

bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All such bonds heretofore authorized to be issued and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending or undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This subsection shall not extend the period in which any action may be brought beyond the period in which

it would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the First Validating Act of 1959.

SEC. 11. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The peace, health and safety of the citizens of the State require the orderly and unhampered functioning of public bodies and such functioning depends upon the validity of the organization, boundaries, and governing officers or boards of public bodies, and upon the validity of acts, proceedings, and bonds of public bodies, and it is therefore imperative and essential that such matters be validated so that during the period before this act would otherwise become effective:

(1) Citizens of the State can be afforded the protection of the police, fire, safety, sanitary and other regulations and protections provided by public bodies;

(2) Public works and construction by public bodies can be commenced and continued without delay or restriction, to provide sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health, and safety, and immediately needed to provide for an increased population;

(3) Public bodies can issue and sell bonds heretofore authorized for the purpose of providing sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety and immediately needed to provide for an increased population, which cannot now be sold because of defects in the organization or boundaries of some public body or in the authorization of such bonds, which defects will be cured by this act.

CHAPTER 13

An act to add Section 16271.3 to the Education Code, and Section 16864 to the Education Code, as proposed by Senate Bill No. 2, relating to the use of school buses, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor March 12, 1959. Filed with Secretary of State March 13, 1959.]

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

SECTION 1. Section 16271.3 is added to the Education Code, to read:

School buses to music festivals, etc

16271.3. The governing board of any school district maintaining a high school or junior college may use school buses to transport pupils attending the high school or junior college of the district and teachers or other employees employed by the district to and from other states to attend music festivals in which the pupils have been invited to participate. The transportation may be provided on any day or days throughout the school year.

In computing the average daily attendance of a school district, there shall be excluded the attendance of such pupils while being transported to and from, and participating in, such music festival.

Any school district which transports pupils attending the high schools or junior colleges of the district, or teachers or other employees of the district to and from other states for such music festivals shall report to the Superintendent of Public Instruction on forms prescribed by him the total mileage of school buses used in connection with such music festivals. In computing the additional allowance to such school district for transportation there shall be deducted therefrom an amount equal to the depreciation of school buses used for such transportation in accordance with rules and regulations adopted by the Superintendent of Public Instruction.

This section shall have no force or effect after December 31, 1959.

Same

SEC. 2. Section 16864 is added to the Education Code, as proposed by Senate Bill No. 2, to read:

16864. The governing board of any school district maintaining a high school or junior college may use school buses to transport pupils attending the high school or junior college of the district and teachers or other employees employed by the district to and from other states to attend music festivals in which the pupils have been invited to participate. The transportation may be provided on any day or days throughout the school year.

In computing the average daily attendance of a school district, there shall be excluded the attendance of such pupils while being transported to and from, and participating in, such music festival.

Any school district which transports pupils attending the high schools or junior colleges of the district, or teachers or other employees of the district to and from other states for such music festivals shall report to the Superintendent of Public Instruction on forms prescribed by him the total mileage of school buses used in connection with such music festivals. In computing the additional allowance to such school district for transportation there shall be deducted therefrom an amount equal to the depreciation of school buses used for such transportation in accordance with rules and regulations adopted by the Superintendent of Public Instruction.

This section shall have no force or effect after December 31, 1959.

Effect. Stats 1959, Ch 2

SEC. 3. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 16271 3 of the Education Code as added by Section 1 of this act is repealed.

Urgency

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

A technicality in the law prevents the use of school buses to transport pupils, except graduating twelfth grade pupils, out of this State for excursions of an educational nature. Because of this technicality public school musical groups of outstanding ability are unable to represent the State of California in music festivals held in other states. The inability to attend out-of-state music festivals denies to groups of public school pupils endowed with superior musical abilities the recognition to which they are entitled and to which the public schools of California are entitled and has a seriously demoralizing effect on these groups of pupils. In order that these pupils of the public schools be afforded the fullest opportunities and encouragement in pursuing the cultural aspect of education which in modern times is often overshadowed by the technical aspect of education to the detriment of our great musical and cultural heritage, it is necessary that this act take effect immediately.

CHAPTER 14

An act to amend the heading of Chapter 6 (commencing at Section 22801), Division 11, and to add Article 1.5 (commencing at Section 22811) to Chapter 6, Division 11, of the Education Code, and to amend the heading of Chapter 6 (commencing at Section 28001), Division 20, and to add Article 1.5 (commencing at Section 28021) to Chapter 6, Division 20, of the Education Code as proposed by Senate

Bill No. 2, relating to libraries, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor March 17, 1959. Filed with Secretary of State March 17, 1959.]

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

SECTION 1. The heading of Chapter 6 (commencing at Section 22801) of Division 11 of the Education Code is amended to read:

CHAPTER 6. UNIFIED SCHOOL DISTRICT PUBLIC LIBRARIES AND UNION HIGH SCHOOL DISTRICT PUBLIC LIBRARIES

SEC. 2. Article 1.5 (commencing at Section 22811) is added to Chapter 6, Division 11, of said code, to read:

Article 1.5. Applicability to Unified School Districts

Applicability

22811. For the purposes of this chapter a unified school district has all of the powers and duties of a union high school district. A library district may be formed upon the application of 50 or more taxpayers and residents of any unified district, and after an election, in the manner prescribed by this chapter for the formation of a library district upon the application of taxpayers and residents of a union high school district. If the requisite number of votes cast at the election are in favor of a unified school district library district the board of supervisors shall by resolution establish the library district and place the district in the control of the governing board of the unified school district.

Definitions

22812. As used in this chapter the words "union high school district" mean union high school district or unified school district and the words "union high school" mean union high school or unified school district. Whenever the provisions of this chapter are being exercised by, or are being made applicable in, a unified school district, the words "union high school district" and "union high school" shall be deemed to mean unified school district.

SEC. 3. The heading of Chapter 6 (commencing at Section 28001), Division 20, of the Education Code as proposed by Senate Bill No. 2, is amended to read:

CHAPTER 6. UNIFIED SCHOOL DISTRICT PUBLIC LIBRARIES AND UNION HIGH SCHOOL DISTRICT PUBLIC LIBRARIES

SEC. 4. Article 1.5 (commencing at Section 28021) is added to Chapter 6, Division 20, of said code, to read:

Applicability

28021. For the purposes of this chapter a unified school district has all of the powers and duties of a union high school district. A library district may be formed upon the application of 50 or more taxpayers and residents of any unified district, and after an election, in the manner prescribed by this chapter

for the formation of a library district upon the application of taxpayers and residents of a union high school district. If the requisite number of votes cast at the election are in favor of a unified school district library district the board of supervisors shall by resolution establish the library district and place the district in the control of the governing board of the unified school district.

28022. As used in this chapter the words "union high school district" mean union high school district or unified school district and the words "union high school" mean union high school or unified school district. Whenever the provisions of this chapter are being exercised by, or are being made applicable in, a unified school district, the words "union high school district" and "union high school" shall be deemed to mean unified school district. Definitions

SEC. 5. Sections 3 and 4 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time the heading of Chapter 6 (commencing at Section 22801) of Division 11 and Article 1.5 (commencing at Section 22811) of Chapter 6 of Division 11 of the Education Code as amended or added by Sections 1 and 2 of this act are repealed. Effect. Stats 1959, Ch. 2

SEC. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

The existing law authorizes the formation of library districts in union high school districts and such law has been construed as being applicable to unified school districts. There is now in the process of formation a library district in a unified school district. However, some question has arisen concerning the certainty of construction making the provisions applicable in a unified school district. This act would explicitly make the existing law applicable to unified school districts. In order that the formation of public libraries in unified districts be expeditiously completed to meet the educational needs of the children of this State, it is necessary that this act take effect immediately.

CHAPTER 15

An act to add Section 10659 to, and amend Section 10840 of, the Fish and Game Code, relating to sea otters.

[Approved by Governor March 17, 1959. Filed with Secretary of State March 17, 1959.] In effect September 18, 1959

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

SECTION 1. Section 10659 is added to the Fish and Game Code, to read:

Permit

10659. In the California Sea Otter Game Refuge, the lawful occupant of privately owned land, or the employees of such occupant, may possess firearms and traps and may take on such lands any nonprotected bird or mammal, and no permit is required for such taking.

SEC. 2. Section 10840 of said code is amended to read:

Boundaries

10840. The California Sea Otter Game Refuge consists of and includes the following:

All that portion of Monterey and San Luis Obispo Counties between Carmel River on the north and Santa Rosa Creek on the south, lying west of the Monterey-Cambria Pines Highway, also known as California Highway No. 1.

CHAPTER 16

An act to amend Sections 73562 and 73563 of the Government Code, relating to the salaries for clerks in the municipal court district embracing the Cities of Carmel and Monterey.

In effect September 18, 1959

[Approved by Governor March 17, 1959. Filed with Secretary of State March 17, 1959.]

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

SECTION 1. Section 73562 of the Government Code is amended to read:

Salaries Clerk

73562. There shall be one clerk, who shall receive a minimum salary of four hundred seventy dollars ($470) monthly with annual increments of twenty-six dollars ($26), twenty-seven dollars ($27), twenty-nine dollars ($29) and thirty-one dollars ($31) to a maximum of five hundred eighty-three dollars ($583) monthly.

SEC. 2. Section 73563 of said code is amended to read:

73563. The clerk may appoint:

Deputy clerks

(a) One deputy who shall receive a minimum salary of three hundred sixty-one dollars ($361) monthly with annual increments of nineteen dollars ($19), twenty-one dollars ($21), twenty-two ($22), and twenty-three dollars ($23), to a maximum of four hundred forty-six dollars ($446) monthly.

(b) Four deputies each of whom shall receive a minimum salary of three hundred eight dollars ($308) monthly with annual increments of seventeen dollars ($17), seventeen dollars ($17), nineteen dollars ($19), and nineteen dollars ($19) to a maximum of three hundred eighty dollars ($380) monthly.

(c) Seven deputies who shall receive a minimum salary of two hundred sixty-four dollars ($264) monthly with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15), and seventeen dollars ($17) to a maximum of three hundred twenty-five dollars ($325) monthly.

CHAPTER 17

An act to amend Section 252 of the Vehicle Code, and to add Section 12518 to the Vehicle Code as proposed by Assembly Bill No. 5, relating to the operation of motor vehicles.

[Approved by Governor March 17, 1959. Filed with Secretary of State March 17, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 252 of the Vehicle Code is amended to read:

252. When Nonresident Exempt. (a) A nonresident over the age of 21 years having in his immediate possession a valid operator's license issued to him in his home state or country may operate a motor vehicle in this State as an operator only for not to exceed one year without obtaining a license hereunder.

Exempted nonresidents

(b) A nonresident over the age of 21 years having in his immediate possession a valid chauffeur's license issued to him in his home state or country may operate a motor vehicle in this State without obtaining a license hereunder, but such nonresident must be licensed as a chauffeur under the provisions of this code before he may accept regular employment as a chauffeur within this State.

(c) A nonresident over the age of 21 years whose home state or country does not require the licensing of operators or chauffeurs may operate a foreign vehicle owned by him for not to exceed 30 days without obtaining a license hereunder.

(d) The provisions of subdivisions (a), (b) and (c) shall apply to any nonresident over the age of 16 years but under the age of 21 years, except that the maximum period during which such nonresident may operate a motor vehicle in this State without obtaining an operator's or chauffeur's license shall be limited to a period of 10 days immediately following the entry of such nonresident into this State.

(e) The provisions of subdivisions (a), (b), and (c) shall apply to any nonresident who is under the age of 21 years and who is a member of the Armed Forces of the United States on active duty within this State, except that the maximum period during which such nonresident may operate a motor vehicle in this State without obtaining an operator's or chauffeur's license shall be limited to a period of 60 days immediately following the entry of such nonresident into this State.

(f) For the purposes of this division any person who, while residing in this State, accepts gainful employment within this State, shall be considered to be a resident of this State.

SEC. 2. Section 12518 is added to the Vehicle Code as proposed by Assembly Bill No. 5, to read:

12518. The provisions of Section 12504 shall apply to any nonresident who is under the age of 21 years and who is a member of the Armed Forces of the United States on active

Same

duty within this State, except that the maximum period during which such nonresident may operate a motor vehicle in this State without obtaining an operator's or chauffeur's license shall be limited to a period of 60 days immediately following the entry of such nonresident into this State.

Effect. Stats 1959, Ch 3

SEC. 3. Section 2 of this act becomes operative only if the Vehicle Code as proposed by Assembly Bill No. 5 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said code takes effect, at which time Section 252 of the Vehicle Code adopted in 1935 is repealed.

CHAPTER 18

An act to amend Sections 1370 and 1376 of the Harbors and Navigation Code, relating to pilotage in the Port of San Diego.

In effect September 18, 1959

[Approved by Governor March 17, 1959. Filed with Secretary of State March 17, 1959.]

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

SECTION 1. Section 1370 of the Harbors and Navigation Code is amended to read:

Port pilots

1370. There shall be not less than two or more than six pilots for the port.

SEC. 2. Section 1376 of said code is amended to read:

Rates of pilotage

1376. The board shall from time to time fix reasonable rates of pilotage for all vessels into or out of the Port of San Diego not exceeding two dollars ($2) per foot of draft and two cents ($0.02) for each net ton of registered measurement and every vessel, inward or outward bound, shall pay these rates when subject to pilot fees.

CHAPTER 19

An act to amend Section 61755 of the Government Code, relating to community services districts.

In effect September 18, 1959

[Approved by Governor March 20, 1959. Filed with Secretary of State March 20, 1959.]

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

SECTION 1. Section 61755 of the Government Code is amended to read:

61755. The board shall, on or before the first weekday in September, or if such weekday falls upon a holiday then on or before the first business day thereafter, fix the rate of taxes, designating the number of cents upon each hundred dollars of assessed valuation, which rate of taxation shall be sufficient to

raise the amount previously fixed by the board, as hereinabove prescribed; which acts by the board are a valid assessment of such property and a valid levy of such taxes so fixed. The board must immediately thereafter transmit to the said county assessors a statement of such rate so fixed by the board.

CHAPTER 20

An act to add Section 2193 to the Agricultural Code, relating to marketing programs.

[Approved by Governor March 20, 1959. Filed with Secretary of State March 20, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2193 is added to the Agricultural Code, to read:

2193. Upon recommendation of the program committee concerned, the director shall have power, consistent with this chapter, to establish such administrative rules and regulations as may be necessary to facilitate the administration and enforcement of each such marketing program promulgated hereunder. Upon the issuance and making effective of such administrative rules and regulations, notice thereof shall be made in the same manner as provided in subdivision (e) of Section 1300.16 of this code for marketing orders.

CHAPTER 21

An act to amend Section 2571 of the Education Code and Section 1851 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to school districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 20, 1959. Filed with Secretary of State March 20, 1959.]

In effect immediately

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

SECTION 1. Section 2571 of the Education Code is amended to read:

2571. A single, union, or joint union elementary school district may be annexed to another single, union, or joint union elementary school district which during the last preceding fiscal year had an average daily attendance in excess of the district to be annexed pursuant to this article, and upon such terms as may be agreed upon between the governing boards of the school districts.

Annexation of school districts

SEC. 2. Section 1851 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

Same

1851. A single, union, or joint union elementary school district may be annexed to another single, union, or joint union elementary school district which during the last preceding fiscal year had an average daily attendance in excess of the district to be annexed pursuant to this article (commencing at Section 1851), and upon such terms as may be agreed upon between the governing boards of the school districts.

Effect Stats 1959, Ch 2

SEC. 3. Section 2 of this act shall become operative at the same time as the Education Code, as enacted by the Legislature at its 1959 Regular Session, at which time Section 2571 of the Education Code as amended by Section 1 of this act is repealed.

Urgency

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Under existing law, there is no procedure prescribed whereby a union or joint union elementary school district may be annexed to a single elementary school district. This lack of legislative authorization prevents the annexation of small union or joint union elementary districts to larger single elementary districts which have the means to provide the necessary facilities for pupils of the district. In order to permit the annexation of inefficient small districts to contiguous larger districts and thus improve the school district organization in areas affected by such lack of existing law, it is necessary that this act take effect immediately.

CHAPTER 22

An act to amend Section 263.2 of, and to add Sections 260.25 and 260.85 to, the Agricultural Code, relating to bovine brucellosis.

In effect September 18, 1959

[Approved by Governor March 20, 1959. Filed with Secretary of State March 20, 1959.]

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

SECTION 1. Section 260.25 is added to the Agricultural Code, to read:

Brucellosis vaccination stamp

260.25. It is unlawful for any person other than a federal, state, county or municipal officer or employee, in his official capacity, or an accredited veterinarian, to buy, possess or use any device designed to produce a mark, stamp or tattoo that simulates in design the official tattoo, tag or mark adopted by the department and the United States Department of Agriculture for identifying cattle officially vaccinated against brucellosis.

SEC. 2. Section 260.85 is added to said code, to read:

260.85. It is unlawful for any person other than a federal, state, county or municipal officer or employee, in his official capacity, or an accredited veterinarian, to buy, possess or use a vaccine or antigen containing brucella micro-organisms, except in accordance with rules and regulations of the director. Brucellosis vaccine

SEC. 3. Section 263.2 of said code is amended to read:

263.2. Any bovine animal in a brucellosis control area reacting positively to a test for brucellosis shall immediately be branded and identified in accordance with the rules and regulations of the director, and shall be slaughtered within 30 days in accordance with the rules and regulations of the director. Identification of diseased animal

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CHAPTER 23

An act to amend Section 7193 of the Education Code, and Section 17417 of the Education Code as proposed by Senate Bill No. 2, relating to school apportionments.

[Approved by Governor March 24, 1959. Filed with Secretary of State March 25, 1959.] In effect September 18, 1959

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

SECTION 1. Section 7193 of the Education Code is amended to read:

7193. Wherever the attendance of pupils is not included in the computation of the average daily attendance of a school district for any fiscal year because the certification document of the person employed by the district to instruct such pupils was not in force during the period of such attendance, the governing board of the district may, upon payment of the salary of such person pursuant to Section 13831.4, or similar provisions of law, report such attendance to the Superintendent of Public Instruction during the fiscal year in which such salary is paid. Such report shall be made in such form as shall be prescribed and furnished by the Superintendent of Public Instruction. Thereafter the Superintendent of Public Instruction shall add to the apportionment from the State School Fund to the district during the next succeeding fiscal year or years, as determined by him but not exceeding three, the additional amount to which the district would have been entitled in the fiscal year next succeeding that in which such attendance was not included in the computation of the average daily attendance of the district if such amount is at least one hundred dollars ($100) or more. Average daily attendance Additional apportionment

Any such additional amount shall be apportioned from the State School Fund before any other apportionment from such fund is made and shall be allowed from any portion of such fund except that portion reserved as allowances for basic state aid.

SEC. 2. Section 17417 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

Same

17417. Wherever the attendance of pupils is not included in the computation of the average daily attendance of a school district for any fiscal year because the certification document of the person employed by the district to instruct such pupils was not in force during the period of such attendance, the governing board of the district may, upon payment of the salary of such person pursuant to Section 13515, or similar provisions of law, report such attendance to the Superintendent of Public Instruction during the fiscal year in which such salary is paid. Such report shall be made in such form as shall be prescribed and furnished by the Superintendent of Public Instruction. Thereafter the Superintendent of Public Instruction shall add to the apportionment from the State School Fund to the district during the next succeeding fiscal year or years, as determined by him but not exceeding three, the additional amount to which the district would have been entitled in the fiscal year next succeeding that in which such attendance was not included in the computation of the average daily attendance of the district if such amount is at least one hundred dollars ($100) or more.

Any such additional amount shall be apportioned from the State School Fund before any other apportionment from such fund is made and shall be allowed from any portion of such fund except that portion reserved as allowances for basic state aid.

Declaratory of existing law

SEC. 3. The amendment of these sections made by the 1959 Regular Session of the Legislature does not constitute a change in, but is a restatement of, the pre-existing law without substantive change.

Effect. Stats 1959, Ch 2

SEC. 4. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 7193 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 24

An act to amend Section 16277 of the Education Code and Section 16853 of the Education Code as proposed by Senate Bill No. 2, relating to school buses.

In effect September 18, 1959

[Approved by Governor March 24, 1959. Filed with Secretary of State March 25, 1959.]

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

SECTION 1. Section 16277 of the Education Code is amended to read:

16277. The name or names of the particular school or schools to which a school bus conveys pupils may be painted on the side of such bus, in the manner prescribed by the State Board of Education. School buses

SEC. 2. Section 16853 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

16853. The name or names of the particular school or schools to which a school bus conveys pupils may be painted on the side of such bus, in the manner prescribed by the State Board of Education. Same

SEC. 3. The amendment of these sections made by the 1959 Regular Session of the Legislature does not constitute a change in, but is a restatement of, the pre-existing law, without substantive change. Declaratory of existing law

SEC. 4. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 16277 of the Education Code as amended by Section 1 of this act is repealed. Effect. Stats 1959, Ch 2

CHAPTER 25

An act to amend Section 262 of the Revenue and Taxation Code, relating to the church exemption, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 24, 1959. Filed with Secretary of State March 25, 1959.] In effect immediately

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

SECTION 1. Section 262 of the Revenue and Taxation Code is amended to read:

262. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1952, 1953, 1954, 1955, 1956, 1957 or 1958 on property as to which the church exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

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

Some churches have inadvertently failed to file the required affidavit in support of the tax exemption of their property which is granted by the State Constitution, and as a result now

are confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the application of the exemption to such property. In doing so, the public policy of the State as expressed in the Constitution will be entirely fulfilled and the State as a whole will benefit.

CHAPTER 26

An act to amend Sections 9084.5 and 9087 of the Insurance Code, relating to limitations on the risks to be insured against by insurance policies issued by fraternal fire insurers.

In effect September 18, 1959

[Approved by Governor March 24, 1959. Filed with Secretary of State March 25, 1959.]

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

SECTION 1. Section 9084.5 of the Insurance Code is amended to read:

Limitations on risks

9084.5. Such association shall not write insurance in excess of eight thousand dollars ($8,000) on any one risk nor in excess of forty thousand dollars ($40,000) in any one city block within an incorporated city without immediately reinsuring all the excess amount. An association may write insurance for an amount not exceeding forty thousand dollars ($40,000) on any one risk, if the excess over eight thousand dollars ($8,000) is reinsured as provided in this section. Such associations may not accept reinsurance but may reinsure risks if such reinsurance is by contracts and with reinsurers which meet the standards therefor prescribed in Sections 922.1 to 922.8.

SEC. 2. Section 9087 of said code is amended to read:

Property insured

9087. No property within the corporate limits of any city or town shall be insured except dwellings and the contents thereof, grange halls and the contents thereof, other grange property, and any buildings appurtenant thereto.

CHAPTER 27

An act to add Section 506.3 to the Public Resources Code, relating to the Division of Beaches and Parks of the Department of Natural Resources, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor March 24, 1959. Filed with Secretary of State March 25, 1959.]

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

SECTION 1. Section 506.3 is added to the Public Resources Code, to read:

506.3. The Division of Beaches and Parks shall be administered through a chief who shall have at least five years experience in park, recreational, or related types of administration. The chief shall be appointed by the Governor, subject to confirmation by the Senate. The chief shall serve at the pleasure of the director and his salary shall be fixed by the director in accordance with law. The chief shall have such duties as shall be assigned from time to time, by the director, and he shall be responsible to the director for the performance thereof.

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

It is essential, in order to provide a more orderly and efficient type of administration, that the person holding the tremendously important position of Chief of the Division of Beaches and Parks, Department of Natural Resources, should have an executive status, exempt from state civil service requirements. This act is designed to accomplish this purpose. In order that this act may become effective prior to the retirement of the present holder of the Office of Chief of the Division of Beaches and Parks early this year, so that his successor may be appointed pursuant to the provisions of this act, it is necessary that this act go into immediate effect.

CHAPTER 28

An act adding Article 6 (commencing at Section 25701) to Chapter 7 of Part 2 of Division 2 of Title 3 of the Government Code, relating to the reclamation of water from sewage or other waste water, and the disposal thereof.

[Approved by Governor March 24, 1959. Filed with Secretary of State March 25, 1959.] In effect September 18, 1959

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

SECTION 1. Article 6 (commencing at Section 25701) is added to Chapter 7 of Part 2 of Division 2 of Title 3 of the Government Code, to read:

Article 6. Reclamation of Water

25701. The board of supervisors may enter into contracts with municipalities, sanitation districts, sanitary districts or other incorporated bodies within the county, providing for the delivery to the county of sewage, or other waste water, or both, produced by or coming from such incorporated bodies. Contracts re delivery of sewage

25702. The board of supervisors may acquire, construct, repair, manage, and maintain all works necessary or proper for the treatment, purification, and reclamation of water from Reclamation of water

sewage or other waste waters, or both, and may reclaim any sewage or other waste water obtained pursuant to contracts entered into pursuant to this article, or obtained otherwise.

Disposal of reclaimed water

25703. The board of supervisors may dispose of water reclaimed and any byproducts of such reclamation, pursuant to this article, in any one or more of the following ways:

(a) Sale to the county and the inhabitants thereof.

(b) Sale to any water district, water conservation district, flood control district, or any other district of which the board of supervisors is ex officio the governing body.

(c) Replenishment of the underground water supplies anywhere within the county.

(d) Sale to any city or, with the consent of the city legislative body expressed by ordinance, to the inhabitants thereof.

Authority to contract with public agencies

25704. The board of supervisors may enter into contracts with cities within the county, water districts within the county of any type or kind, sanitation districts within the county, the State of California, or the Government of the United States, under such terms as may be mutually advantageous, for the acquisition or construction, or both, of the works authorized by this article to be acquired or constructed. Each of the parties to such contract may contribute to the cost of such acquisition, or construction, or both, such sums of money as may be therein agreed upon.

Bond indebtedness

25705. For the purposes of this article, the county may incur a bonded indebtedness, upon the conditions, in the manner, and in accordance with the procedure prescribed by Article 1 (commencing at Section 29900) of Chapter 6 of Division 3 of this title.

CHAPTER 29

An act to amend Sections 5931 and 7842 of the Elections Code, relating to absentee voter ballots.

In effect September 18, 1959

[Approved by Governor March 24, 1959. Filed with Secretary of State March 25, 1959.]

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

SECTION 1. Section 5931 of the Elections Code is amended to read:

Absentee voter ballots

5931. At any time on or before the date of an election an absent voter, regardless of whether he is within or without the territorial limits of the United States, may mark his ballot and transmit it to the clerk by mail if:

(a) In the case of any election conducted by the county clerk he is absent from his election precinct, or

(b) In the case of any other election, he is absent from the city or district of his residence, or

(c) He is unable because of disability to go to his polling place, or

(d) He is unable to go to his polling place on election day by reason of the fact that the tenets of his religion require his attendance at church or religious services on that day or otherwise prevent him from attending the polls throughout that day.

After marking his ballot the absent voter shall place it in the identification envelope. He shall then fill out and sign the declaration on the envelope and mail it to the office of the clerk of the locality in which he resides.

Upon receipt of the return envelope containing the identification envelope the clerk shall deposit it in a safe place in his office to be kept by him and delivered to the proper canvassing board. An identification envelope shall in no event be opened before being delivered to the canvassing board.

SEC. 2. Section 7842 of said code is amended to read:

7842. If the election board is satisfied that the signature on the voter's identification envelope is the voter's signature, it shall announce audibly the voter's name, whereupon a challenge may be interposed against the counting or deposit of the absent voter ballot for counting, upon either or all of the grounds available against a person attempting to vote at a polling place. A challenge may also be interposed upon the ground that the ballot was not mailed within the time prescribed by law. Ballot challenge

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CHAPTER 30

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 25, 1959. Filed with Secretary of State March 25, 1959.] In effect immediately

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

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions (and other entities):

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing at Section 6500), Division 7, Title 1 of the Government Code

Air pollution control districts
Airport districts
Assessment districts
Bridge and highway districts
California water districts
Cemetery districts

Citrus pest control districts
Community service districts
Conservancy districts
County fire protection districts
County maintenance districts
County power pumping districts
County sanitation districts
County sewerage and water districts
County water agencies
County water authorities
County water districts
County waterworks districts
Drainage districts
Fire protection districts
Flood control districts
Flood control and water conservation districts
Garbage and refuse disposal districts
Garbage disposal districts
Harbor districts
Harbor improvement districts
Highway districts
Highway lighting districts
Horticultural protection districts
Horticultural development districts
Housing authorities
Irrigation district distribution districts
Irrigation district improvement districts
Irrigation districts
Joint harbor improvement districts
Joint highway districts
Joint municipal sewage disposal districts
Junior college districts
Levee districts
Library districts
Local health districts
Local hospital districts
Metropolitan water districts
Mosquito abatement districts
Municipal improvement assessment districts
Municipal port districts
Municipal sewer districts
Municipal utility districts
Municipal water district improvement districts
Municipal water districts of any kind
Parking authorities
Parking districts
Park, recreation and parkway districts
Permanent road divisions
Pest abatement districts
Port districts
Public cemetery districts
Public utility districts

Rapid transit districts
Reclamation districts
Recreational harbor districts
Recreation and park districts
Recreation, park and parkway districts
Redevelopment agencies
Regional park districts
River port districts
Road districts
Sanitary districts
Sanitary districts annexed areas
School districts of any kind or class
Separation of grade districts
Sewer maintenance districts
Soil conservation districts
Storm water districts
Transit authorities
Transit districts
Unified air pollution control districts
Urban renewal agencies
Vehicle parking districts
Veterans' memorial districts
Water authorities
Water conservation districts
Water districts
Water storage districts
Weed abatement districts
Zones of flood control districts

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 4. All acts and proceedings heretofore taken by any public body under any law, or under color of any law, for the

annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All such bonds heretofore authorized to be issued and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending or undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This subsection shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective dates; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the First Validating Act of 1959.

SEC. 11. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The peace, health and safety of the citizens of the State require the orderly and unhampered functioning of public bodies and such functioning depends upon the validity of the organization, boundaries, and governing officers or boards of public bodies, and upon the validity of acts, proceedings, and bonds of public bodies, and it is therefore imperative and essential that such matters be validated so that during the period before this act would otherwise become effective:

(1) Citizens of the State can be afforded the protection of the police, fire, safety, sanitary, and other regulations and protections provided by public bodies;

(2) Public works and construction by public bodies can be commenced and continued without delay or restriction, to provide sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and

facilities required for the public peace, health, and safety, and immediately needed to provide for an increased population;

(3) Public bodies can issue and sell bonds heretofore authorized for the purpose of providing sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety and immediately needed to provide for an increased population, which cannot now be sold because of defects in the organization or boundaries of some public body or in the authorization of such bonds, which defects will be cured by this act.

CHAPTER 31

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith.

In effect September 18, 1959

[Approved by Governor March 24, 1959. Filed with Secretary of State March 25, 1959.]

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

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing at Section 6500), Division 7, Title 1 of the Government Code

Air pollution control districts
Airport districts
Assessment districts
Bridge and highway districts
California water districts
Cemetery districts
Citrus pest control districts
Community service districts
Conservancy districts
County fire protection districts
County maintenance districts
County power pumping districts
County sanitation districts
County sewerage and water districts
County water agencies
County water authorities
County water districts
County waterworks districts

Drainage districts
Fire protection districts
Flood control districts
Flood control and water conservation districts
Garbage and refuse disposal districts
Garbage disposal districts
Harbor districts
Harbor improvement districts
Highway districts
Highway lighting districts
Horticultural protection districts
Horticultural development districts
Housing authorities
Irrigation district distribution districts
Irrigation district improvement districts
Irrigation districts
Joint harbor improvement districts
Joint highway districts
Joint municipal sewage disposal districts
Junior college districts
Levee districts
Library districts
Local health districts
Local hospital districts
Metropolitan water districts
Mosquito abatement districts
Municipal improvement assessment districts
Municipal port districts
Municipal sewer districts
Municipal utility districts
Municipal water district improvement districts
Municipal water districts of any kind
Parking authorities
Parking districts
Park, recreation and parkway districts
Permanent road divisions
Pest abatement districts
Port districts
Public cemetery districts
Public utility districts
Rapid transit districts
Reclamation districts
Recreational harbor districts
Recreation and park districts
Recreation, park and parkway districts
Redevelopment agencies
Regional park districts
River port districts
Road districts
Sanitary districts
Sanitary districts annexed areas
School districts of any kind or class

Separation of grade districts
Sewer maintenance districts
Soil conservation districts
Storm water districts
Transit authorities
Transit districts
Unified air pollution control districts
Urban renewal agencies
Vehicle parking districts
Veterans' memorial districts
Water authorities
Water conservation districts
Water districts
Water storage districts
Weed abatement districts
Zones of flood control districts

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 4. All acts and proceedings heretofore taken by any public body under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds

of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All such bonds heretofore authorized to be issued and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceedings, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incon-

testable. This subsection shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the Second Validating Act of 1959.

CHAPTER 32

An act to add Section 541 to the Streets and Highways Code, relating to state highways, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor March 24, 1959. Filed with Secretary of State March 25, 1959.]

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

SECTION 1. Section 541 is added to the Streets and Highways Code, to read:

541. Route 241 is from Route 2 near San Ysidro to Route 2 near the northwestern boundary of the City of San Diego, easterly of existing Route 2.

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

The route added by this act is one included in the Federal Interstate Highway System as a north-south "belt-line" route around the more heavily populated portions of San Diego County, particularly the City of San Diego. It is essential that plans and estimates of cost for the freeway to be constructed on this route may be completed at the earliest possible time in order to meet federal requirements and to receive the federal funds which will primarily finance the construction of this much needed route. It is therefore necessary that this act take effect immediately.

CHAPTER 33

An act to amend Sections 55101, 55801 and 55966 of the Water Code, relating to county waterworks districts.

[Approved by Governor March 25, 1959. Filed with Secretary of State March 27, 1959.] In effect September 18, 1959

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

SECTION 1. Section 55101 of the Water Code is amended to read:

55101. A district may be formed of two or more parcels of noncontiguous territory within the same county if the board of supervisors determines that the single district may be more efficiently and economically operated than if separate districts were formed, but no parcel of noncontiguous territory which contains less than 10 acres may be included in any district. Waterwork districts Formation

SEC. 2. Section 55801 of said code is amended to read.

55801. Territory within the same county but not contiguous with the district may be annexed to the district if the board determines that the district resulting from the annexation may be more efficiently and economically operated than if a separate district were formed. No parcel of noncontiguous territory which contains less than 10 acres may be annexed to any district. Annexation

SEC. 3. Section 55966 of said code is amended to read:

55966. The board of supervisors shall acquire jurisdiction to order a consolidation of two or more districts within the same county if at the conclusion of the hearing the board determines, with respect to each and all districts to be consolidated that (1) consolidated operation of the districts is feasible, (2) the district resulting from the consolidation would be more efficiently and economically operated than any of the separate districts, and that the consolidation would be beneficial to any district proposed to be included in the consolidation, (3) the proposed consolidation is economically sound, and (4) the proposed consolidation is in the public interest. Consolidation

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CHAPTER 34

An act to amend Section 10505 of the Insurance Code, relating to insurance.

[Approved by Governor March 25, 1959. Filed with Secretary of State March 27, 1959.] In effect September 18, 1959

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

SECTION 1. Section 10505 of the Insurance Code is amended to read:

10505. (A) A labor union having all of the following characteristics is exempt from the provisions of this code relating to life and disability insurance in respect to the benefits herein specified and transactions connected therewith:

1. It is composed of members of one craft or industry or allied crafts or industries.

2. It is organized for the purpose of collective bargaining concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and for the mutual benefit of its members and not for profit.

3. Either (a) it does not issue policies but provides for payment of such benefits in its bylaws, constitution or rules and regulations; or (b) it limits its membership to one hazardous occupation.

4. Such payment of benefits is incidental to the purposes of such union.

(B) Any incorporated organization, the membership and insurance in which are restricted to members of such a labor union and the officers of which are members of the labor union, is likewise exempt from the provisions of this code to the same extent as such labor union.

(C) Any organization described in either subsection (A) or subsection (B) of this section is also exempt from all provisions of this code relating to insurance protecting against wage losses from any cause in respect to the benefits promised, not exceeding six thousand dollars ($6,000) in the aggregate for any one loss and the transactions connected therewith.

CHAPTER 35

An act to amend Section 5 of the Fresno Metropolitan Flood Control District Act (Chapter 503, Statutes of 1955), relating to the governing board of the district.

In effect September 18, 1959

[Approved by Governor March 26, 1959. Filed with Secretary of State March 27, 1959.]

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

SECTION 1. Section 5 of the Fresno Metropolitan Flood Control District Act (Chapter 503, Statutes of 1955) is amended to read:

Sec. 5. The governing board of said district shall consist of a board of directors of nine members. The Director of Public Works of the City of Fresno shall be ex officio a member of said board. The legislative body of the City of Fresno shall appoint four members to said board, one of whom shall be a member of such legislative body and three of whom shall not be members of such legislative body. The Director of Public Works of Fresno County shall be ex officio a member of said board. The Board of Supervisors of the County of Fresno shall appoint three members to said board, one of whom shall be a mem-

ber of said board of supervisors and two of whom shall not be members of such board of supervisors. The appointing body may remove any member of the board appointed by it at any time by a majority vote of the whole number of members of such body. All members of said board of directors except ex officio members and any members of the board of supervisors appointed to the board shall reside within the district. The County Assessor, County Tax Collector, County Auditor and County Treasurer of the County of Fresno, and their successors in office, shall be ex officio officers of said district, and their assistants, deputies, clerks and employees shall be ex officio assistants, deputies, clerks and employees respectively of said district, and said ex officio officers shall respectively perform, unless otherwise provided by said board of directors, without additional compensation, the same various duties for said district as for the County of Fresno, in order to carry out the provisions of this act. The secretary of the board of directors shall be appointed by said board. The board may employ such attorneys, engineers and other employees as it may see fit.

CHAPTER 36

An act to amend Section 19302 of the Education Code, and to amend Section 17101 of the Education Code as proposed by Senate Bill No. 2, relating to charges against school district funds.

[Approved by Governor March 25, 1959. Filed with Secretary of State March 27, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 19302 of the Education Code is amended to read:

19302. The cost of housing and equipping cafeterias is a charge against the funds of the school district. The governing board of a school district may by resolution make the cost of maintenance of the physical plant used in connection with cafeterias, the cost of replacement of equipment, and the cost of telephone charges, water, electricity, gas, coal, wood, fuel oil, and garbage disposal a charge against the funds of the school district.

Cafeterias

SEC. 2. Section 17101 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

17101. The cost of housing and equipping cafeterias is a charge against the funds of the school district. The governing board of a school district may by resolution make the cost of maintenance of the physical plant used in connection with cafeterias, the cost of replacement of equipment, and the cost of telephone charges, water, electricity, gas, coal, wood, fuel oil, and garbage disposal a charge against the funds of the school district.

Same

Effect. Stats 1959, Ch 2

SEC. 3. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 19302 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 37

An act to validate the organization and acts of junior college districts, declaring the urgency thereof, to take effect immediately

In effect immediately

[Approved by Governor March 27, 1959. Filed with Secretary of State March 27, 1959.]

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

SECTION 1. Whenever the action necessary to the formation of a junior college district was completed before the first day of February, 1959, such district is hereby declared to be legally created and to be effective for assessment or taxation purposes if the statement, together with the map or plat, required to be filed under Section 54900 to 54904, inclusive, of the Government Code, was filed prior to April 1, 1959.

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

Under existing law, the formation of any new school district, including a junior college district, is not effective for the purposes of assessment and taxation if the statement and map or plat required to be filed by Government Code Sections 54900 and following are not filed on or before the first day of February of the year in which the assessments or taxes are to be levied. In order to permit newly formed junior college districts which have filed such statements and maps or plats during the month of March, 1959, to properly function the first fiscal year of their existence for all purposes, it is necessary that this act take effect immediately.

CHAPTER 38

An act to add Section 5011 to the Elections Code, relating to misrepresentation in election campaigns.

In effect September 18, 1959

[Approved by Governor March 27, 1959. Filed with Secretary of State March 27, 1959.]

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

SECTION 1. Section 5011 is added to the Elections Code, to read:

5011. It is unlawful for any candidate, or committee in his behalf, to represent in connection with an election campaign, either orally or in campaign material, that the candidate has the support of a committee or organization, which includes as part of its name the name, or any variation upon the name, of a qualified political party with which the candidate is not affiliated, together with the words "county committee," "central committee," "county," or any other term that might tend to mislead the voters into believing that the candidate has the support of that party's county central committee or state central committee, when such is not the case.

This section shall not be construed to prevent a candidate or committee from representing that the candidate has the support of a committee or group of voters affiliated with another political party, which committee or group is identified by the name of that party, where the name of the committee or group also includes the name of the candidate.

Any member of a county central committee or state central committee may commence an action in the superior court to enjoin misrepresentation by a candidate or committee in his behalf, in the manner prohibited by this section, to the effect that such candidate has the support of such committee.

CHAPTER 39

An act to amend Sections 12126, 12151, 12153, 12154, 12155, 12276, 12402, 12405, 12431, 12435, 12464, 12465, 12494, 12495, 12622, 12623, 12624, 12626, 12676, 12682, 12801, 12802, 12803, 12834, 12952, 12977, 12997, 13102, 13103, 13105, 13112, and 13113 of, to repeal Sections 12127, 12401, 12403, 12432, 12433, 12434, 12437, 12438, 12461, 12625, and 12998 of, and to add Sections 12440, 12983 and 12998 to, the Revenue and Taxation Code, relating to insurance taxation, to take effect immediately.

[Approved by Governor April 1, 1959. Filed with Secretary of State April 1, 1959.]

In effect immediately

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

SECTION 1. Section 12126 of the Revenue and Taxation Code is amended to read:

Statement by ocean marine insurers

12126. Annually, on or before May 1st, every insurer transacting ocean marine insurance in this State shall file with the Insurance Commissioner a statement, in such form as the commissioner shall prescribe, setting forth items pertaining to its insurance business as defined and prescribed in Article 1 of this chapter. The statement shall include a tax return, in duplicate, and shall be accompanied by a remittance payable to the Insurance Commissioner for the amount of tax shown on the return. No penalty or interest for delinquent

payment shall, however, accrue or be payable if the remittance is made before the following June 15th.

SEC 2. Section 12151 of said code is amended to read:

Tax rate

12151. Except as otherwise provided in Section 12153, the tax shall be computed each year upon the average annual underwriting profit of the insurer from ocean marine insurance during the preceding three calendar years.

SEC. 3. Section 12153 of said code is amended to read:

Computation· Less than three-year basis

12153. If the insurer has not written ocean marine insurance in this State for three years immediately preceding the year in which the statement is filed, its tax shall be computed on the basis of its premiums and underwriting profits in the last completed calendar year. As soon as the insurer comes within the terms of Section 12154, the taxes computed under the provisions of this section for the two preceding years shall be adjusted to equal the amount of the first tax computed under Section 12154. The adjustment shall be shown as an addition to, or a credit against, the tax computed upon business done in the third year or as soon thereafter as possible

SEC. 4. Section 12154 of said code is amended to read:

Three-year basis

12154. If the insurer has transacted ocean marine insurance in this State for three years immediately preceding the year in which the statement is filed, the tax shall be computed as follows:

(a) Divide the average annual premiums of the insurer from ocean marine insurance written by it in this State during the preceding three calendar years by the average annual premiums of the insurer from all ocean marine insurance written during such calendar years.

(b) Multiply the insurer's average annual underwriting profit from ocean marine insurance written within the United States during the preceding three calendar years by the figure derived in (a).

(c) Multiply the amount derived in (b) by 5 percent.

SEC. 5. Section 12155 of said code is amended to read:

Refunds

12155. In computing the tax of a marine insurer issuing participating policies, there shall not be included in underwriting profit the amounts refunded by the insurer on account of premiums previously paid by its policyholders.

SEC. 6. Section 12276 of said code is amended to read:

Annual statements

12276. Annually, on or before April 1st, every insurer engaged in the business of insurance in this State in the preceding calendar year shall file with the Insurance Commissioner the statements, in addition to or in modification of the statements required by Article 10, Chapter 1, Part 2, Division 1 of the Insurance Code, deemed necessary by the Insurance Commissioner to enable him to prepare his annual report to the board. The statement shall include a tax return, in duplicate, and shall be accompanied by a remittance payable to the Insurance Commissioner for the amount of tax shown on the return. No penalty or interest for delinquent payment shall, however,

accrue or be payable if the remittance is made before the following June 15th.

SEC. 7. Section 12402 of said code is amended to read:

12402. Annually, on or before July 1st, the Insurance Commissioner shall transmit to the board one copy of each of the returns filed under Sections 12126 and 12276 and shall report to the board any changes in the insurers' computations which he believes necessary in order to reflect the correct tax liabilities. Annual returns

SEC. 8. Section 12405 of said code is amended to read:

12405. If an insurer does not file with the Insurance Commissioner within the time prescribed the statements required by Article 3 of Chapter 2 and Article 2 of Chapter 3 of this part, the Insurance Commissioner shall note such fact in the reports filed by him with the board. He shall estimate or otherwise determine the amount of tax payable by the insurer, and the board shall assess the tax and shall add thereto a penalty in the smallest of the following amounts: Penalty

(a) Five hundred dollars ($500), or

(b) Five (5) percent of the tax, or

(c) Fifty dollars ($50) for each day or fraction thereof elapsing between the delinquent date of the statement and the date on which filed.

The penalty imposed by this section shall not apply as to any insurer required to file a statement and return pursuant to Section 12126 or 12276 for the calendar year 1958, who files such statement and return prior to May 15, 1959.

SEC. 9. Section 12431 of said code is amended to read:

12431. Annually, on or before August 10th the board shall assess, in respect to the preceding calendar year, the taxes imposed upon insurers as provided in Article XIII of the Constitution and in this part, giving consideration to the report filed by the Insurance Commissioner pursuant to Section 12402. Annual assessment

SEC. 10. Section 12435 of said code is amended to read:

12435. Immediately after making the assessment, the board shall notify each insurer whose tax has been assessed in an amount differing from the amount of tax liability as computed by the insurer under Section 12126 or 12276 of the amount of the deficiency or excess, as the case may be. The board shall transmit copies of the notice to the Insurance Commissioner and the Controller. Notice

SEC. 11. Section 12440 is added to said code, to read:

12440. The notice of a deficiency assessment may be served personally or by mail. Service by mail shall be made pursuant to Section 1013 of the Code of Civil Procedure and shall be addressed to the insurer at his address as it appears in the records of the board. In case of service by mail of any notice required by this part, the service is complete at the time of deposit in the United States Post Office. Service

SEC. 12. Section 12464 of said code is amended to read:

Change in assessment

12464. On or before October 15th, the board may increase or decrease any assessment with respect to which an application has been filed pursuant to Section 12462.

SEC. 13. Section 12465 of said code is amended to read:

Notice

12465. A notice of assessment revised in accordance with the action of the board shall be mailed to each insurer whose assessment is modified and copies thereof shall be transmitted to the Insurance Commissioner and the Controller.

SEC. 14. Section 12494 of said code is amended to read:

Judgments and liens

12494. No judgment is satisfied nor lien removed until either:

(a) The taxes, interest, penalties, and costs are paid.

(b) The insurer's property is sold for the payment thereof.

SEC. 15. Section 12495 of said code is amended to read:

Bankruptcy and dissolution

12495. No court shall make and enter a final discharge in bankruptcy or decree of dissolution, nor shall any county clerk or the Secretary of State file a discharge, decree, or any other document by which the term of existence of a corporation is reduced or terminated until all taxes, interest, penalties, and costs are paid and discharged.

SEC. 16. Section 12622 of said code is amended to read:

Tax due date

12622 Taxes are due and payable annually on the date on which the insurer is required to file its annual tax return and are delinquent on the following June 15th. Any insurer which fails to pay its tax, except deficiencies assessed by the board pursuant to Section 12435, 12464, or 12997, on or before the delinquent date, shall pay, in addition to the tax, a penalty equal to 10 percent of the tax and interest at the rate of one-half of 1 percent per month, or fraction thereof, from such date until the date of payment.

SEC. 17. Section 12623 of said code is amended to read:

Payment to Controller

12623. Taxes based upon deficiency assessments made pursuant to Section 12435 or 12464 shall be payable to the Controller. The taxes shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from June 15th until the date of payment. If not paid on or before November 15th, there shall be paid in addition to the taxes and interest a penalty of 10 percent of the amount of tax deficiency.

SEC. 18. Section 12624 of said code is amended to read:

Moneys deposited in General Fund

12624. All taxes, interest, and penalties collected under this part shall be transmitted to the State Treasurer to be deposited in the State Treasury to the credit of the General Fund. Upon transmitting moneys to the State Treasurer, the Insurance Commissioner shall furnish the Controller with a record of the amounts transmitted and the insurers from whom the moneys have been received.

SEC. 18.5. Section 12626 of said code is amended to read:

State Compensation Insurance Fund

12626. On or before the fifteenth day of June, the State Compensation Insurance Fund shall pay into the State Treasury to the credit of the General Fund the sum required under the provisions of Section 12264 of this code.

SEC. 19. Section 12676 of said code is amended to read:

12676 On or before April 30th of the year following the calendar year in which the taxes, interest, or penalties became delinquent, the Controller may bring an action in the name of the State in a court of competent jurisdiction in the County of Sacramento to collect the delinquent taxes, interest, or penalties. Collection

SEC. 20. Section 12682 of said code is amended to read:

12682. In the action, a certificate of the Controller or of the secretary of the board, showing unpaid taxes against an insurer is prima facie evidence of: Controller's certificate

(a) The assessment of the taxes.

(b) The delinquency.

(c) The amount of the taxes, interest, and penalties due and unpaid to the State.

(d) That the insurer is indebted to the State in the amount of taxes, interest, and penalties appearing unpaid.

(e) That there has been compliance with all the requirements of law in relation to the assessment of the taxes.

SEC. 21. Section 12801 of said code is amended to read:

12801. Annually, between December 10th and 15th, the Controller shall transmit to the Insurance Commissioner a statement showing the names of all insurers that failed to pay on or before December 10th the whole or any portion of the tax that became delinquent in the preceding June or the whole or any part of the interest or penalties due with respect to the tax. The statement shall show the amount of the tax, interest, and penalties due from each insurer. Statement of delinquencies

SEC. 22. Section 12802 of said code is amended to read:

12802. The Insurance Commissioner shall give at least 10 days' notice in writing to each insurer of the time and place of a hearing to show cause why its certificate of authority shall not be revoked. Upon hearing, the commissioner shall revoke the certificate of authority of each insurer which does not establish to his satisfaction at or before the hearing that the tax, interest, and penalties due from it have been paid. Notice

SEC. 23. Section 12803 of said code is amended to read:

12803. An insurer whose certificate of authority has been revoked pursuant to this article may have the certificate restored by the Insurance Commissioner during the period for which it was issued upon the payment by the insurer of all taxes, interest, and penalties due from it and the payment to the commissioner of a fee of ten dollars ($10). Restoration of certificate

SEC. 24. Section 12834 of said code is amended to read:

12834. The certified copies of lists of corporations which have failed to pay the taxes, interest, and penalties imposed upon insurers transmitted by the Controller to county clerks and county recorders for filing in their respective offices, or a copy of these lists certified by the Controller, are receivable in evidence in any court in lieu of the original record of suspension or forfeiture on file with the Controller, and are prima facie evidence of the truth of all statements contained. Certified lists, prima facie evidence

SEC. 25. Section 12952 of said code is amended to read:

Cancellation

12952. If the assessment of an insurer is duplicated or if an insurer which, for any reason, could not be legally assessed is assessed, or if an insurer's tax has been computed in a manner contrary to law, the board or the Controller shall certify that fact to the Board of Control. The Board of Control shall authorize the cancellation of the assessment.

SEC. 26. Section 12977 of said code is amended to read:

Tax credit

12977. If the board determines that any tax, interest, or penalty has been paid more than once or has been erroneously or illegally collected or computed, the board shall set forth that fact in the records of the board and shall certify to the Board of Control the amount of the taxes, interest, or penalties collected in excess of what was legally due, and from whom they were collected or by whom paid. If approved by the Board of Control, the excess shall be credited to the insurer to whom it rightfully belongs at the time of the next payment of taxes following the approval, and at the time of such future payments as is necessary to completely credit the excess. In the case, however, of a determination by the board that an amount not exceeding twenty-five dollars ($25) was not required to be paid under this part, the board without obtaining approval of the State Board of Control may credit the amount on any tax which will become due and payable by the insurer by whom the amount was paid.

SEC. 26.5. Section 12983 is added to said code, to read:

Interest

12983. Interest shall be allowed upon the amount of any overpayment of tax pursuant to this part at the rate of 6 percent per annum from the date of the overpayment to the date on which the credit is used but not later than April 1st following the date of approval.

SEC. 27. Section 12997 of said code is amended to read:

Notice, protest, reassessment

12997. The Insurance Commissioner, after discovery of the failure to properly assess and after determination of the amount involved, shall notify the insurer and the board of the amount of tax which was overassessed or the amount subject to assessment which was not assessed. Within 30 days of such notification, the insurer may protest such finding by filing a statement with the board, setting forth the grounds of the objection and the correction sought. Within 60 days of the notification the board shall reassess the tax and shall issue to the insurer a credit certificate or notify the insurer of a deficiency in the manner prescribed in Section 12440. A copy of each credit certificate and of each notice of deficiency shall be transmitted to the Controller.

SEC. 28. Section 12998 is added to said code, to read:

Tax credit

12998. A credit allowed under Section 12997 may be used by the taxpayer in full or partial payment of the tax due on the due date next following the issuance of the credit certificate, and any excess over the amount of such tax may be carried forward to succeeding years until absorbed. A deficiency assessment made under Section 12997 shall be paid to the Controller, together with interest at the rate of one-half

of 1 percent per month from June 15th of the year in which the tax would have been payable if properly assessed until the date of payment. If not paid within 30 days of notification by the board, there shall be added to the tax and the interest a penalty equal to 10 percent of the amount of tax deficiency.

SEC. 29. Section 13102 of said code is amended to read:

Action for recovery of tax

13102. Upon complying with this article, any insurer claiming that the assessment made against it by the board is void in whole or in part may bring an action against the board for the recovery of the whole or any part of the tax, interest, penalties, or costs paid on the assessment.

SEC. 30. Section 13103 of said code is amended to read:

Period of limitation

13103. No action may be brought later than April 1st of the calendar year following the year in which the taxes are due. A failure to begin the action within this time is a bar to the recovery of the taxes, interest, penalties, or costs.

SEC. 31. Section 13105 of said code is amended to read:

Copies of protest

13105. At the time the protest is filed the taxpayer shall file copies of the protest with the board and the Insurance Commissioner.

SEC. 32. Section 13112 of said code is amended to read:

Judgment

13112. The court may render judgment for the plaintiff for any part or portion of the tax, interest, penalties, or costs found to be void and paid by plaintiff upon the assessment.

SEC. 33. Section 13113 of said code is amended to read:

Bar to recovery

13113. A judgment shall not be rendered in favor of the plaintiff when the action is brought by or in the name of an assignee of the insurer paying the tax, interest, or penalties, or by any person other than the insurer that has paid the tax, interest, or penalties.

Repeals

SEC. 34. Sections 12127, 12401, 12403, 12432, 12433, 12434, 12437, 12438, 12461, 12625, and 12998 of said code are repealed.

Tax levy

SEC. 35. This act provides for a tax levy within the meaning of Article IV of the Constitution, and shall go into effect immediately.

CHAPTER 40

An act to amend Section 600.5 of the Vehicle Code and to amend Section 23112 of the Vehicle Code as proposed by Assembly Bill No. 5, relating to the disposal of dirt and rocks upon public and private highways.

[Approved by Governor April 2, 1959. Filed with Secretary of State April 2, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 600.5 of the Vehicle Code is amended to read:

Rubbish on highway

600.5. Placing Rubbish on Highway Prohibited. It shall be unlawful to place, deposit or dump, or cause to be placed, deposited or dumped, any garbage, swill, cans, bottles, papers, ashes, refuse, carcass of any dead animal, offal, trash or rubbish or any noisome, nauseous or offensive matter in or upon any public highway or road, including any portion of the right-of-way thereof.

It shall be unlawful to place, deposit or dump, or cause to be placed, deposited or dumped, any rocks or dirt in or upon any public highway or road, including any portion of the right-of-way thereof, without the consent of the state or local agency having jurisdiction over the highway or road.

SEC. 2. Section 23112 of the Vehicle Code as proposed by Assembly Bill No. 5 is amended to read:

Same

23112. (a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, hoops, wire, cans or any other substance likely to injure any person, animal or vehicle upon the highway.

(b) It shall be unlawful to place, deposit or dump, or cause to be placed, deposited or dumped, any garbage, swill, cans, bottles, papers, ashes, refuse, carcass of any dead animal, offal, trash or rubbish or any noisome, nauseous or offensive matter in or upon any public highway or road, including any portion of the right-of-way thereof.

(c) It shall be unlawful to place, deposit or dump, or cause to be placed, deposited or dumped, any rocks or dirt in or upon any public highway or road, including any portion of the right-of-way thereof, without the consent of the state or local agency having jurisdiction over the highway or road.

Effect Stats 1959, Ch 3

SEC. 3. Section 2 of this act shall become operative only if the Vehicle Code as proposed by Assembly Bill No. 5 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Assembly Bill No. 5 takes effect; at which time Section 600.5 of the Vehicle Code as amended by Section 1 of this act is repealed.

CHAPTER 41

An act to amend Section 374b of the Penal Code, relating to the disposal of rocks and dirt on public and private property.

In effect September 18, 1959

[Approved by Governor April 2, 1959 Filed with Secretary of State April 2, 1959]

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

SECTION 1. Section 374b of the Penal Code is amended to read:

374b. It shall be unlawful to place, deposit or dump, or cause to be placed, deposited or dumped, any garbage, swill, cans, bottles, papers, ashes, refuse, carcass of any dead animal, offal, trash or rubbish or any noisome, nauseous or offensive

matter in or upon any public or private highway or road, including any portion of the right-of-way thereof, or in or upon any private property into or upon which the public is admitted by easement or license, or upon any private property without the consent of the owner, or in or upon any public park or other public property other than property designated or set aside for such purpose by the governing board or body having charge thereof. It shall be unlawful to place, deposit, or dump, or cause to be placed, deposited or dumped, any rocks or dirt in or upon any private highway or road, including any portion of the right-of-way thereof, or any private property, without the consent of the owner, or in or upon any public park or other public property, without the consent of the state or local agency having jurisdiction over such highway, road, or property. Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor.

No portion of this section shall be construed to restrict a private owner in the use of his own private property.

CHAPTER 42

An act to amend Sections 9, 10, and 19b of Chapter 158 of the Statutes of 1885, relating to drainage districts.

[Approved by Governor April 2, 1959. Filed with Secretary of State April 2, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 9 of Chapter 158 of the Statutes of 1885 is amended to read:

Sec. 9. If such district is in more than one county, the total estimate provided for in Section 8 hereof shall be divided by the board of trustees in proportion to the value of land only, excluding improvements, within the district in each county, as shown by the assessment rolls of the respective counties equalized in the year in which the estimate is made, but if the board of trustees shall find that the assessed valuation of lands in the various counties in which parts of the district are situated is on a different basis as compared with the actual value thereof, so that a division of the estimate as above provided would be inequitable, then the board of trustees shall determine by resolution the amount of said estimate which should be levied on the lands within the district in each county in order that substantially the same proportion of the estimate shall be paid by owners of lands of the same actual value in each county, and shall fix a time for a public hearing on said matter at the office of the district, or at some other convenient place, which time shall be not less than 15 days nor more than 21 days from the date of the adoption of said resolution, and shall give notice of said hearing by publication pursuant to

Section 6061 of the Government Code in each county in which any part of the district is situated. Said notice shall state the determination of the board as to the division of said estimate and the time and place for the hearing thereon, and shall notify all persons interested that objections to said division of said estimate may be made at said hearing. The board of trustees shall meet at the time and place fixed for said hearing and shall hear all objections to said division of said estimate and any evidence offered in support of said objections and any evidence offered in support of said division. After the hearing of all evidence, if any, offered in regard to said matter, the board of trustees shall, if any objection to said division has been made, make an order reaffirming or modifying said division of said estimate as may be just, but if no objection to said division is made at said hearing, no change shall be made therein. When such division of such estimate has been finally made, the board of trustees shall furnish the board of supervisors and the auditor of each county in which any part of the district is situated a written statement of that part of said estimate apportioned to that county.

SEC. 2. Section 10 of said act is amended to read:

SEC. 10. The board of supervisors of each county wherein is situated a district or any part thereof organized under the provisions of this act, must, annually, at the time of levying county taxes, levy a tax to be known as the "drainage district tax," sufficient to raise an amount reported to them as herein provided, by the board of trustees. The supervisors must determine the rate of such tax by deducting 15 percent for anticipated delinquencies from the total assessed value of land only, excluding improvements, of the district within the county as it appears on the assessment roll of the county, and then dividing the sum reported by the board of trustees as required to be raised by the remainder of such total assessed value. The tax so levied shall be computed and entered on the assessment roll by the county auditor, and if the supervisors fail to levy the tax as provided in the preceding portion of this section, then the auditor must do so. Such tax shall be collected at the same time and in the same manner as state and county taxes, and when collected shall be paid into the county treasury for the use of said district. One percent of all money paid to the treasurer for the use of the district shall be credited to the county to be expended by the county in defraying expenses incurred by county offiicals incidental to the handling of the funds. The provisions of the Revenue and Taxation Code of this State prescribing the manner of levying and collecting taxes and the duties of the several county officers with respect thereto, are, so far as they are applicable and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

SEC. 3. Section 19b of said act is amended to read:

Sec. 19b. In all cases in which an assessment shall have been levied or shall hereafter be levied for drainage purposes upon the lands only, excluding improvements, embraced within any drainage district now or hereafter formed or created under this act, is thereafter adjudged invalid as to any tract or tracts of land within said district, or if, for any reason, any tract or tracts of land within such district shall not have been charged with said assessment, a new assessment on the lands only, excluding improvements, of the district may be levied for the purpose of raising the amount for which said invalid assessment was levied and any further sum then required or found necessary, and such tract or tracts of land shall be charged in any such subsequent assessment with such proportion of the former assessment as the benefits derived by said land from the drainage for which said former assessment was levied bears to the whole amount of said former assessment; or a subsequent reassessment of such tract or tracts of land may be made separately for the purpose of charging said land with its proper proportion of the costs of drainage; provided, that in case any assessment that has been heretofore or shall herafter be levied for drainage purposes upon the lands only, excluding improvements, embraced within any such drainage district is so adjudged to be invalid either as a whole or as to any tract upon which it may have been levied, and any landowner of the district shall have paid the amount or any portion of the amount assessed in said assessment on any tract of land before said assessment shall have been or shall be so adjudged invalid, the amount so paid by said landowner, together with legal interest thereon from the date of such payment, shall be a credit, and shall be credited by the treasurer of the county where the assessment list is filed, on any subsequent assessment on the tract of land on which said invalid assessment was paid, and be applied in satisfaction, pro tanto of any such subsequent assessment thereafter levied on the said tract. Such subsequent assessment or reassessment shall be made in the same manner as other assessments.

CHAPTER 43

An act to amend Sections 822 and 823 of the Agricultural Code, relating to apple containers.

[Approved by Governor April 2, 1959. Filed with Secretary of State April 2, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 822 of the Agricultural Code is amended to read:

822. All containers of apples shall bear upon them in plain sight and in plain letters on one outside end: the name of the

Apple containers

person who first authorized the packing of the apples or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer; name of variety of the apples contained therein, if known, and when not known the words "unknown variety"; the grade of such apples; the minimum net weight of the apples contained therein, or the cubical contents of the package, and in the case of wrapped packed apples the numerical count. A variation of five apples, more or less, than the number stated, shall be allowed except that when apples are placed in molded forms the exact count shall be marked on the container. Containers of apples which are place packed shall be required to show only the name and address of the person who first packed or authorized the packing of the apples, the variety of apples, and the designation of grade. Open containers of apples which are not packed shall be required to show only the name and address of the person who first packed or authorized the packing of the apples, and the designation of grade.

In lieu of the standard grade markings required by this section any container of apples may be marked with the name of the equivalent grade established for such apples in the United States standards for apples promulgated by the United States Department of Agriculture and approved by the director.

SEC. 2. Section 823 of said code is amended to read:

Wrapped apples

823. All wrapped apples shall be in one of the following containers:

Standard wooden apple box, depth inside, $10\frac{1}{2}$ inches; width inside, $11\frac{1}{2}$ inches; length inside, 18 inches.

Standard fiberboard apple box, depth inside, $11\frac{3}{8}$ inches; width inside, $11\frac{1}{2}$ inches; length inside, 18 inches, with a tolerance of one-fourth inch in all dimensions.

Half wooden apple box, depth inside, $5\frac{1}{4}$ inches; width inside, $11\frac{1}{2}$ inches; length inside, 18 inches.

Half fiberboard apple box, depth inside, $5\frac{11}{16}$ inches; width inside, $11\frac{1}{2}$ inches; length inside, 18 inches, with a tolerance of one-fourth inch in all dimensions.

Apples which are not wrapped shall be in one of the standard containers defined in this section, or in one of the standard apple lugs of the following dimensions: (a) Depth inside, $7\frac{1}{2}$ inches; width inside, $13\frac{1}{2}$ inches; length inside, $21\frac{1}{4}$ inches. (b) Depth inside, $7\frac{3}{4}$ inches; width inside, 14 inches; length inside, $22\frac{5}{8}$ inches. (c) Depth inside, $6\frac{1}{2}$ inches; width inside, $13\frac{1}{2}$ inches; length inside, $20\frac{5}{8}$ inches. (d) Depth inside, $9\frac{3}{4}$ inches; width inside, 11 inches; length inside, $20\frac{5}{8}$ inches. Containers designated as (a), (b) and (c) shall be considered as standard when used with or without cleats. Apples which are not wrapped may be in other size containers, and wrapped apples may be in containers smaller than the half apple box, if these are conspicuously marked, in letters not less than one-half inch in height, "irregular container." Such marking is not

required on open containers of apples which are not place packed or well packed

Apples which are not well packed or place packed may be in a standard fiberboard apple box of the following dimensions: depth inside 10¾ inches; width inside 11½ inches; length inside 18 inches, with a tolerance of one-fourth inch in all dimensions.

Apples of the Lady variety, regardless of the method of packing, may be placed in containers with a depth of 8¾ inches, width 10 inches and length 16 inches, all inside measurements.

CHAPTER 44

An act to amend Section 701 of, and add Section 759.5 to, the Vehicle Code, and to amend Section 21711 of, and to add Section 41104 to, the Vehicle Code as proposed by Assembly Bill No. 5, relating to trailers.

[Approved by Governor March 31, 1959 Filed with Secretary of State April 2, 1959]

In effect September 18, 1959

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

SECTION 1. Section 701 of the Vehicle Code is amended to read:

701. Trailers and Towed Vehicles. (a) When one vehicle is towing another, the drawbar or other connection shall not exceed 15 feet.

Trailers and towed vehicles

(b) The upper and lower halves of every fifth wheel connecting device on any semitrailer and truck-tractor or auxiliary dolly, respectively, shall be securely affixed to such vehicles to prevent shifting of such device on the vehicle to which it is attached.

(c) Locking means shall be provided in every fifth wheel mechanism, including adapters when used, so that the upper and lower halves may not be separated without the operation of a positive manual release. Automatic locking devices on fifth wheels designed and constructed to be readily separable shall be required on any motor vehicle first required to be registered in this State after January 1, 1954.

(d) Every drawbar and trailer hitch or coupling used as a means of attaching the towed and towing units shall be properly and securely mounted and be structurally adequate for the weight drawn. The mounting of the trailer hitch on the towing motor vehicle shall include sufficient reinforcement or bracing of the frame to provide sufficient strength and rigidity to prevent undue distortion of the frame.

(e) Every towed vehicle shall be coupled to the towing vehicle by means of a safety chain, chains, cables or equivalent

devices in addition to the regular trailer hitch or coupling. This requirement shall not apply to a semitrailer having a connecting device composed of a fifth wheel and kingpin assembly, nor to a pole or pipe dolly. No more slack shall be left in safety chains, cables, or equivalent device than shall be necessary to permit proper turning and the safety chains, cables or equivalent device shall be so connected to the towed and towing vehicle and to the drawbar to prevent the drawbar from dropping to the ground if the drawbar fails and shall be of sufficient strength to control the trailer in event of failure of the regular trailer hitch or coupling.

(f) The foregoing provisions of this section shall not apply to vehicles of a kind specified in Section 39.7 of this code or to the drawbar or other connection between a motor vehicle and a pole or pipe dolly or to any lawful trailer used as a pole or pipe dolly.

(g) No person shall operate a train of vehicles when any trailer, semitrailer or other vehicle being towed whips or swerves from side to side or fails to follow substantially in the path of the towing vehicle.

SEC. 2. Section 759.5 is added to the Vehicle Code, to read:

Presumption of violation

759.5. In any case, involving an accident or otherwise, where any rear component of a train of vehicles fails to follow substantially in the path of the towing vehicle while moving upon a highway, the vehicle shall be presumed to have been operated in violation of Section 701.

SEC. 3. Section 21711 of the Vehicle Code, as proposed by Assembly Bill No. 5, is amended to read:

Operation of train of vehicles

21711. No person shall operate a train of vehicles when any vehicle being towed whips or swerves from side to side or fails to follow substantially in the path of the towing vehicle.

SEC. 4. Section 41104 is added to the Vehicle Code, as proposed by Assembly Bill No. 5, to read:

Presumption of violations

41104. In any case, involving an accident or otherwise, where any rear component of a train of vehicles fails to follow substantially in the path of the towing vehicle while moving upon a highway, the vehicle shall be presumed to have been operated in violation of Section 21711.

Effect. Stats 1959, Ch 3

SEC. 5. Sections 3 and 4 of this act shall become operative only if the Vehicle Code as proposed by Assembly Bill No. 5 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said code takes effect, at which time Sections 701 and 759.5 of the Vehicle Code enacted in 1935 are repealed.

CHAPTER 45

An act to amend Section 12107 of the Business and Professions Code, relating to weights and measures.

[Approved by Governor April 2, 1959. Filed with Secretary of State April 2, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 12107 of the Business and Professions Code is amended to read:

12107. The director, by regulation, may establish tolerances and specifications for commercial weighing and measuring apparatus for use in the State similar to the tolerances and specifications recommended by the National Bureau of Standards, and he may establish a standard or standards of net weight or net measure, or net count of any commodity, except any manufactured commodity consisting of four or more staple ingredients, and prescribe such tolerances for the same as may be necessary for the proper protection of the public.

Such standards and tolerances, wherever applicable, shall be based upon published official federal or state specifications and requirements or, in the absence of any such published official specifications, upon established and accepted common usage. Any such regulation shall be adopted, amended, or repealed in conformity with the provisions of Chapter 4 (commencing at Section 11370) of Part 1 of Division 3 of Title 2 of the Government Code.

Whenever a standard of net weight or net measure or net count has been established for any commodity, it is unlawful to sell such commodity by, at, or for a quantity greater or less than the standard by more than the prescribed tolerance.

CHAPTER 46

An act to amend Sections 4931 and 4931.1 of the Education Code, and Sections 3201 and 3202 of the Education Code, as proposed by Senate Bill No. 2, relating to school districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 2, 1959. Filed with Secretary of State April 2, 1959.]

In effect immediately

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

SECTION 1. Section 4931 of the Education Code is amended to read:

4931. (a) The unification of school districts under this chapter shall become effective as provided in Article 5 (commencing at Section 1591) Chapter 3, Division 2.

Effective date: Unification

SEC. 2. Section 4931.1 of said code is amended to read:

Assumption of bonded indebtedness

4931.1. If a proposal for the assumption of bonded indebtedness is approved by the voters the assumption shall become effective on the same date as the unification of the school districts becomes effective as provided in Section 1591.

SEC. 3. Section 3201 of the Education Code, as proposed by Senate Bill No. 2 is amended to read:

Unification

3201. (a) The unification of school districts shall become effective as provided in Article 1 (commencing at Section 1601), Chapter 1, Division 5 of this code.

SEC. 4. Section 3202 of said code is amended to read:

Assumption of bonded indebtedness

3202. If a proposal for the assumption of bonded indebtedness is approved by the voters the assumption shall become effective on the same date as the unification of the school districts becomes effective as provided in Section 1601.

Effect Stats 1959, Ch 2

SEC. 5. Sections 3 and 4 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Sections 4931 and 4931.1 of the Education Code as amended by Sections 1 and 2 of this act are repealed.

Urgency

SEC. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

When a new district is formed, the general rule is that the formation becomes effective for all purposes at the beginning of a fiscal year, on July 1, but there is also provision making the formation effective prior to that time for the purposes of certain essential activities which must be done before a new fiscal year starts in order to allow the district to operate at the beginning of that fiscal year. Such activities include the election of governing board members and the hiring of teachers and the preparation and submission of the district budget and other related matters.

The provision of law allowing new unified districts, formed under the law for the optional reorganization of school districts by the electors, to perform these essential pre-July 1st activities was inadvertently omitted from the law during the last session. This bill would restore that authority. In order that new unified districts which will become effective for all purposes on July 1, 1959, be authorized to perform the acts necessary to allow the district to commence business on July 1, 1959, and to prevent the disruption of the education of the children of such districts, it is necessary that this act take effect immediately.

CHAPTER 47

An act to amend Sections 468.1, 469 and 471.5 of the Vehicle Code, and to amend Sections 21400, 21403 and 21404 of the Vehicle Code as proposed by Assembly Bill No. 5, relating to materials used in traffic signs.

[Approved by Governor April 2, 1959. Filed with Secretary of State April 2, 1959.] In effect September 18, 1959

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

SECTION 1. Section 468.1 of the Vehicle Code is amended to read:

468.1. Description of Speed Restriction Signs. Every speed restriction sign hereafter located upon a highway shall be rectangular in shape, except that the corners shall be slightly rounded and shall conform approximately to the specifications hereinafter set forth. The minimum size of the sign measured through its center shall be 30 inches in length and 24 inches in width. The face of the sign shall be black with the words and figures specifying the applicable speed limit in white thereon. The top of the words "speed limit" shall be two and one-half inches from the top edges of the sign. Each letter of the words "speed limit" shall be four inches in height and of five-eighths inch stroke. The top of the figure shall be one and eleven-sixteenths inches below the bottom of the words "speed limit." Each figure of the figures shall be 10⅞ inches in height and one and three-fourths inch stroke. The top of the word "miles" shall be one and eleven-sixteenths inches below the bottom of the figures. Each letter of the word "miles" shall be four inches in height and of five-eighths inch stroke. A white borderline of three-eighths inch stroke shall parallel the outside edges of the sign. The outside edge of the borderline shall be three-eighths inch from the outside edges of the sign. The sign may be made of larger dimensions in which event the size and stroke of letters, figures and lines shall be increased in the proper proportion. Speed restriction sign

SEC. 2. Section 469 of said code is amended to read:

469. Railroad Warning Approach Signs. Railroad warning approach signs shall be erected by local authorities upon the right-hand side of each approach of every highway under their jurisdiction to a grade crossing of a steam railroad or electric interurban railway at a reasonable distance from such crossing. Every such sign erected after January 1, 1951, shall consist of a disc and shall conform approximately to the specifications hereinafter set forth. Said disc shall be 24 inches in diameter. The face of said disc shall have a yellow background upon which there shall be placed a black border line one-half inch wide and a black 90-degree crossbuck "X" two and three-eighths inches wide. In each of the side quarters thus formed there shall appear in black the letter "R" five and five-eighths inches high and four and three-eighths inches wide, Railroad warning signs

drawn in lines of one-inch stroke. Every sign shall contain reflecting buttons or elements set into the face of the sign. Said signs may be made of larger dimensions in which event the size and stroke of letters and lines shall be increased in the proper proportion.

SEC. 3. Section 471 5 of said code is amended to read:

Stop signs

471.5. Description of Stop Signs. (a) Every stop sign erected after January 1, 1957, shall be octagonal in shape, shall have a red background and shall carry the word "stop" horizontally in white letters at least one-third the height of the sign. Each side of said sign shall be of equal length and shall be a minimum of 10 inches in length. Each letter of the word "stop" shall be of not less than one-inch stroke. Said sign may be of larger dimensions than specified herein, in which event the stroke of letters shall be increased in the proper proportion.

(b) The lettering upon every stop sign hereafter erected shall from sunset to sunrise be illuminated or reflectorized and the background upon every such sign may be illuminated or reflectorized. Illumination shall be by floodlight upon the face of the sign or by white light in the letters. Reflectorization shall be by white or clear reflecting units or reflecting coating in the letters with or without a red reflecting coating on the background.

(c) Stop signs erected prior to January 1, 1957, shall conform either to the requirements of this section or to the statutory requirements in effect on January 1, 1955, or in effect at the time such signs were erected.

SEC. 4. Section 21400 of the Vehicle Code as proposed by Assembly Bill No. 5 is amended to read:

Same

21400. (a) Every stop sign erected after January 1, 1957, shall be octagonal in shape, shall have a red background and shall carry the word "stop" horizontally in white letters at least one-third the height of the sign. Each side of said sign shall be of equal length and shall be a minimum of 10 inches in length. Each letter of the word "stop" shall be of not less than one-inch stroke. Stop signs may be of larger dimensions than specified herein, in which event the stroke of letters shall be increased in the proper proportion.

(b) The lettering upon such stop signs shall from sunset to sunrise be illuminated or reflectorized and the background upon every such sign may be illuminated or reflectorized. Illumination shall be by floodlight upon the face of the sign or by white light in the letters. Reflectorization shall be by white or clear reflecting units or reflecting coating in the letters with or without a red reflecting coating on the background.

SEC. 5. Section 21403 of said proposed code is amended to read:

Speed restriction signs

21403. Every speed restriction sign located upon a highway on or after September 13, 1941, shall be rectangular in shape, except that the corners shall be slightly rounded and

shall conform approximately to the specifications of this section. The minimum size of the sign measured through its center shall be 30 inches in length and 24 inches in width. The face of the sign shall be black with the words and figures specifying the applicable speed limit in white thereon. The top of the words "speed limit" shall be $2\frac{1}{2}$ inches from the top edges of the sign. Each letter of the words "speed limit" shall be four inches in height and of $\frac{5}{8}$ inch stroke. The top of the figures shall be $1\frac{11}{16}$ inches below the bottom of the words "speed limit." Each figure of the figures shall be $10\frac{7}{8}$ inches in height and $1\frac{3}{4}$ inch stroke. The top of the word "miles" shall be $1\frac{11}{16}$ inches below the bottom of the figures. Each letter of the word "miles" shall be four inches in height and of $\frac{5}{8}$ inch stroke. A white borderline of $\frac{3}{8}$ inch stroke shall parallel the outside edges of the sign. The outside edge of the borderline shall be $\frac{3}{8}$ inch from the outside edges of the sign. The sign may be made of larger dimensions in which event the size and stroke of letters, figures and lines shall be increased in the proper proportion.

SEC. 6. Section 21404 of said proposed code is amended to read:

21404. Every railroad warning approach sign erected after January 1, 1951, shall consist of a disc and shall conform approximately to the specifications of this section. The disc shall be 24 inches in diameter. The face of the disc shall have a yellow background upon which there shall be placed a black borderline $\frac{1}{2}$ inch wide and a black 90-degree crossbuck "X" $2\frac{3}{8}$ inches wide In each of the side quarters thus formed, there shall appear in black the letter "R" $5\frac{5}{8}$ inches high and $4\frac{3}{8}$ inches wide, drawn in lines of one-inch stroke. Every sign shall contain reflecting buttons or elements set into the face of the sign. Signs may be made of larger dimensions, in which event the size and stroke of letters and lines shall be increased in the proper proportion. Railroad warning signs

SEC. 7. Sections 4, 5 and 6 of this act become operative only if the Vehicle Code as proposed by Assembly Bill No. 5 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said code takes effect, at which time Section 468 1, 469 and 471 5 of the Vehicle Code adopted in 1935 are repealed. Effect Stats 1959, Ch. 3

CHAPTER 48

An act to amend Section 26104 of the Government Code, relating to advertising by county board of supervisors.

[Approved by Governor April 2, 1959 Filed with Secretary of State April 2, 1959] In effect September 18, 1959

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

SECTION 1. Section 26104 of the Government Code is amended to read:

26104. The board of supervisors may create a body for the purpose of advising and assisting it in the matter of advertising, exploiting, and making known the resources of the county, for the purposes of this chapter. The body shall be designated by the board as the county board of trade of the county or the county chamber of commerce of the county or such other title as shall be given the body by resolution of the board of supervisors. It shall consist of representatives from the supervisorial districts who shall be appointed by the board of supervisors and hold office at the pleasure of the board of supervisors. The board of supervisors shall determine the number of members of the body, except that the districts must be equally represented and there shall be not more than two members from each district.

CHAPTER 49

An act to amend Section 11042 of the Insurance Code, relating to fraternal benefit societies.

In effect September 18, 1959

[Approved by Governor April 2, 1959. Filed with Secretary of State April 2, 1959.]

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

SECTION 1. Section 11042 of the Insurance Code is amended to read:

11042. A society may provide for benefits on the lives of children under 21 years of age and under the minimum age for adult membership under the laws of the society at time of application therefor, upon the application of some adult person, as its laws or rules may provide, which benefits shall be in accordance with the provisions of Section 11041. A society may, at its option, organize and operate branches for such children. Membership and initiation in local lodges shall not be required of such children, nor shall they have a voice in the management of the society. Children insured under certificates issued pursuant to this section may be transferred to and become members of the adult branch of the society upon attaining the minimum age for adult membership under the laws of the society.

If a society maintains a separate juvenile fund, it shall have the right to provide in its laws or rules for the payment to the society's expense or general fund; provided, that no such society shall transfer to such funds amounts collected for juvenile mortuary benefits and the net accretions thereto. A society shall have full power to provide for the fixing and readjusting, from time to time, of the premiums and the designation and changing of designation of beneficiaries and to provide in all other respects for the regulation, government and control of such certificates and all rights, obligations and liabilities incident thereto and in connection therewith.

CHAPTER 50

An act to add Section 4764.1 to the Health and Safety Code, relating to county sanitation districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 1, 1959. Filed with Secretary of State April 2, 1959.] In effect immediately

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

SECTION 1. Section 4764.1 is added to the Health and Safety Code, to read:

4764.1. A county sanitation district formed after the fifteenth day of December, 1958, which filed a statement and map or plat pursuant to Sections 54900 to 54903 of the Government Code on or before February 1, 1959, may incur indebtedness by the issuance of negotiable promissory notes in an amount not to exceed seven hundred fifty thousand dollars ($750,000) pursuant to this section without an election for any purpose for which the district is authorized to expend funds. The notes shall mature not later than 10 years from their date, shall bear interest at a rate not exceeding 6 percent per annum, payable as provided therein, and shall be general obligations of the district payable, unless paid from other available funds of the district, in the same manner as bonds of the district. The provisions of Chapter 1 (commencing at Section 29000) of Division 3 of Title 3 of the Government Code shall not be applicable to the incurring of indebtedness under this section.

The district shall publish an advertisement for bids on the promissory notes in a newspaper of general circulation within the district or, if no newspaper of general circulation is printed within the district, in a newspaper of general circulation within the county in which the district is located one week prior to the date of sale.

This section shall remain in effect until October 1, 1960, but the termination of the effectiveness of this section shall not affect the validity of any loan, indebtedness, or obligation incurred, or any agreement entered into, pursuant to this section, prior to October 1, 1960.

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

The Laguna County Sanitation District is experiencing serious financial difficulties due to activation of the Vandenberg Air Force Base in the western and northern portions of the county, which has created an immediate demand for housing in the area of the City of Santa Maria much greater than the available supply of houses. To meet the demand for housing the area between the City of Santa Maria and the Town of Orcutt is being subdivided at a rapid rate. The local water

companies obtain their water for domestic use from local underground wells. However, due to the type of soil and the conformation and location of the underground strata and the shallow layer of hardpan, the county health department advises that the area is not suitable for cesspool or septic tank development and that if there is any extensive development of septic tanks or cesspools in the area, the underground domestic water supply will be in danger of pollution. The county health department recommends that a sewer system be provided for the housing development in the area. To provide such a sewer system, the Laguna County Sanitation District was organized and formed on December 29, 1958, including the area between the City of Santa Maria and the Town of Orcutt. The district has no funds and it is essential that financing be provided immediately so that a sewer treatment plant and a system of trunk lines can be installed for the large subdivisions that are already being constructed in the area and avert the existing threat to the public health and safety. In order that the Laguna County Sanitation District may undertake the immediate financing of the urgently needed sanitation facilities, it is necessary that this act go into immediate effect.

CHAPTER 51

An act to repeal Sections 4031, 26133, 26281, 26327, 26328, 26329, 26330, 26331, 31879, 31880, 31903, 31924, 31943, 31944, 31945, 31946, 36959, 37154, 50372, and 53503, and to amend Sections 1650, 1651, 4029, 4030, 26230, 26326, 27543, 31878, 31881, 31900, 31901, 31902, 31942, 31970, 32449, 32451, 34053, 34576, 34702, 35113, 35306, 37151, 37153, 37156, 37157, 50330, 50333, 50334, 51611, 51614, 51645, 51652, 53500, 53672, 60386, and 60415 of the Water Code, relating to recordation of instruments.

In effect September 18, 1959

[Approved by Governor April 2, 1959. Filed with Secretary of State April 2, 1959.]

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

Repeals

SECTION 1. Sections 4031, 26133, 26281, 26327, 26328, 26329, 26330, 26331, 31879, 31880, 31903, 31924, 31943, 31944, 31945, 31946, 36959, 37154, 50372, and 53503 of the Water Code are hereby repealed.

SEC. 2. Section 1650 of said code is amended to read:

Recordation: License

1650. A true copy of each license issued or of each order modifying or changing a license shall within 30 days after issuance thereof be recorded by the board in the office of the recorder of the county in which the point of diversion specified in the license lies or in case there are points of diversion lying in more than one county then in each of those counties in which a point of diversion lies and in case the

place or places of use specified in the license are in different counties than the point or points of diversion also in the county or counties in which the place or places of use lie.

SEC. 3. Section 1651 of said code is amended to read:

1651. Whenever an order revoking a license in whole or in part becomes final a true copy of the order shall be recorded promptly by the board in the office or offices in which a copy of the license affected is recorded. Same

SEC. 4. Section 4029 of said code is amended to read:

4029. Upon the creation of a service area the department shall record in the office of the county recorder of each county in which a portion of the service area is situated a certified copy of the order creating the service area and a description by 40-acre subdivision or other smallest subdivisions of the public land surveys of all of the land within the service area which is within the county in which the description is recorded. Same Service area order

SEC. 5. Section 4030 of said code is amended to read:

4030. From time to time the department shall record supplemental or revised descriptions as the descriptions are changed. Same Revisions

SEC. 6. Section 26230 of said code is amended to read:

26230. The county recorder shall collect a fee of one dollar ($1) for filing each certificate of redemption and making the marginal notations. Fee

SEC. 7. Section 26326 of said code is amended to read:

26326. A collector's deed to a district shall be recorded in the usual manner of recording conveyances of real property. Recordation Deed

SEC. 8. Section 27543 of said code is amended to read:

27543. The redemption receipt of the county treasurer shall be recorded in the office where the certificate of sale is filed to which the redemption applies. Same: Redemption receipt

SEC. 9. Section 31878 of said code is amended to read:

31878. Of each of the duplicate certificates of sale, one copy shall be delivered to the district and the other recorded in the office of the county recorder of the county in which the land is situated. Certificates of sale

SEC. 10. Section 31881 of said code is amended to read:

31881. On recording the certificate of sale with the county recorder, the lien of the taxes vests with the district and is only divested by the redemption of the property, except that the lien may be partially divested by partial redemption. Same

SEC. 11. Section 31900 of said code is amended to read:

31900. Property sold for delinquent taxes may be redeemed by the owner or any party in interest within three years from the date of the sale by payment in lawful money of the United States to the collector of the aggregate of: Redemption

(a) Taxes, penalties, and costs for which the property was sold.

(b) One percent per month, or fraction thereof, on the taxes, penalties, and costs, from the date of sale until redemption.

(c) Amount of recorder's fee.

SEC. 12. Section 31901 of said code is amended to read:

Certificates of redemption

31901. On receipt of the redemption money plus the amount of the recorder's fee the collector shall issue triplicate certificates of redemption, reciting the payment and stating the date of recordation of the certificate of sale to which the redemption applies and the book and page where the same is recorded or the recorder's document number.

SEC. 13. Section 31902 of said code is amended to read:

Same

31902. The collector shall retain one copy of the certificate of redemption, deliver one copy to the redemptioner, and record the other copy in the office of the county recorder in whose office the certificate of sale is recorded to which the redemption applies.

SEC. 14. Section 31942 of said code is amended to read:

Collector's deed

31942. The collector's deed shall be recorded in the office of the county recorder of the county wherein the property is situated.

SEC. 15. Section 31970 of said code is amended to read:

Recordation Deed or copy

31970. The corrected certificate of sale or deed and a certified copy of the resolution shall be recorded in the office of the recorder of the county in which the land is situated, in the same manner as the original instrument.

SEC. 16. Section 32449 of said code is amended to read:

Same Ordinance

32449. If the ordinance including land in the district is effective, the president and secretary shall, if no petition for disapproval and veto of such ordinance is filed within the time provided by law, or if such petition is filed and upon the election the electors shall not disapprove and veto said ordinance, file with the Secretary of State and record with the county recorder of the county in which the district is situated certified copies of the ordinance and certificates stating said facts.

SEC. 17. Section 32451 of said code is amended to read:

Same Certificate of inclusion

32451. When land situated in a county other than the county of formation is included in a district, the president and secretary shall also record with the county recorder of that county duplicates of the papers required to be filed with the Secretary of State and the latter shall file with the county clerk of that county a certified copy of his certificate reciting the inclusion of the land.

SEC. 18. Section 34053 of said code is amended to read:

Acceptance of fees

34053. No supervisor, auditor, or clerk of any county shall receive any fee for any service required to be performed by him under the provisions of this division.

SEC. 19. Section 34576 of said code is amended to read:

Certification of documents

34576. All documents which have been recorded with the recorder of the principal county and which, or a certified copy thereof, have not been recorded in the county to which

the district is transferred, shall be certified to by the county recorder of the principal county and recorded with the county recorder of the county to which the district is transferred.

SEC. 20. Section 34702 of said code is amended to read:

34702. Each officer shall forfeit his office unless he records with the county recorder of each affected county a written acceptance of the office within either of the following periods: (a) Ten days after notice to him of his election or appointment. Acceptance of office

(b) Ten days from the commencement of his term of office when no notice of election or appointment has been given.

SEC. 21. Section 35113 of said code is amended to read:

35113. Within 10 days from the receipt by the board of supervisors of the certificate showing the results of the election, the clerk of the board of supervisors shall certify as a true copy and record with the county recorder of each affected county a copy of that certificate. Certification Election results

SEC. 22. Section 35306 of said code is amended to read:

35306. The bylaws in their original form, together with the approval of the board of supervisors and the resolution of the directors adopting them, or together with the written assent thereto, and any repeal or amendment of, or addition to, the bylaws, together with the written assent thereto or a memorandum of the returns of the election at which the assent was given, shall be certified by a majority of the directors and the secretary and recorded with the county recorder of each affected county. Until so recorded, no bylaw, addition thereto, or amendment or repeal thereof can be enforced against any person not having actual notice thereof. Same Bylaws

SEC. 23. Section 37151 of said code is amended to read:

37151. On receipt of the redemption money plus the amount of the recorder's fee the collector shall make out duplicate certificates of redemption reciting the payment and stating the date of recordation of the certificate of sale to which the redemption applies and the book and page where the same is recorded or the recorder's document number. Certificates of redemption

SEC. 24. Section 37153 of said code is amended to read:

37153. The collector shall record the other duplicate certificate of redemption with the county recorder in whose office the certificate of sale is on record. Recordation

SEC. 25. Section 37156 of said code is amended to read:

37156. A collector's deed shall contain the date of sale and his statement that no person redeemed the property during the time allowed for its redemption; and may be in substantially the following form, the blanks being filled to show the facts in each case: Collector's deed

Collector's Deed

_____ Water District

On the _____ day of _____, 19___, the collector of _____ Water District sold to _____ Water Dis-

trict, for a delinquent assessment, real property situated within the district, and in the County of _____, State of California, described as follows:

(insert description)

No person has redeemed the property from the sale; the time for redemption has elapsed; and the purchaser has demanded a deed to the property.

Wherefore, I, the collector of _____ Water District grant to _____ Water District all of the real property aforesaid.

WITNESS MY HAND and the seal of the district this ____ day of _____ 19___.

(DISTRICT SEAL) _____

Collector of _____ Water District

SEC. 26. Section 37157 of said code is amended to read:

Recordation: Collector's deed

37157. A collector's deed to a district shall be recorded in the usual manner of recording conveyances of real property.

SEC. 27. Section 50330 of said code is amended to read:

Same Petition

50330. The petition, with the order of the board of supervisors endorsed thereon or attached thereto, shall be recorded by the county recorder.

SEC. 28. Section 50333 of said code is amended to read:

Same District's number

50333. The State Lands Commission, upon the receipt of a copy of a petition, or certificate of the county clerk that a district has been formed, shall number the district and send a notice containing the number so assigned to the county recorder of the county from which the copy or certificate came.

SEC. 29. Section 50334 of said code is amended to read:

Recordation of notice

50334. The county recorder, upon receipt of the notice from the State Lands Commission, shall record the same, and the district shall thereafter be known and designated by the number shown in said notice.

SEC. 30. Section 51611 of said code is amended to read:

Certificate of sale

51611. A certificate of sale shall be executed by the county treasurer to the purchaser, or to the county treasurer, if the parcel is sold to him, and the certificate of sale shall be recorded in the office of the county recorder in the county where the parcel described in the certificate is situated.

SEC. 31. Section 51614 of said code is amended to read:

Certificate of redemption

51614. When the parcel is redeemed a certificate of redemption shall be issued by the county treasurer to the redemptioner, and the certificate shall be recorded in the office of the county recorder.

SEC. 32. Section 51645 of said code is amended to read:

Certificate of sale

51645. The county treasurer shall execute to each purchaser, including himself, a certificate of sale, a duplicate of which shall be recorded in the county recorder's office of the county in which the land is situated.

SEC. 33. Section 51652 of said code is amended to read:

51652. When the parcel is redeemed a certificate of redemption shall be issued by the county treasurer to the redemptioner, and the certificate shall be recorded in the office of the county recorder.

Certificate of redemption

SEC. 34. Section 53500 of said code is amended to read:

53500. When the owners of a majority of the acreage of the land in each of two or more districts desire to consolidate and reorganize, they may do so by recording a notice signed by them with the county recorder of the county in which the greater portion of the lands of the combined district is situated, stating that they desire to consolidate and reorganize. They shall also make and forward a copy thereof to the State Lands Commission.

Notice of consolidation or reorganization

SEC. 35. Section 53672 of said code is amended to read:

53672. When the board of supervisors has made the order including the lands within the district, the board of trustees shall record a certified copy of the petition, and a certified copy of the order of the board of supervisors including the lands within the district, in the office of the county recorder of the county in which the lands are situated, and, also, file certified copies thereof with the State Lands Commission.

Recordation of certification of inclusion

SEC. 36. Section 60386 of said code is amended to read:

60386. The board shall canvass the votes cast at such election and, if such proposition is approved by a majority of the voters voting thereon at such election, the president and secretary of the board of directors shall certify that fact to the Secretary of State and shall record a certificate stating that such proposition was adopted with the county recorder of each affected county in which such district is located.

Canvass of votes, etc

SEC. 37. Section 60415 of said code is amended to read:

60415. The board shall canvass the votes cast at such election and, if the proposition is approved by a majority of the voters voting thereon at such election, the president and secretary of the board of directors shall certify that fact to the Secretary of State and shall record a certificate stating that such proposition was adopted with the county recorder of each affected county in which the district is located.

Same

CHAPTER 52

An act to repeal Section 25082 of the Government Code, relating to meetings of boards of supervisors.

[Approved by Governor April 2, 1959. Filed with Secretary of State April 2, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 25082 of the Government Code is hereby repealed.

CHAPTER 53

An act to amend Sections 11002 and 11003 of the Government Code, relating to receipt of mail by the State and its agencies.

In effect September 18, 1959

[Approved by Governor April 2, 1959. Filed with Secretary of State April 2, 1959.]

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

SECTION 1. Section 11002 of the Government Code is amended to read:

Remittance receipt

11002. If a remittance to cover a payment required by law to be made to the State or to a state agency on or before a specified date is sent through the United States mail, properly addressed with postage prepaid, it shall be deemed received on the date shown by the post office cancellation mark stamped upon the envelope containing the remittance or on the date it was mailed if proof satisfactory to the State or state agency establishes that the mailing occurred on an earlier date.

If a remittance to cover a payment required by law to be made to the State or to a state agency on or before a specified time on a specified date is sent through the United States mail, properly addressed with postage prepaid, and the cancellation mark is placed on the envelope after it is deposited in the mail:

(a) Where the cancellation mark shows both date and time, the remittance shall be deemed received on the date shown by the cancellation mark and by the time specified by law for that date.

(b) Where the cancellation mark shows only the date, the remittance shall be deemed received within the time and date specified when the cancellation mark bears a date on or before which payment is required.

SEC. 2. Section 11003 of the Government Code is amended to read:

Filing date

11003. If an application, tax return or claim for credit or refund required by law to be filed with the State or state agency on or before a specified date is filed with a state agency through the United States mail, properly addressed with postage prepaid, it shall be deemed filed on the date shown by the post office cancellation mark stamped on the envelope containing it, or on the date it was mailed if proof satisfactory to the state agency establishes that the mailing occurred on an earlier date.

If an application, tax return or claim for credit or refund required by law to be filed with the State or state agency on or before a specified time on a specified date is sent through the United States mail, properly addressed with postage prepaid, and the cancellation mark is placed on the envelope after it is deposited in the mail:

(a) Where the cancellation mark shows both date and time, the application, tax return or claim for credit or refund shall

be deemed filed on the date shown by the cancellation mark and by the time specified by law for that date.

(b) Where the cancellation mark shows only the date, the application, tax return or claim for credit or refund shall be deemed filed within the time and date specified when the cancellation mark bears a date on or before the specified date of filing.

CHAPTER 54

An act to amend Section 15451 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to school buildings.

[Approved by Governor April 2, 1959. Filed with Secretary of State April 2, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 15451 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

15451. The Division of Architecture of the Department of Public Works under the police power of the State shall supervise the construction of any school building or, if the estimated cost exceed ten thousand dollars ($10,000), the reconstruction or alteration of or addition to any school building, for the protection of life and property. Nothing in this section shall be construed to allow a school district to perform work with its own forces in excess of the limitations set forth in Sections 15951 and 15957 of this chapter.

CHAPTER 55

An act to amend Section 5901 of the Education Code and Section 21301 of the Education Code as proposed by Senate Bill No. 2, relating to school district funds.

[Approved by Governor April 2, 1959. Filed with Secretary of State April 2, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 5901 of the Education Code is amended to read:

Revolving cash fund

5901. The governing board of any school district, high school, or junior college district may, with the consent of the county superintendent of schools, establish a revolving cash fund for the use of the chief accounting officer of the district, by adopting a resolution setting forth the necessity for the revolving cash fund, the officer for whom and the purposes for which the revolving cash fund shall be available, and the amount of the fund. The amount of the fund shall not be more than 1 percent of the district's estimated expenditures for the current fiscal year and shall not in any event exceed five thousand dollars ($5,000) for any elementary school district, high

school district, or junior college district; ten thousand dollars ($10,000) for any unified district of elementary and high school levels, and fifteen thousand dollars ($15,000) for any unified district of elementary, high school, and junior college levels. Two certified copies of the resolution shall be transmitted to the county superintendent of schools. If he approves the establishment of the fund, the county superintendent shall endorse his consent on the resolution and return one copy to the governing body of the district.

SEC. 2. Section 21301 of the Education Code, as proposed by Senate Bill No. 2, is amended to read:

Same

21301. The governing board of any school district, high school, or junior college district may, with the consent of the county superintendent of schools, establish a revolving cash fund for the use of the chief accounting officer of the district, by adopting a resolution setting forth the necessity for the revolving cash fund, the officer for whom and the purposes for which the revolving cash fund shall be available, and the amount of the fund. The amount of the fund shall not be more than 1 percent of the district's estimated expenditures for the current fiscal year and shall not in any event exceed five thousand dollars ($5,000) for any elementary school district, high school, or junior college district; ten thousand dollars ($10,000) for any unified district of elementary and high school levels, and fifteen thousand dollars ($15,000) for any unified district of elementary, high school, and junior college levels. Two certified copies of the resolution shall be transmitted to the county superintendent of schools. If he approves the establishment of the fund, the county superintendent shall endorse his consent on the resolution and return one copy to the governing body of the district.

Effect Stats 1959, Ch 2

SEC. 3. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 5901 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 56

An act to amend Section 23772 of, and to add Section 26072.7 to, the Revenue and Taxation Code, relating to corporations exempt under the Bank and Corporation Tax Law, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 2, 1959. Filed with Secretary of State April 2, 1959.]

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

SECTION 1. Section 23772 of the Revenue and Taxation Code is amended to read:

23772. Every organization exempt under Article 1 except: Exempt organizations

(a) A religious organization exempt under Section 23701d;

(b) An educational organization exempt under Section 23701d, if such organization normally maintains a regular faculty and curriculum and normally has a regularly organized body of pupils or students in attendance at the place where its educational activities are regularly carried on; or

(c) A charitable organization, or an organization for the prevention of cruelty to children or animals, exempt under Section 23701d, if such organization is supported, in whole or in part, by funds contributed by the United States or any state or political subdivision thereof, or is primarily supported by contributions of the general public; or

(d) An organization exempt under Section 23701d, if such organization is operated, supervised, or controlled by or in connection with a religious organization described in subsection (a); or

(e) An organization exempt solely under Section 23701b, shall file an annual return with the Franchise Tax Board on or before the fifteenth day of the fifth full calendar month following the close of the income year setting forth—

(1) Its gross receipts for the year,

(2) Its expenses attributable to such income and incurred within the year,

(3) Its disbursements within the year for the purpose for which it is exempt,

(4) Its accumulation of income within the year,

(5) Its aggregate accumulations of income at the beginning of the year,

(6) Its disbursements out of principal in the current and prior years for the purposes for which it is exempt,

(7) A balance sheet showing its assets, liabilities and net worth as of the beginning of such year, and

(8) Such other information as the Franchise Tax Board may by regulation prescribe.

(f) Any organization exempt from taxes under Article 1 (commencing at Section 23701) of Chapter 4 of this part shall pay the minimum tax provided for by Section 23153 for any year or years for which it fails to file, on or before the due date, the annual return required by this section.

SEC. 2. Section 26072.7 is added to said code, to read:

26072.7. Any tax, or any penalty or interest thereon, for or upon the basis of any taxable year beginning prior to January 1, 1959, payable by any corporation for which the exemption specified in Sections 23701a to 23701m, inclusive, was available for that year, but which lost such exemption for failure to file an information return pursuant to Section 23772, is canceled and, if paid, shall be credited or refunded as an overpayment under Sections 26071 and 26072. Cancellation

No interest shall be allowed upon any tax, penalty or interest refunded pursuant to this section.

Urgency

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Certain exempt corporations have inadvertently failed to file an information return required by Section 23772 of the Revenue and Taxation Code. For failure to file such information return, Section 23772, as amended in 1957, provides, in part, that corporations become subject to the tax. If exempt corporations are now subjected to tax, they will be confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by permitting for a limited period of time any tax to be canceled, or refunded, if such tax was imposed because the exempt corporations failed to file a timely information return. In doing so, the public policy of the State as expressed in the Bank and Corporation Tax Law will be entirely fulfilled and the State as a whole will benefit.

CHAPTER 57

An act to amend Section 1080 of the Agricultural Code, relating to use and application of injurious materials.

In effect September 18, 1959

[Approved by Governor April 1, 1959. Filed with Secretary of State April 2, 1959.]

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

SECTION 1. Section 1080 of the Agricultural Code is amended to read:

1080. The director after investigation and hearing shall adopt rules and regulations governing the application, in pest control or other agricultural operations, of any materials which he finds and determines to be injurious to persons, animals, or crops, other than the pest or vegetation which it is intended to destroy.

Such rules and regulations shall prescribe the time when and the conditions under which such materials may be used in different areas of the State, and may provide that such materials shall be used only under permit of the commissioner, or under his direct supervision, in certain areas, or under certain conditions, or when used in excess of certain quantities or concentrations.

It is unlawful for any person to apply any injurious material for which rules and regulations have been adopted except as provided in such rules and regulations. Nothing in this section shall be construed to operate to relieve any person from liability for any damage to the person or property of another caused by the use of such injurious material.

Notwithstanding anything in this section or article contained, the provisions thereof shall not apply to agencies of the United States or of the State of California, or to the officers, agents or employees of either acting within the scope of their authority, while engaged in or conducting or supervising research on any such materials.

CHAPTER 58

An act to amend Section 4395 of the Agricultural Code, relating to testing, weighing, and sampling of fluid milk.

[Approved by Governor April 2, 1959. Filed with Secretary of State April 2, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 4395 of the Agricultural Code is amended to read:

4395. In addition to the enforcement of this chapter by the Bureau of Milk Control, the director is hereby charged with the duty of supervision of the milk-fat testing and the weighing and sampling of fluid milk delivered to distributors, which supervision shall be conducted by the Bureau of Dairy Service, and from the funds provided by the provisions of this article he is authorized to allocate to said Bureau of Dairy Service such sum for any fiscal year, not exceeding fifty thousand dollars ($50,000), which shall be used exclusively by said Bureau of Dairy Service for the supervision and checking the correctness of the milk-fat and bacteriological tests and the weighing and sampling of all fluid milk delivered to distributors in accordance with the stabilization and marketing plans established pursuant to the provisions of this division.

CHAPTER 59

An act to amend Section 660 of the Agricultural Code, relating to milk products plant licenses.

[Approved by Governor April 2, 1959. Filed with Secretary of State April 2, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 660 of the Agricultural Code is amended to read:

660. (a) Every person before engaging in the business of dealing in, receiving, manufacturing, freezing or processing milk, or any product thereof, or imitation ice cream, or imitation ice milk, shall obtain a license from the director for each separate milk products plant or place of business. Application

for the licenses herein provided shall be made on forms prescribed by the director and shall state the name and address of the applicant, the address of the milk products plant and such other information as to the nature of the applicant's business as the director may require. Each application shall be accompanied by a fee in an amount established by the provisions of Section 661. Upon receipt of an application for such license, the director shall investigate the equipment and the sanitary condition of the milk products plant for which application for a license has been made. If the condition of the milk products plant is found to be satisfactory, a "milk products plant" license shall be issued by the director to such applicant.

(b) Hotels, restaurants, boarding houses, hospitals or other concerns or agencies which manufacture products of milk for the use of patrons, guests, patients, or employees shall take out the license herein required.

(c) This section shall not apply to private homes manufacturing for their own use nor to retailers dealing in finished products received from a distributor or producer in final form; nor to producers selling milk and cream exclusively at wholesale for manufacturing, freezing or processing milk and milk products; nor to producers whose business consists exclusively of producing and distributing raw market milk produced by them.

(d) The license fees required by Section 661 shall be prorated on a quarterly basis for licensees commencing operations after the first quarter in any calendar year.

CHAPTER 60

An act to amend the title of Article 3 (commencing at Section 14893) of Chapter 3 of Part 5, Division 12 of, to amend Section 14906 of, to add Section 14895 to, and to repeal Section 14897 of the Health and Safety Code, relating to the abatement of hazardous weeds.

In effect September 18, 1959

[Approved by Governor April 2, 1959. Filed with Secretary of State April 2, 1959.]

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

SECTION 1. The title of Article 3 (commencing at 14893) Chapter 3 of Part 5, Division 12 of the Health and Safety Code is amended to read:

Article 3. Posting and Publishing Notice

SEC. 2. Section 14895 is added to said code, to read:

Notice of hearing

14895. Notice of the hearing prescribed in Section 14892 shall be published once in a newspaper of general circulation

printed and published in the county, not less than 10 days prior to the date of the hearing.

SEC. 3. Section 14897 of said code is repealed. Repeal

SEC. 4. Section 14906 of said code is amended to read:

14906. Before the report is submitted to the board of supervisors, a copy of it shall be posted for at least three days on or near the chamber door of the board with a notice of the time when the report will be submitted to the board for confirmation. Posting of report

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CHAPTER 61

An act to amend Sections 802.6 and 828.53 of the Agricultural Code, relating to grape containers, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 2, 1959. Filed with Secretary of State April 2, 1959.] In effect immediately

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

SECTION 1. Section 802.6 of the Agricultural Code is amended to read:

802.6. All grapes intended for shipment out of the State of California shall be placed in standard containers numbers 1, 1B, 1C, 2, 5, 6, 7, 8, 9, 9A, 28, 29, 30A, 37A, 37B, 37C, 37D, 37E, 37F, 37G, 38H, 38I, 38J, 38K, 49, and 50 subject to the restrictions and additions specified in this chapter. Except as otherwise designated, all such containers shall be considered as standard for grapes when packed with or without pads, inner-liners, or other device which does not reduce the inside volume of the container by more than 10 percent; provided, that the vacant spaces, if any, resulting from the use of such device are readily visible. Grape containers

The depth dimension of containers, exclusive of cleats, designated for grapes in this chapter shall apply only to the depth of the head of each such container.

Containers designated as 37A, 37B, 37C, 37D, 37E, 37F and 37G shall be standard for grapes when used without cleats or with any one of the following defined cleats attached to the top of each end piece; however, no such container shall be less than $4\frac{7}{16}$ nor more than $6\frac{7}{16}$ inches in depth, including the depth of a cleat on each end.

1. Cleat $\frac{3}{8}$ inch depth and $\frac{11}{16}$ inch width.
2. Cleat $\frac{1}{2}$ inch depth and $\frac{11}{16}$ inch width.
3. Cleat $\frac{11}{16}$ inch depth and $\frac{11}{16}$ or $\frac{7}{8}$ or $1\frac{3}{8}$ inch width.
4. Cleat $\frac{3}{4}$ inch depth.
5. Cleat $\frac{7}{8}$ inch depth and $\frac{11}{16}$ inch width.

Only the depth measurement of these cleats shall be used to increase the depth measurements of the container.

Containers designated as 5, 6, 7, 8, 9, 9A, 30A, 38H, 38I and 38J shall be standard for grapes when used with or without

any style of cleat providing the sides of the container are not placed above the container head.

Containers numbers 28, 29, 49 and 50 shall be standard for grapes only when (1) containing grapes packed in sawdust, cork or similar packing material in sufficient amount to completely surround and cover the grapes and (2) used without cleats.

Containers numbers 30A and 38H shall be standard for grapes only when containing bunches which are (1) individually wrapped in paper or other protective wrapping material and (2) packed in excelsior or other similar packing material.

Container number 37G shall also be considered standard for grapes when each head piece is beveled across each bottom corner at an angle of 45 degrees, starting two inches from each such corner, and bottom slats are attached to each bevel, so as to affect the contour of the box. This container may or may not also be notched at the center of the base by a triangle with a base of four inches and an altitude of two inches. If notched, bottom slats shall be attached to each side of the notch, in addition to each bevel.

Containers designated as 37D, 37F and 37G shall also be considered standard for grapes when constructed as display lugs defined herein and subject to the following restrictions. No other container shall be considered standard for grapes when so constructed.

Standard Display Lug: Container 37G when constructed as a "display lug" shall have a $5\frac{3}{4}$ inch head (1) "slotted" $1\frac{1}{4}$ inches or less from the top or (2) consisting of a top piece $1\frac{1}{4}$ inches deep nailed or fastened to a bottom piece $4\frac{1}{2}$ inches in depth, and shall be used without a cleat or cleats; however, when a pad filler is placed in the bottom of the container a $\frac{3}{8}$ or $\frac{11}{16}$ inch cleat may be placed on each end of the container on top of the head in such a manner as to add $\frac{3}{8}$ or $\frac{11}{16}$ of an inch to the height of each end piece.

Special Display Lug: Container 37F when constructed as a "display lug" shall have a $5\frac{1}{2}$ inch head (1) "slotted" $1\frac{1}{4}$ inches or less from the top or (2) consisting of a top piece $1\frac{1}{4}$ inches deep nailed or fastened to a bottom piece $4\frac{1}{4}$ inches in depth, and shall be used without a cleat or cleats.

Special Display Lug: Container 37D when constructed as a "display lug" shall have a $5\frac{1}{8}$ inch head (1) "slotted" $1\frac{1}{4}$ inches or less from the top or (2) consisting of a top piece $1\frac{1}{4}$ inches deep nailed or fastened to a bottom piece $3\frac{7}{8}$ inches in depth, with or without a $\frac{5}{8}$ inch cleat making a total depth of $5\frac{1}{8}$ or $5\frac{3}{4}$ inches.

The term "display lug" shall mean a lug with a two-piece or slotted head (with or without cleats) and sides consisting of two pieces, constructed in such a manner that when packed with grapes and lidded, an entire upper section of the lug, together with the lid, can readily be removed, thereby displaying the grapes.

SEC. 2. Section 828.53 of said code is amended to read:

828.53.

37A	Standard grape lug	$3\frac{3}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$
37B	Standard grape lug	$4\frac{3}{8}$	$13\frac{1}{2}$	$16\frac{1}{8}$
37C	Standard grape lug	$4\frac{3}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$
37D	Standard grape lug	$5\frac{1}{8}$	$13\frac{1}{2}$	$16\frac{1}{8}$
37E	Standard grape lug	$5\frac{1}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$
37F	Standard grape lug	$5\frac{1}{2}$	$13\frac{1}{2}$	$16\frac{1}{8}$
37G	Standard grape lug	$5\frac{3}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$
38H	Standard grape lug	$5\frac{7}{8}$	$11\frac{1}{2}$	$16\frac{1}{2}$
38I	Standard grape lug	$4\frac{3}{4}$ to $6\frac{7}{16}$ at top	$14\frac{1}{2}$ to $14\frac{7}{8}$ at bottom $9\frac{1}{2}$ to $11\frac{1}{2}$	$16\frac{1}{8}$
38J	Standard grape lug	$5\frac{3}{4}$	$6\frac{3}{4}$	$16\frac{1}{8}$
38K	Standard grape lug	$4\frac{1}{2}$ to $4\frac{7}{8}$ with taper (up and in—down and in) at each corner.	$14\frac{3}{4}$	$16\frac{1}{8}$

Container schedule

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Urgency

This act permits the use of a new grape container for the shipping to the consuming public of California grapes. This container has been used in limited quantities for the past year under an experimental permit and has proven extremely popular with grape shippers and consumers. The harvest season for California grapes begins in May in Southern California, and if these new containers are to be used this season, it is necessary that this act take immediate effect.

CHAPTER 62

An act to amend Section 1239 of the Agricultural Code, relating to agricultural warehouse inspection and license fees.

[Approved by Governor April 2, 1959 Filed with Secretary of State April 2, 1959]

In effect September 18, 1959

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

SECTION 1. Section 1239 of the Agricultural Code is amended to read:

1239. The director shall collect a reasonable fee for every examination or inspection of a warehouse when such examination or inspection is made upon the application of a warehouseman and an annual fee based upon the capacity of the warehouse and the character of the commodity or commodities stored therein for each license or renewal thereof issued to a warehouseman, which fee shall be based upon the following schedule:

Grain and hay warehouses, one cent ($0.01) per ton, with a minimum of twenty-five dollars ($25) and a maximum of one hundred dollars ($100);

Cannery warehouses, fifty cents ($0.50) per 1,000 cases, with a minimum of fifty dollars ($50) and a maximum of two hundred dollars ($200);

Dried fruit warehouses, two cents ($0.02) per ton, with a minimum of fifty dollars ($50) and a maximum of two hundred dollars ($200);

Miscellaneous agricultural warehouses other than those listed, twenty-five dollars ($25).

All such fees shall be reported monthly by the director to the State Controller and such fees shall be deposited monthly in the State Treasury to the credit of the Department of Agriculture Fund. There is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, the sum of ten thousand dollars ($10,000) which shall be placed to the credit of the Department of Agriculture Fund and used to carry out the provisions of this chapter until such time as the revenue derived from collected fees shall be sufficient to pay the costs thereof. After October 1, 1959, not less than 10 per centum of the collected fees shall be paid quarterly into the General Fund of the State Treasury until such time as an amount equivalent to that herein appropriated has been repaid.

CHAPTER 63

An act to amend Section 35552 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to logging trucks.

In effect September 18, 1959

[Approved by Governor April 3, 1959. Filed with Secretary of State April 3, 1959]

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

SECTION 1. Section 35552 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

35552. Trucks and vehicle combinations transporting loads composed solely of logs shall be deemed in compliance with subdivision (a) of Section 35551 if the allowed load in pounds on the group of axles permitted by that subdivision does not exceed by more than 2,500 pounds the amounts respectively stated in such subdivision, and if the vehicle or combination is in full compliance with subdivision (b) of Section 35551 or any provision made applicable to the vehicle or combination in lieu of subdivision (b).

Vehicles or vehicle combinations transporting logs solely and loaded in excess of the provisions of this section shall be deemed in violation of subdivision (a) of Section 35551.

This section shall have no application to highways which are a part of the National System of Interstate and Defense High-

ways (as referred to in subdivision (a) of Section 108 of the Federal-aid Highway Act of 1956).

The provisions of this section shall be operative only until the ninety-first day after final adjournment of the 1961 Regular Session of the Legislature.

This section may be cited as the Christensen-Belotti Act.

CHAPTER 64

An act to amend Section 28122 of the Government Code, relating to compensation for public service in counties of the twenty-second class.

[Approved by Governor April 3, 1959. Filed with Secretary of State April 3, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 28122 of the Government Code is amended to read:

28122. In a county of the twenty-second class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, eleven thousand five hundred dollars ($11,500) a year.

(b) The district attorney, thirteen thousand seven hundred fifty dollars ($13,750) a year.

He shall devote his entire time to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, five hundred dollars ($500) a month and eight cents ($0.08) for each mile necessarily and actually traveled in attending meetings of the board or in the discharge of county business within the county.

Each supervisor shall be allowed his actual and necessary expenses incurred while traveling to and from the annual convention of the supervisor's association, not to exceed fifty dollars ($50) for each in any one year.

(d) Grand and trial jurors, five dollars ($5) per day.

CHAPTER 65

An act to add Article 4.7 (commencing with Section 11750) to Chapter 7 of Division 10 of the Health and Safety Code, relating to narcotic treatment-control units.

[Approved by Governor April 2, 1959. Filed with Secretary of State April 3, 1959.]

In effect September 18, 1959

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

SECTION 1. Article 4.7 (commencing with Section 11750) is added to Chapter 7 of Division 10 of the Health and Safety Code, to read:

Article 4.7. Narcotic Treatment-Control Units

Narcotic treatment control units

11750. The Department of Corrections and the Department of the Youth Authority are authorized to establish narcotic treatment-control units in state correctional facilities or training schools or as separate establishments for such study, research, and treatment as may be necessary for control of the addiction or imminent addiction to narcotics of persons committed to the custody of the Director of Corrections or the Director of the Youth Authority.

Order to detain or place Men

11751. When the Adult Authority concludes that there are reasonable grounds for believing that a man on parole is addicted to, or is in imminent danger of addiction to, narcotics, it may issue an order to detain or place such person in a narcotic treatment-control unit for a period not to exceed 90 days. Such order shall be a sufficient warrant for any peace officer or employee of the Department of Corrections to return to physical custody any such person. Detention pursuant to such order shall not be deemed a suspension, cancellation or revocation of parole until such time as the Adult Authority so orders pursuant to Section 3060 of the Penal Code. A parolee taken into physical custody pursuant to Section 3060 of the Penal Code may be detained in a narcotic treatment-control unit established pursuant to this article.

Same

11752. When the Youth Authority concludes that there are reasonable grounds for believing that a person committed to its custody, and on parole, is addicted to, or is in imminent danger of addiction to, narcotics, it may issue an order to detain or place such person in a narcotic treatment-control unit for not to exceed 90 days. Such order shall be a sufficient warrant for any peace officer or employee of the Department of the Youth Authority to return to physical custody any such person. Detention pursuant to such order shall not be deemed a suspension, cancellation, or revocation of parole unless the Youth Authority so orders pursuant to Section 1767.3 of the Welfare and Institutions Code.

With the consent of the Director of Corrections, the Director of the Youth Authority may, pursuant to this section, confine the addicted or potentially addicted person, over 18 years of age, in a narcotic treatment-control unit established by the Department of Corrections.

Same: Women

11753. When the Board of Trustees of the California Institution for Women concludes that there are reasonable grounds for believing that a woman on parole is addicted to, or is in imminent danger of addiction to, narcotics, it may issue an order to detain or place such person in a narcotic treatment-control unit for a period not to exceed 90 days. Such order shall be a sufficient warrant for any peace officer or employee of the Department of Corrections to return to physical custody any such person. Detention pursuant to such order shall not be deemed a suspension, cancellation or revocation of parole until such time as the Board of Trustees so orders pursuant to

Section 3060 of the Penal Code. A parolee taken into physical custody pursuant to Sections 3060 and 3325 of the Penal Code may be detained in a narcotic treatment-control unit established pursuant to this article.

11754. The authority granted to the Adult Authority and the Youth Authority in no way limits Sections 3060 and 3325 of the Penal Code. Powers

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CHAPTER 66

An act to amend Section 100 of the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), relating to the dissolution of drainage districts.

[Approved by Governor April 3, 1959 Filed with Secretary of State April 3, 1959] In effect September 18, 1959

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

SECTION 1. Section 100 of the Drainage District Act of 1903 is amended to read:

Sec. 100. Upon the filing of a petition with the board of directors of the district, signed by the owners of title or evidence of title of more than 50 percent of the lands within the district, the board shall submit the question of dissolution of the district to the voters thereof. The qualifications of voters for such election shall be as established by Section 7 hereof.

CHAPTER 67

An act to amend Section 1096.3 of the Agricultural Code, relating to livestock remedies.

[Approved by Governor April 2, 1959 Filed with Secretary of State April 3, 1959.] In effect September 18, 1959

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

SECTION 1. Section 1096.3 of the Agricultural Code is amended to read:

1096.3. The label shall contain all of the following:

(a) The name, brand, or trademark of the livestock remedy;

(b) The name and principal address of the applicant;

(c) The minimum net contents of the container;

(d) A statement of the disease or ailments of livestock which it is claimed that the livestock remedy will alleviate or cure;

(e) Adequate instructions as to use and administration and adequate warnings against improper use and administration of the livestock remedy;

(f) The name of each active drug ingredient;

(g) A statement clearly indicating that the product is not for human use;

(h) If the livestock remedy is a hazardous remedy, the word "hazardous" in conspicuous letters.

CHAPTER 68

An act to amend Section 25827 of the Government Code, relating to counties.

In effect September 18, 1959

[Approved by Governor April 2, 1959. Filed with Secretary of State April 3, 1959.]

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

SECTION 1. Section 25827 of the Government Code is amended to read:

25827. The board of supervisors of each county may collect or contract for the collection, or both, of garbage, waste, refuse, rubbish, offal, trimmings, or other refuse matter under such terms and conditions as may be prescribed by the board of supervisors by resolution or ordinance. For such purposes the board of supervisors may levy a yearly tax on property within the unincorporated area of the county, excluding territory within existing garbage disposal districts.

CHAPTER 69

An act to add Section 55529 to and amend Sections 55522 and 55523 of the Water Code, relating to county waterworks district bonds.

In effect September 18, 1959

[Approved by Governor April 2, 1959. Filed with Secretary of State April 3, 1959.]

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

SECTION 1. Section 55529 is added to the Water Code, to read:

Bond series

55529. The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this article.

SEC. 2. Section 55522 of the Water Code is amended to read:

Annual payment

55522. The board shall designate an amount, not less than one-fortieth of the principal amount of the indebtedness, or series thereof, which shall be paid annually at a fixed time and place, together with the interest on all sums unpaid. The rate of interest shall be designated in the bonds and shall be

paid semiannually at a rate not in excess of 8 percent per year; except that interest for the first year after the date of the bonds may be made payable at the end of said year.

SEC. 3. Section 55523 of the Water Code is amended to read:

55523. The board may determine and fix a date for the earliest maturity of the principal of the bonds, or series thereof, not more than 10 years from the date of issue of bonds. The principal amount of the indebtedness, or series thereof, must be made payable in not to exceed 40 years from the time of contracting the same; and beginning with the date of earliest maturity of the bonds, or series thereof, not less than one-fortieth of the principal amount of the indebtedness, or series thereof, shall be paid annually. Maturity date

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CHAPTER 70

An act to amend Section 22842 of, and to repeal Sections 22844 and 22845 of, the Water Code, relating to irrigation districts containing 500,000 acres or more.

[Approved by Governor April 2, 1959. Filed with Secretary of State April 3, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 22842 of the Water Code is amended to read:

22842. The board may:

(a) Provide for and create divisions or departments for management and operating purposes. Powers of board

(b) Appoint department heads.

(c) Classify and reclassify employees.

(d) Fix the duties, terms, and time of employment.

(e) Provide for and fix salaries, compensation, and expenses of department heads, executives, and employees.

SEC. 2. Sections 22844 and 22845 of said code are repealed. Repeals

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CHAPTER 71

An act to amend Section 24228 of the Health and Safety Code, relating to air pollution control districts.

[Approved by Governor April 2, 1959. Filed with Secretary of State April 3, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 24228 of the Health and Safety Code is amended to read:

24228. In any county having a system of civil service, the air pollution control board shall appoint the air pollution control officer, and the air pollution control officer shall appoint

all of his assistants, deputies, clerks, attaches, and other employees, pursuant to such civil service provisions, except:

(a) If the Civil Service Commission or body performing the functions thereof, finds that any person has been employed by the county or by any city within the air pollution control district for a continuous period of not less than six months prior to the effective date of a resolution adopted by the board of supervisors pursuant to Article 1 of this chapter, in a position the duties of which, and qualifications for which are substantially the same as, or are greater than and include qualifications which are substantially the same as those of any position in the air pollution control district, and such person has attained permanent civil service status in such city or county position, the Civil Service Commission or such other body shall certify, without examination, such person as eligible to hold such air pollution control district position.

(b) If the Civil Service Commission or body performing the functions thereof finds that any person has been employed by the county or by any city within the air pollution control district in a position the duties of which, and qualifications for which are substantially the same as, or are greater than and include qualifications which are substantially the same as those of any position in the air pollution control district, at the request of the air pollution control officer, the Civil Service Commission or such other body, may certify, without examination, such person as eligible to hold such air pollution control district position.

(c) Any person entitled to participate in promotional examinations for positions in the county classified civil service shall similarly be entitled to participate in promotional examinations for positions in the classified civil service of the air pollution control district, pursuant to county Civil Service Commission rules in effect at the time, and to be certified for said district positions by the county Civil Service Commission, or other body performing the functions thereof, and to be appointed to said district positions.

(d) This section does not apply to the appointment of members to the hearing board.

CHAPTER 72

An act to amend Section 2d of the Los Angeles County Flood Control Act (Chapter 755, Statutes 1915), relating to the Los Angeles County Flood Control District.

In effect September 18, 1959

[Approved by Governor April 2, 1959. Filed with Secretary of State April 3, 1959.]

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

SECTION 1. Section 2d of the Los Angeles County Flood Control Act is amended to read:

Sec. 2d. All of the provisions of Article IX, Sections 30 to 44 inclusive, of the charter of the County of Los Angeles, (except Section 32, paragraphs (a), (b), (c), (d) and (e) of Section 33 and Section 37), relating to civil service, and the rules of the Civil Service Commission of the County of Los Angeles as the same now exist or may hereafter be changed or amended, are hereby adopted by reference, for the purposes of this act; provided, however, that certain words used in said Article IX of said county charter and in said rules of the civil service commission shall for the purposes of this act be construed as follows: The word "county" or "Los Angeles County" shall be construed to include the Los Angeles County Flood Control District; the words "commission" and "commissioner" shall be construed to include the Commission and Commissioner of the Civil Service Commission and Civil Service Commissioner, respectively, of the Los Angeles County Flood Control District; the words "chief examiner" and "secretary" shall be construed to include the Chief Examiner and Secretary of the Civil Service Commission of the Los Angeles County Flood Control District.

All persons employed by the Los Angeles County Flood Control District, except as expressly provided by Section 4 of this act, shall be appointed and shall hold his or her respective position and shall be subject to suspension, reduction or discharge in the same manner and under the same terms and conditions as in the case of persons employed in the classified civil service of the County of Los Angeles and shall constitute the classified civil service of the Los Angeles County Flood Control District.

If the Civil Service Commission of the County of Los Angeles finds that any person has been employed by the County of Los Angeles in a classified civil service position of the same grade or class as a similar position in the Los Angeles County Flood Control District, at the request of the Chief Engineer of the Los Angeles County Flood Control District the Los Angeles County Civil Service Commission shall certify said person as being eligible to transfer to and hold said district position with the same status and without further examination, if said person holds said position in the county classified civil service as a result of examination and certification by the county civil service commission. Any person entitled to participate in promotional examinations for positions in the county classified civil service shall similarly be entitled to participate in promotional examinations for positions in the classified civil service of the Los Angeles County Flood Control District, pursuant to county civil service commission rules in effect at the time, and to be certified for said district positions by the county civil service commission and to be appointed to said district positions.

CHAPTER 73

An act to amend Section 4238 of, to repeal Section 4239 of, the Education Code, and to amend Section 2561 of, and to repeal Section 2562 of, the Education Code as proposed by Senate Bill No. 2, relating to the formation of junior college districts.

In effect September 18, 1959

[Approved by Governor April 2, 1959. Filed with Secretary of State April 3, 1959.]

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

SECTION 1. Section 4238 of the Education Code is amended to read:

Junior college district election

4238. Within 30 days after receiving the notice the superintendent of schools of the county within which the greatest area of the proposed junior college district lies, shall call an election to be held in every elementary district and unified district in the proposed junior college district. He shall establish one or more precincts in each elementary or unified district and appoint three qualified electors in each precinct to conduct the election.

Repeal

SEC. 2. Section 4239 of said code is repealed.

SEC. 3. Section 2561 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

Junior college district election

2561. Within 30 days after receiving the notice the superintendent of schools of the county within which the greatest area of the proposed junior college district lies, shall call an election to be held in every elementary district and unified district in the proposed junior college district. He shall establish one or more precincts in each elementary or unified district and appoint three qualified electors in each precinct to conduct the election.

Repeal

SEC. 4. Section 2562 of said proposed code is repealed.

Effect Stats 1959, Ch 2

SEC. 5. Sections 3 and 4 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 4238 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 74

An act to add Section 32109 to the Health and Safety Code, and to amend Sections 4501 and 4501.5 of the Elections Code, relating to hospital districts.

In effect September 18, 1959

[Approved by Governor April 2, 1959. Filed with Secretary of State April 3, 1959.]

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

SECTION 1. Section 32109 is added to the Health and Safety Code, to read:

32109. Each candidate for election to the board of directors shall prepare and file a campaign statement in the manner prescribed in Chapter 1 (commencing at Section 4500) of Division 7 of the Elections Code if the lawful receipts and expenses of his campaign exceed two hundred dollars ($200). Campaign statement

SEC. 2. Section 4501 of the Elections Code is amended to read:

4501. "Candidate" means any person who seeks nomination or election to a federal, state, county, judicial, hospital district, or municipal office in a general law or chartered city at any election or primary conducted within this State. "Candidate" also includes persons seeking election to a county central committee at the direct primary election. "Candidate"

SEC. 3. Section 4501.5 of said code is amended to read:

4501.5. A candidate or nominee for a municipal office or for election to the office of director of a hospital district need not file a campaign statement if the lawful receipts and expenses of his campaign do not exceed two hundred dollars ($200). Exception

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CHAPTER 75

An act to add Section 1.5 to Chapter 2165 of the Statutes of 1957, relating to recreation, park and parkway districts.

[Approved by Governor April 2, 1959. Filed with Secretary of State April 3, 1959.] In effect September 18, 1959

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

SECTION 1. Section 1.5 is added to Chapter 2165 of the Statutes of 1957, to read:

SEC. 1.5. Notwithstanding the provisions of Section 5421 of the Public Resources Code which is repealed by this act, upon the dissolution of any district operating subject to that section pursuant to Section 1 of this act any funds remaining to the credit of the district shall vest in the county within which the district is located, or if all of the district is within a city or cities, shall vest in the largest city within which located; and the supervising authority shall be the governing body of the county or city, as the case may be, in winding up the district's affairs in regard to the administration and expenditure of such funds. Any moneys remaining to the credit of the district in excess of its liabilities shall be used by the county or city, as the case may be, for recreation purposes within the area formerly comprising such district.

CHAPTER 76

An act to add Section 5834.1 to the Streets and Highways Code, relating to county maintenance districts.

In effect September 18, 1959

[Approved by Governor April 3, 1959 Filed with Secretary of State April 3, 1959.]

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

SECTION 1 Section 5834.1 is added to the Streets and Highways Code, to read:

5834.1. A contract for installing, maintaining and servicing a system of lights in any maintenance district shall be awarded to the lowest responsible bidder. However, the rates to be paid shall not exceed the lawful rates applicable for the particular class of service and when necessary shall be those authorized by the Public Utilities Commission of the State of California. The contract for service shall be for a period not less than three years from and after the date electric energy and service is first delivered to the maintenance district pursuant to such contract and shall be extended automatically thereafter for successive terms of one year each; provided, that the agreement may be terminated by either party upon not less than 60 days' written notice prior to the expiration date of the original term or any extended term. The board of supervisors shall reserve the right to abrogate the contract whenever service is offered to be supplied at two-thirds of the fixed contract price.

CHAPTER 77

An act to add Section 6623 to the Welfare and Institutions Code, relating to handiwork of state hospital patients.

In effect September 18, 1959

[Approved by Governor April 2, 1959 Filed with Secretary of State April 3, 1959]

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

SECTION 1. Section 6623 is added to the Welfare and Institutions Code, to read:

6623. Each patient in a state hospital under this chapter may be permitted to keep for his own use articles of handiwork and other finished products suitable primarily for personal use, as determined by the superintendent, which have been fabricated by the patient.

CHAPTER 78

An act to add Section 1125 to the Welfare and Institutions Code, relating to handiwork of Youth Authority inmates.

[Approved by Governor April 2, 1959. Filed with Secretary of State April 3, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1125 is added to the Welfare and Institutions Code, to read:

1125. Each inmate of an institution under this chapter shall be permitted to keep for his own use all articles of handiwork and other finished products suitable primarily for personal use, as determined by the director, which have been fabricated by the inmate.

CHAPTER 79

An act to amend Section 2285 of the Health and Safety Code, relating to mosquito abatement districts.

[Approved by Governor April 2, 1959. Filed with Secretary of State April 3, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2285 of the Health and Safety Code is amended to read:

2285. Notice of the lien shall be filed and recorded by the district board in the office of the county recorder of the county in which the property is situated within one year after the first item of expenditure by the board or within 90 days after the completion of the work, whichever first occurs.

CHAPTER 80

An act to amend Section 46005 of the Water Code, relating to additional preliminary assessments of water storage districts.

[Approved by Governor April 2, 1959. Filed with Secretary of State April 3, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 46005 of the Water Code is amended to read:

46005. If after the total amount raised by all preliminary assessments shall have been expended or its expenditure authorized, that amount is found to be insufficient to meet all

expenses of the district, the directors may, in the manner provided in this chapter, levy additional preliminary assessments up to an amount not in excess of one dollar and fifty cents ($1.50) per acre.

CHAPTER 81

An act to amend Section 263 of the Revenue and Taxation Code, relating to the welfare exemption in its application to hospitals, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 3, 1959. Filed with Secretary of State April 3, 1959.]

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

SECTION 1. Section 263 of the Revenue and Taxation Code is amended to read:

263. Any tax, or any penalty or interest thereon, for any fiscal year commencing during the calendar year 1956, 1957 or 1958 on any property of a hospital as to which the welfare exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

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

Some hospitals have inadvertently failed to file the required affidavit in support of the welfare exemption which is applicable to their property and, as a consequence, are now confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the application of the exemption to such property. In doing so, it will fulfill the public policy of the State expressed through such exemption and thereby benefit the people generally.

CHAPTER 82

An act to add Section 19.5 to the Fresno Metropolitan Flood Control Act (Chapter 503 of the Statutes of 1955), relating to district bonds, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 3, 1959. Filed with Secretary of State April 3, 1959.] In effect immediately

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

SECTION 1. Section 19.5 is added to the Fresno Metropolitan Flood Control Act (Chapter 503 of the Statutes of 1955), to read:

Sec. 19.5. The board, in the manner provided in this section, may incur a bonded indebtedness by the issuance of refunding bonds without calling and holding an election and without the authorization of the voters of said district. Sections 15 and 16 shall not be applicable to any bonded indebtedness evidenced by refunding bonds. Refunding bonds shall be issued only for the purpose of paying the principal of and premium on any outstanding bonds of the district which by their terms are, at the time of issuance of refunding bonds, subject to call and redemption prior to maturity. Refunding bonds shall not be issued unless the total amount of interest payable on the issue of refunding bonds from the date thereof to their respective maturity dates plus the total amount of premiums payable upon the call and redemption of the outstanding bonds to be called and redeemed with the proceeds of the sale of refunding bonds is less than the total amount of interest payable on the bonds to be called and redeemed from the date of redemption thereof to their respective maturity dates. The final maturity date of the refunding bonds to be issued shall not be later than the final maturity date of the bonds to be called and redeemed. The aggregate principal amount of the refunding bonds to be issued shall not exceed the aggregate principal amount of the bonds to be called and redeemed plus the amount of the premiums payable upon the call and redemption thereof. All interest payable upon the call and redemption of the bonds to be called and redeemed shall be paid from available funds of the district other than the proceeds of the sale of refunding bonds.

Each issue of refunding bonds shall be authorized by a resolution of the board and shall be sold pursuant to the provisions and subject to the limitations of Section 20. The proceeds of the sale of each issue of refunding bonds shall be placed in the Treasury of the County of Fresno to the credit of the district. All premiums and accrued interest received upon such sale shall be placed in the fund to be used for the payment of principal of and interest on the refunding bonds, and the remainder of the proceeds of the sale of the refunding bonds shall be applied to the extent required to pay the prin-

cipal of and premium on the outstanding bonds of the district which were called and redeemed upon the issuance of the refunding bonds. Any surplus remaining after the redemption of the outstanding bonds shall be deposited in the fund to be used for the payment of the principal of and interest on the refunding bonds and used only for that purpose.

When any refunding bonds shall have been issued, taxes shall be levied and collected to pay the principal of and interest on the refunding bonds in the manner provided in Section 21. All of the provisions of Section 21 are applicable to refunding bonds to the same extent as to the outstanding bonds called and redeemed by the refunding bonds.

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

An election is to be held in the Fresno Metropolitan Flood Control District in April of this year. In order that the provisions of this act may be utilized by the district in financing the construction of urgently needed flood protection works, it is essential that this act go into immediate effect.

CHAPTER 83

An act to amend Section 17 of the Fresno Metropolitan Flood Control Act (Chapter 503 of the Statutes of 1955), relating to bonds, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 3, 1959. Filed with Secretary of State April 3, 1959.]

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

SECTION 1. Section 17 of the Fresno Metropolitan Flood Control Act (Chapter 503 of the Statutes of 1955) is amended to read:

SEC. 17. Subject to the provisions of this act the board of directors shall prescribe the form of the bonds to be issued by the district, and of the interest coupons to be attached thereto. The board shall fix the date of the bonds, and may in its discretion divide the aggregate principal amount of any authorized issue into two or more series and fix different dates for each separate series. In the event any authorized issue is divided into two or more series the bonds of each series may be made payable at such time or times as may be fixed by the board separate and distinct from the time or times of payment of bonds of any other series of the same issue; provided, that the maturity or maturities of each separate series shall in each case comply with the provisions of this act. No bond shall run more than 40 years from the date of its issue.

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

An election is to be held in the Fresno Metropolitan Flood Control District in April of this year. In order that the provisions of this act may be utilized by the district in financing the construction of urgently needed flood protection works, it is essential that this act go into immediate effect.

CHAPTER 84

An act to add Section 27603 to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, and to repeal Section 16854 of the Education Code as enacted by the Legislature at the 1959 Regular Session, relating to the painting of buses formerly used as school buses.

[Approved by Governor April 9, 1959. Filed with Secretary of State April 10, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 27603 is added to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, to read:

Painting of former school bus

27603. When a motor vehicle formerly used as a school bus is sold to any person and is used exclusively for purposes other than the transportation of pupils pursuant to Article 2 (commencing at Section 16851) of Chapter 1 of Division 13 of the Education Code, it shall be painted by the purchaser a color different than that prescribed by the State Board of Education for school buses before it is operated on any street or highway other than to have the vehicle painted or moved to a place of storage.

Repeal

SEC. 2. Section 16854 of the Education Code as enacted by the Legislature at the 1959 Regular Session is repealed.

CHAPTER 85

An act to amend Section 8819.5 of the Education Code and Section 5703 of the Education Code as proposed by Senate Bill No. 2, relating to junior colleges.

[Approved by Governor April 9, 1959. Filed with Secretary of State April 10, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 8819.5 of the Education Code is amended to read:

Authorization to maintain junior college

8819.5. Junior colleges maintained on July 1, 1952, by the governing board of a high school district are herewith authorized to be maintained by the governing board of a high school district.

SEC. 2. Section 5703 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

Same

5703. Junior colleges maintained on July 1, 1952, by the governing board of a high school district are herewith authorized to be maintained by the governing board of a high school district.

Declaratory of existing law

SEC. 3. The amendment of these sections made by the 1959 Regular Session of the Legislature does not constitute a change in, but is a restatement of, the pre-existing law without substantive change.

Effect Stats 1959, Ch 2

SEC. 4. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 8819 5 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 86

An act to amend Sections 181 and 200 of, and to add Section 207.9 to, the Agricultural Code, relating to animal diseases and quarantine.

In effect September 18, 1959

[Approved by Governor April 9, 1959 Filed with Secretary of State April 10, 1959]

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

SECTION 1. Section 181 of the Agricultural Code is amended to read:

Reporting of diseased animal or poultry

181. It is unlawful for any licensed veterinarian or any person operating an animal disease diagnostic laboratory upon gaining information thereof, to fail to immediately report in accordance with regulations of the director, the location, description, and name and address of the owner or person in charge, if known, of any animal or poultry affected with any infectious, contagious or transmissible disease specified in such regulations.

SEC. 2. Section 200 of said code is amended to read:

Investigation, inspection, quarantine

200. Upon information received by the director of the existence of any contagious, infectious or transmissible disease affecting domestic animals or poultry within this State, he shall thoroughly investigate the same, and may enter any premises and inspect any animal or poultry. He may establish such quarantine, sanitary, and police regulations as may be necessary to circumscribe and exterminate such disease.

SEC. 3. Section 207.9 is added to said code, to read:

207.9. In order to prevent the spread of livestock diseases, it is unlawful, except under written permit of the director, to remove, or cause to be removed, any livestock from slaughterhouse pens, yards, corrals or similar holding places where livestock is held for the purpose of immediate slaughter except directly into the slaughterhouse controlling such pens, yards, corrals or similar holding places. Written permit re livestock removal

CHAPTER 87

An act to amend Section 11041 of the Insurance Code, relating to fraternal benefit societies.

[Approved by Governor April 9, 1959. Filed with Secretary of State April 10, 1959.] In effect September 18, 1959

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

SECTION 1. Section 11041 of the Insurance Code is amended to read:

11041. An admitted society may, by the issuance of certificates, provide for its payment to its members of insurance benefits contained within the following classes:

(a) All forms of life insurance as defined in Section 101 except group insurance and funeral insurance as defined in Section 10240.

(b) All forms of disability insurance as defined in Section 106, except benefits for loss of time as a result of disease occurring after the sixty-fifth birthday of the member and all forms of group insurance.

Except as otherwise provided in this chapter, such benefits may be paid in any manner compatible with their nature.

Any benefits authorized in this section, or combinations thereof, may be provided in the same or separate certificates.

Any such benefits may be provided for a member or upon application of a member for the member's spouse, minor children and minor grandchildren in one or more certificates.

CHAPTER 88

An act to add Section 4902.25 to the Education Code, and to add Section 3118.5 to the Education Code as proposed by Senate Bill No. 2, relating to the reorganization of school districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 9, 1959. Filed with Secretary of State April 10, 1959.] In effect immediately

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

SECTION 1. Section 4902.25 is added to the Education Code, to read:

4902.25. The plans and recommendations formulated by the county committee may propose the formation of a unified school district to include all the territory of an existing high Unified school district proposals

school district, irrespective of whether the territory included in the high school district is separated into two or more non-contiguous parts. This section shall apply when the territory of the high school district is situated entirely in one county and consists of four or fewer elementary districts, at least two of which are not contiguous.

SEC. 2. Section 3118.5 is added to the Education Code as proposed by Senate Bill No. 2, to read:

Same

3118.5. The plans and recommendations formulated by the county committee may propose the formation of a unified school district to include all the territory of an existing high school district, irrespective of whether the territory included in the high school district is separated into two or more non-contiguous parts. This section shall apply when the territory of the high school district is situated entirely in one county and consists of four or fewer elementary districts, at least two of which are not contiguous.

Effect Stats 1959, Ch 2

SEC. 3. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 4902.25 of the Education Code as added by Section 1 of this act is repealed.

Urgency

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Serious doubt has been expressed as to whether a unified school district may be formed under the provisions of Chapter 16 (commencing at Section 4871) of Division 2 of the Education Code, to include all the territory of an existing high school district which has been separated into two or more parts as a result of prior withdrawals of elementary districts from such high school district. In order to put the matter at rest and permit county committees on school district organization to continue their study of reorganizing school districts in areas in which high school districts have been separated into non-contiguous parts, it is necessary that this act take effect immediately.

CHAPTER 89

An act to amend Section 8152 of the Fish and Game Code, relating to sardines, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 9, 1959. Filed with Secretary of State April 10, 1959.]

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

SECTION 1. Section 8152 of the Fish and Game Code is amended to read:

8152. Sardines may be taken at any time after June 1, 1961, for the purpose of salting, curing, smoking or drying, or for the purpose of packing in cans commonly known as quarter-pound or square cans less than 10 ounces in net weight. In such 10-ounce cans, fish of a size not less than eight to the can shall be used.

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

In order to properly conserve the sardine resources of this State and properly utilize them, the season for taking sardines should be the same this year as it was in 1958. This will not be the case, however, unless this bill is made to take effect immediately.

CHAPTER 90

An act to amend Sections 3036 and 7151 of the Fish and Game Code, relating to licenses for disabled veterans.

[Approved by Governor April 9, 1959. Filed with Secretary of State April 10, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 3036 of the Fish and Game Code is amended to read:

Licenses re disabled veterans

3036. A veteran, having 70 percent or greater service-connected disability, of any war in which the United States has been, or may be engaged, upon the presentation of proof of an honorable discharge from service, is entitled to the licenses provided for in this article upon application to the Department of Fish and Game, Headquarters Office, Sacramento, free of charge, and is entitled to receive, free of charge, deer and pheasant license tags provided for in Sections 3652 and 4332.

Proof of such disability shall be required and shall be by certification from the Veterans Administration or, if the veteran is over 55 years of age, by proof that he was issued a license under this section in the previous year.

As used in this section, "war" means that period of time commencing when Congress declares war or when the Armed Forces of the United States are engaged in active military operations against any foreign power, whether or not war has been formally declared, and ending upon the termination of hostilities as proclaimed by the President of the United States.

SEC. 2. Section 7151 of said code is amended to read:

Same

7151. Every veteran, having a 70 percent or greater service-connected disability, of any war in which the United States has been, or may be, engaged, upon the presentation of proof

of an honorable discharge from service, is entitled to a sport fishing license upon application to the Department of Fish and Game, Headquarters Office, Sacramento, free of charge.

Proof of such disability shall be required and shall be by certification from the Veterans Administration or, if the veteran is over 55 years of age, by proof that he was issued a license under this section in the previous year.

As used in this section, "war" means that period of time commencing either when Congress declares war or when the Armed Forces of the United States are engaged in active military operations against any foreign power, whether or not war has been formally declared, and ending upon the termination of hostilities as proclaimed by the President of the United States.

CHAPTER 91

An act to amend Section 2733.5 of the Business and Professions Code, relating to temporary permits for nurses.

In effect September 18, 1959

[Approved by Governor April 9, 1959. Filed with Secretary of State April 10, 1959.]

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

SECTION 1. Section 2733.5 of the Business and Professions Code is amended to read:

2733.5. Until October 2, 1961, the board upon written application and receipt of a registration fee of ten dollars ($10) may issue a temporary permit to any applicant who at the time of application is currently licensed or registered as a professional nurse under the laws of another state of the United States of America and such a temporary permit may also be issued to an applicant who at the time of application is currently authorized to legally practice as a professional nurse under the laws of the Dominion of Canada; provided, the applicant is either a citizen of the United States or has declared his intention to become a citizen of the United States. A statement by the applicant under oath that he is a citizen or that he intends to apply for citizenship when he becomes eligible to make such application shall be sufficient proof of compliance with the citizenship requirement.

The temporary permit issued under this section shall authorize the permittee to engage in the practice of nursing under this chapter until January 1, 1962.

CHAPTER 92

An act to add Section 55109 to the Water Code, relating to investigations and reports regarding proposed county waterworks districts or annexations thereto.

[Approved by Governor April 9, 1959. Filed with Secretary of State April 10, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 55109 is added to the Water Code, to read:

55109. Upon the request of 25 or more freeholders, or a majority of the freeholders, if less than 50 in number, needing water service within a given area, the board of supervisors may instruct any county officer to prepare a report recommending means of providing such service, including a plan for financing, constructing, operating and maintaining facilities essential to such service and a petition for the formation of or annexation to a district, and to prepare improvement petitions, including maps, preliminary estimates, legal descriptions, and all things necessary for the completion of the petition.

The board of supervisors may instruct any qualified county officer or may engage a qualified person, firm or corporation to prepare groundwater studies and reports, plans and estimates for water systems and engineering feasibility reports for water systems, reservoirs, conduits, treatment plants, conservation and reuse of water.

CHAPTER 93

An act to add Section 55336 to the Water Code, relating to the sale of surplus water by county waterworks districts.

[Approved by Governor April 9, 1959. Filed with Secretary of State April 10, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 55336 is added to the Water Code, to read:

55336. The district may sell surplus water to any person, firm, public or private corporation, or public agency, or other consumer outside the district when the governing body finds that the district has a surplus of water above that which is required by the consumers within the district.

CHAPTER 94

An act to amend Sections 28816 and 28958 of, to add Section 29126.1 to, and to repeal Section 28972 of, the Public Utilities Code, and to amend Sections 15771 and 16158 of, to add Section 16456.1 to, and to repeal Section 16182 of, the Public Districts Code, relating to the San Francisco Bay Area Rapid Transit District.

In effect September 18, 1959

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959.]

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

SECTION 1. Section 28816 of the Public Utilities Code is amended to read:

Application of Government Code

28816. Article 4 (commencing at Section 1090), Chapter 1, Division 4, Title 1, of the Government Code shall apply to all officers and contracts of the district.

SEC. 2. Section 28958 of said code is amended to read:

Budgetary control procedures

28958. Prior to the time the district incurs a bonded indebtedness, the district shall insofar as possible follow the budgetary control procedures for counties, pursuant to Articles 1 to 4, inclusive (commencing at Section 29000), Chapter 1, Division 3, Title 3 of the Government Code. Transfers of funds within, or revisions of, a budget adopted by the district, whether before or after the incurring of a bonded indebtedness, may be made by appropriate act of the board at a regular or special meeting.

SEC. 3. Section 29126.1 is added to said code, to read:

Tax rate

29126.1. If in the determination of any tax rate a fraction of a cent occurs, the board may adopt a rate ending in the next higher tenth of one cent ($0.001). An excess over the amount specified in the budget, arising from the use of the tenth of one cent tax rate, is not a violation of this chapter. Any cash collected resulting from such excess or from an excess resulting from any other cause shall not invalidate the levies but shall be applied in the next succeeding budget year as available surplus unless its expenditure is otherwise authorized by law.

Repeal

SEC. 4. Section 28972 of said code is repealed.

SEC. 5. Section 15771 of the Public Districts Code is amended to read:

Application of Government Code

15771. Article 4 (commencing at Section 1090), Chapter 1, Division 4, Title 1, of the Government Code shall apply to all officers and contracts of the district.

SEC. 6. Section 16158 of said code is amended to read:

Budgetary control procedures

16158. Prior to the time the district incurs a bonded indebtedness, the district shall insofar as possible follow the budgetary control procedures for counties, pursuant to Articles 1 to 4, inclusive (commencing at Section 29000), Chapter 1, Division 3, Title 3 of the Government Code. Transfers of funds within, or revisions of, a budget adopted by the district, whether before or after the incurring of a bonded indebted-

ness, may be made by appropriate act of the board at a regular or special meeting.

SEC. 7. Section 16456.1 is added to said code, to read:

16456.1. If in the determination of any tax rate a fraction of a cent occurs, the board may adopt a rate ending in the next higher tenth of one cent ($0.001). An excess over the amount specified in the budget, arising from the use of the tenth of one cent tax rate, is not a violation of this chapter. Any cash collected resulting from such excess or from an excess resulting from any other cause shall not invalidate the levies but shall be applied in the next succeeding budget year as available surplus unless its expenditure is otherwise authorized by law. Tax rate

SEC. 8. Section 16182 of said code is repealed. Repeal

SEC. 9. Sections 5, 6, 7, and 8 of this act shall become operative only if the Public Districts Code is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as the Public Districts Code takes effect; at which time Sections 28816, 28958, and 29126.1 of the Public Utilities Code are repealed.

CHAPTER 95

An act to amend Section 3509 of the Fish and Game Code, relating to training dogs.

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959.] In effect September 18, 1959

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

SECTION 1. Section 3509 of the Fish and Game Code is amended to read:

3509. It is unlawful for any person to break, train, or practice any dog upon any game birds during their respective closed season; except that it is lawful, between the hours of sunrise and sunset, to train or practice dogs on game birds if the birds, other than domesticated birds, are not killed, captured, or injured:

(a) Between July 1st and March 31st anywhere in the State.

(b) At any other time in that area designated as Zone B in Section 3276, on approval of the department.

CHAPTER 96

An act to add Article 6 (comprising Sections 11660 to 11663, inclusive) to Chapter 2, Division 14 of, and to amend Section 11649 of, the Elections Code, relating to interference with initiative, referendum, and recall.

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959.] In effect September 18, 1959

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

SECTION 1. Article 6 (comprising Sections 11660 to 11663, inclusive) is added to Chapter 2, Division 14 of the Elections Code, to read:

Article 6. Interference With Initiative, Referendum, and Recall

Misdemeanor

11660. Every person who threatens to commit an assault or battery on a relative of a person circulating a referendum, initiative, or recall petition or to inflict damage on the property of such circulator or such relative, with the intent to dissuade the circulator from circulating the petition or in retribution for such circulation, is guilty of a misdemeanor.

Same

11661. Every person who forcibly, or by stealth, takes from the possession of a circulator any initiative, referendum, or recall petition is guilty of a misdemeanor.

Same

11662. Every person who offers to buy, or does buy, from a circulator any referendum, initiative, or recall petition on which one or more persons have affixed their signatures, is guilty of a misdemeanor. This section is not intended to prohibit compensation of a circulator, for his services, by a proponent of the petition or his agent.

Same

11663. Every person who solicits any circulator to affix to any initiative, referendum, or recall petition any false or forged signature, or to cause or permit such signature to be affixed, is guilty of a misdemeanor.

SEC. 2. Section 11649 of said code is amended to read:

Felony

11649. Every person who subscribes to any initiative, referendum or recall petition or to any nominating petition a fictitious name, or who subscribes thereto the name of another, or who causes another to subscribe such a name to such a petition, is guilty of a felony and is punishable by imprisonment in the state prison for not less than one nor more than 14 years.

CHAPTER 97

An act to amend Section 7108 of the Business and Professions Code, relating to contractors.

In effect September 18, 1959

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959.]

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

SECTION 1. Section 7108 of the Business and Professions Code is amended to read:

7108. Diversion of funds or property received for prosecution or completion of a specific construction project or operation, or for a specified purpose in the prosecution or completion of any construction project or operation, or failure substantially to account for the application or use of such funds or property on the construction project or operation for which such funds or property were received constitutes a cause for disciplinary action.

CHAPTER 98

An act to amend Section 7111 of the Business and Professions Code, relating to contractors.

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 7111 of the Business and Professions Code is amended to read:

7111. Failure to make and keep records showing all contracts, documents, records, receipts and disbursements by a licensee of all of his transactions as a contractor, and failure to have such records available for inspection by the registrar or his duly authorized representative for a period of not less than three years after completion of any construction project or operation to which the records refer, or refusal by a licensee to comply with a written request of the registrar to make such records available for inspection constitutes a cause for disciplinary action.

CHAPTER 99

An act to amend Section 11 of the Defense Production Act (Statutes 1950, Third Extraordinary Session, Chapter 33), extending the effective date of the act.

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 11 of the Defense Production Act (Statutes 1950, Third Extraordinary Session 1950, Chapter 33) is amended to read:

Sec. 11. This act shall remain in effect until the ninety-first day after the final adjournment of the 1961 Regular Session of the Legislature or until the termination of the existing national defense emergency as evidenced by cessation of compulsory military service in the Armed Forces of the United States by citizens of this State, and as found and declared by proclamation issued by the Governor, whichever first occurs. While this act is in effect it shall supersede any existing provisions of law which are in conflict with this act; but such provisions are not repealed by this act and after this act is no longer effective shall have the same force as though this act had not been enacted.

SEC. 2. This act shall be known and may be cited as the Levering-Burton Act.

CHAPTER 100

An act to amend Section 12 of Chapter 1971 of the Statutes of 1957 and Section 325 of the Fish and Game Code, relating to deer.

In effect September 18, 1959

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959]

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

SECTION 1. Section 12 of Chapter 1971 of the Statutes of 1957 is amended to read:

Termination date

Sec. 12. This act shall be effective until the ninety-first day after final adjournment of the 1961 Regular Session of the Legislature and thereafter shall have no force or effect, except any order or regulation made pursuant to Chapter 5 (commencing with Section 450) of Division 1 of the Fish and Game Code shall be operative and effective until December 31, 1961.

SEC. 2. Section 325 of the Fish and Game Code is amended to read:

Special hunting season

325. Whenever after due investigation the commission finds that game mammals, other than antlerless deer, and fur-bearing mammals and resident game birds have increased in numbers in any areas, districts, or portions thereof other than a refuge or preserve established by statute, to such an extent that a surplus exists, or to such an extent that the mammals or birds are damaging public or private property, or are overgrazing their range, the commission may provide, by regulation, for a special hunting season for the mammals and birds, additional to, or concurrent with any other open season specified by law; or provide for increased bag limits; or remove sex restrictions specified by law. The taking of antlerless deer under this section may only be authorized if the commission determines such mammals are damaging public or private property.

CHAPTER 101

An act to amend Section 7717 of the Education Code, and amend Section 19581 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to school district public works, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959]

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

SECTION 1. Section 7717 of the Education Code is amended to read:

Apportionment for new construction

7717. No apportionment shall be made for new construction which, when added to the area of adequate school con-

struction existing in the applicant school district at the time of application, will provide a total area of school building construction per unit of average daily attendance of the estimated average daily attendance in excess of that computed in accordance with Sections 7717.15, 7717.25, 7717.3, 7717.4, and 7717.5.

As used in Sections 7717.15, 7717.25, 7717.3, 7717.4, and 7717.5, "maximum area" means maximum area of school building construction and "attendance unit" means unit of estimated average daily attendance.

As used in this section and Sections 7717.3, 7717.4, and 7717.5, "attendance center" means a school maintained or to be maintained at a given location within a district. The Department of Education shall approve or disapprove, the allocation by an applicant district of units of estimated average attendance among the attendance centers of the district.

To the building area permitted to an applicant school district by Sections 7717.15, 7717.25, 7717.3, 7717.4, and 7717.5, there may be added such additional building area as may be required to provide adequate facilities for exceptional children pursuant to Article 3 of this chapter.

No estimate of average daily attendance made by an applicant for the purpose of justifying an apportionment shall be made for a longer time than the third fiscal year beyond the fiscal year in which an application is made, except that an estimate for the purpose of justifying an apportionment for a grade level maintained by a high school district or unified district, composed of grades 7 to 12, inclusive, 9 to 12, inclusive, or 7 to 10, inclusive, shall not be made for a longer time than the fourth fiscal year beyond the fiscal year in which the application is made. The estimates of average daily attendance shall be based upon the number of family dwellings under construction in the district and the number of children residing in the district. In no case shall an estimate be given effect unless approved by the Department of Education.

For the purposes of this chapter pupils attending grades 7 and 8 in an elementary district but residing in a high school district which maintains one or more junior high schools shall not be considered in determining or estimating the average daily attendance of the elementary district, unless the elementary district, is maintaining and has continuously maintained grades 7 and 8 since a date prior to January 1, 1959. When such pupils are so considered in determining or estimating the average daily attendance of the elementary district in making an apportionment to the elementary district, such pupils shall not be considered in determining or estimating average daily attendance of the high school district in making an apportionment to the high school district for junior high school purposes.

SEC. 2. Section 19581 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

Same

19581. No apportionment shall be made for new construction which, when added to the area of adequate school construction existing in the applicant school district at the time of application, will provide a total area of school building construction per unit of average daily attendance of the estimated average daily attendance in excess of that computed in accordance with Sections 19583, 19585, 19586, 19587, and 19588.

As used in Sections 19583, 19585, 19586, 19587, and 19588, "maximum area" means maximum area of school building construction and "attendance unit" means unit of estimated average daily attendance.

As used in this section and Sections 19586, 19587, and 19588, "attendance center" means a school maintained or to be maintained at a given location within a district. The Department of Education shall approve or disapprove, the allocation by an applicant district of units of estimated average attendance among the attendance centers of the district.

To the building area permitted to an applicant school district by Sections 19583, 19585, 19586, 19587, and 19588, there may be added such additional building area as may be required to provide adequate facilities for exceptional children pursuant to Article 3 (Sections 19681 to 19689, inclusive) of this chapter.

No estimate of average daily attendance made by an applicant for the purpose of justifying an apportionment shall be made for a longer time than the third fiscal year beyond the fiscal year in which an application is made, except that an estimate for the purpose of justifying an apportionment for a grade level maintained by a high school district or unified district, composed of grades 7 to 12, inclusive, 9 to 12, inclusive, or 7 to 10, inclusive, shall not be made for a longer time than the fourth fiscal year beyond the fiscal year in which the application is made. The estimates of average daily attendance shall be based upon the number of family dwellings under construction in the district and the number of children residing in the district. In no case shall an estimate be given effect unless approved by the Department of Education.

For the purposes of this chapter pupils attending grades 7 and 8 in an elementary district but residing in a high school district which maintains one or more junior high schools shall not be considered in determining or estimating the average daily attendance of the elementary district, unless the elementary district, is maintaining and has continuously maintained grades 7 and 8 since a date prior to January 1, 1959. When such pupils are so considered in determining or estimating the average daily attendance of the elementary district in making an apportionment to the elementary district, such pupils shall not be considered in determining or estimating average daily attendance of the high school district in making an apportionment to the high school district for junior high school purposes.

SEC. 3. Section 2 of this act shall become operative at the same time as the Education Code, as enacted by the Legislature at its 1959 Regular Session, takes effect, at which time Section 7717 of the Education Code as amended by Section 1 of this act is repealed. Effect Stats 1959 Ch 2

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

There are elementary districts within this State which are authorized to conduct seventh and eighth grade classes. Some of the districts affected by the above provision of the law are in critical need of additional classroom facilities to provide educational opportunity for seventh and eighth grade pupils and are in all other respects qualified to receive state apportionment. By deleting the above provision of the section these districts will be authorized to apply for state apportionment funds under the usual rules and procedures and the critical shortage of classroom space may be provided so that adequate educational opportunities may be afforded the seventh and eighth grade pupils residing in the affected districts. This amendment will assist in effectuating the provisions of the Constitution of the State of California and the Education Code providing for equal educational opportunity for all regardless of the financial ability of the district.

CHAPTER 102

An act to amend Section 268 of the Revenue and Taxation Code, relating to the welfare exemption, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959.] In effect immediately

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

SECTION 1. Section 268 of the Revenue and Taxation Code is amended to read:

268. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1954, 1955, 1956, 1957 or 1958 on property as to which the welfare exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

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

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Some persons and organizations have inadvertently failed to file the required affidavit in support of the tax exemption of their property which is granted by the State Constitution, and as a result now are confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the application of the exemption to such property. In doing so, the public policy of the State as expressed in the Constitution will be entirely fulfilled and the State as a whole will benefit.

CHAPTER 103

An act to amend Section 266 of the Revenue and Taxation Code, relating to the college exemption, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959.]

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

SECTION 1. Section 266 of the Revenue and Taxation Code is amended to read:

266. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year of 1957 or 1958 on property as to which the college exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

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

Some colleges have inadvertently failed to file the required affidavit in support of the tax exemption of their property which is granted by the State Constitution, and as a result now are confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the application of the exemption to such property. In doing so, the public policy of the State as expressed in the Constitution will be entirely fulfilled and the State as a whole will benefit.

CHAPTER 104

An act to amend Section 264 of the Revenue and Taxation Code, relating to the orphanage exemption, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959] In effect immediately

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

SECTION 1. Section 264 of the Revenue and Taxation Code is amended to read:

264. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1955, 1956, 1957 or 1958 on property as to which the orphanage exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

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

Some orphanages have inadvertently failed to file the required affidavit in support of the tax exemption of their property which is granted by the State Constitution, and as a result now are confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the application of the exemption to such property. In doing so, the public policy of the State as expressed in the Constitution will be entirely fulfilled and the State as a whole will benefit.

CHAPTER 105

An act to add Section 70054.5 to the Government Code, relating to fees of official reporters.

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959] In effect September 18, 1959

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

SECTION 1. Section 70054.5 is added to the Government Code, to read:

70054.5. In a county with a population of over 55,000 and under 60,000 as determined by the 1940 federal census the fee required by Section 70053 shall be six dollars ($6).

CHAPTER 106

An act to amend Section 117p of the Code of Civil Procedure, relating to action in small claims courts.

In effect September 18, 1959

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959.]

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

SECTION 1. Section 117p of the Code of Civil Procedure is amended to read:

117p. A fee of one dollar ($1) shall be charged and collected for the filing of the affidavit for the commencement of any action; for each defendant to whom a copy of the affidavit is mailed by the clerk a fee of one dollar ($1) shall be charged and collected; and, except as otherwise provided for in this chapter, no other fee or charge shall be collected by any officer for any service rendered under this chapter, or for the taking of affidavits for use in connection with any action commenced under this chapter. All fees collected hereunder shall be deposited with the treasurer of the city and county or county under whose jurisdiction any such court shall exist.

CHAPTER 107

An act to add Section 2898 to the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to the lapsation of school districts.

In effect September 18, 1959

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959.]

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

SECTION 1. Section 2898 is added to the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

2898. Whenever any unified school district fails to establish a high school within its boundaries within three years following the effective date of the establishment of the district for all purposes, or whenever the average daily attendance of pupils in grades 9 through 12 of any unified school district is 10 or less, the county superintendent of schools shall, during July of the next fiscal year, report the fact to the board of supervisors. The attendance of pupils in high schools in an adjoining state pursuant to Section 10810 shall be deemed for the purposes of this section to be in high schools established and maintained by the unified district. Upon receiving the report of the county superintendent of schools the board of supervisors shall declare the unified school district lapsed and attach the territory of the lapsed district to a contiguous unified district or to a contiguous elementary district which is

part of a high school district. The property, funds, and obligations of the lapsed district shall become the property, funds, and obligations of the district to which the territory is attached.

CHAPTER 108

An act to amend Sections 4105.2, 4624, and 4944 of the Education Code, and to amend Sections 1406, 1485, and 3256 of the Education Code as proposed by Senate Bill No. 2, relating to members of school boards.

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 4105.2 of the Education Code is amended to read:

4105.2 The first members of the governing board shall take office on the third Monday following their election. The term of office of subsequent members of the board shall begin on July 1st following their election.

Terms of office

SEC. 2. Section 4624 of said code is amended to read:

4624. The terms of the members elected at the initial election of governing board members in any new unified school district created under the provisions of this chapter shall begin on the third Monday following their election. The term of the two members receiving the highest number of votes shall expire on June 30th of the fourth year following the election. The term of the member receiving the next highest number of votes shall expire on June 30th of the third year following the election. The term of the member receiving the next highest number of votes shall expire on June 30th of the second year following the election, and the term of the fifth member shall expire on June 30th of the year following the election.

Terms

SEC. 3. Section 4944 of said code is amended to read:

4944. The first members of the governing board of a unified school district shall take office on the third Monday following their election.

First board

SEC. 4. Section 1406 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

1406. The first members of the governing board shall take office on the third Monday following their election. The term of office of subsequent members of the board shall begin on July 1st following their election.

Terms of office

SEC. 5. Section 1485 of said proposed code is amended to read:

1485. The terms of the members elected at the initial election of governing board members in any new unified school district created under the provisions of Section 813, Sections 1481 to 1493, inclusive, Sections 2811 to 2931, inclusive, and Sections 13005, 13554, and 21802 shall begin on the third

Terms

Monday following their election. The term of the two members receiving the highest number of votes shall expire on June 30th of the fourth year following the election. The term of the member receiving the next highest number of votes shall expire on June 30th of the third year following the election. The term of the member receiving the next highest number of votes shall expire on June 30th of the second year following the election, and the term of the fifth member shall expire on June 30th of the year following the election.

SEC. 6. Section 3256 of said proposed code is amended to read:

First board

3256. The first members of the governing board of a unified school district shall take office on the third Monday following their election.

Effect Stats 1959, Ch 2

SEC. 7. Sections 4, 5, and 6 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Sections 4105.2, 4624, and 4944 of the Education Code as amended by Sections 1, 2, and 3 of this act are repealed.

CHAPTER 109

An act to amend Sections 165 and 165.3 of, and to add Sections 165.7 and 166 to, the Agricultural Code, relating to the possession and confinement of nutria.

In effect September 18, 1959

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959.]

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

SECTION 1. Section 165 of the Agricultural Code is amended to read:

Permits

165. (a) All persons in possession of nutria (South American beaver, coypu) shall provide for the care of these animals in pens that shall preclude their escape, and shall obtain a permit from the department which will allow possession of these animals. The fee for such a permit is ten dollars ($10).

(b) No person having possession of or control over nutria shall intentionally free or knowingly permit the escape of any nutria.

SEC. 2. Section 165.3 of said code is amended to read:

Sale, exchange, etc.

165.3. Nutria may be possessed only by persons who hold valid nutria permits. At the time of any sale, gift or exchange the person who sells, gives or exchanges nutria shall issue an original receipt from the receipt and record book, supplied by the department, to the person receiving the nutria. Such receipt shall show the number of nutria, the name and address and the nutria permit number of the person receiving the nutria. Any such nutria may be shipped or transported in California only when accompanied by the original receipt.

SEC. 3. Section 165.7 is added to said code, to read:

165.7. Any unconfined nutria not under the control of the person responsible for its possession is hereby declared a public nuisance and shall be abated by summary action on the part of any person in whom the enforcement of the provisions of this code is vested. Nuisance

SEC. 4. Section 166 is added to said code, to read:

166. Failure to comply with any provision of this chapter is unlawful and subject to the penalty provided in Section 8. Penalty

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CHAPTER 110

An act to amend Sections 8026 and 8029 of the Elections Code, relating to the recount of ballots for congressional and legislative offices.

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959.] In effect September 18, 1959

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

SECTION 1. Section 8026 of the Elections Code is amended to read:

8026. At any time prior to the fourth day following the completion of the canvass, including that of the absentee ballots, but not necessarily subsequent to the completion of such canvass, any candidate for an office may file with the election board a declaration alleging that because of mistake, error or misconduct the votes in one or more precincts specified in the declaration were so incorrectly counted that the returns do not correctly show which candidate received the plurality of the votes cast for the office in the precinct. In the event that any candidate files a declaration requesting a recount in less than the total number of precincts wherein votes were cast for the office, and the recount is begun, any other candidate for nomination or election to the same office may, at any time prior to the fourth day following the beginning of such recount, file with the election board a declaration alleging that because of possible mistake, error, or misconduct in precincts specified in the declaration, which may include any or all precincts specified by previous declarations, as well as any or all precincts not specified by previous declarations, the ballots were so incorrectly counted that the returns may not correctly show which candidate received the plurality of votes cast for the office in those precincts. A copy of the declaration may be personally served upon each other candidate for nomination for or election to the same office prior to the filing of the declaration and shall be so served before the recount provided for in this article is commenced. For the purpose of this section, "completion of the canvass" shall be presumed to be that time when, if the canvass is made by the board of supervisors, the result is declared by it, or if the canvass is made by the Declaration of error, recount

county clerk, as soon as the result is certified to him and the clerk of the board of supervisors enters a statement of the result upon the records of the board.

SEC. 2. Section 8029 of said code is amended to read:

Results, final

8029. In lieu of the returns of the precinct board, upon the completion of the recount there shall be entered the result of the recount in each precinct affected, which result shall, for all purposes thereafter, be the official returns of that precinct for the office involved in the recount to the same effect as if the result as shown by the recount had been shown in the returns of the precinct board; provided, that the results of any recount begun pursuant to a declaration filed as provided in Section 8026, which is not completed by counting the votes in each and every precinct as specified in the declaration, shall be declared null and void.

CHAPTER 111

An act to amend Sections 781, 784.4, and 784.6 of the Agricultural Code, and to add Section 12604.5 to the Business and Professions Code, relating to fruit, nut and vegetable standards and containers.

In effect September 18, 1959

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959.]

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

SECTION 1. Section 781 of the Agricultural Code is amended to read:

Definitions

781. As used in this chapter:

(a) "Container" means any box, crate, lug, chest, basket, carton, barrel, keg, drum, sack, or other receptacle.

(b) "Subcontainer" means any container when being used within another container.

(c) "Lidded container" and "closed container" are synonymous and, unless otherwise specifically defined in this chapter, mean any container of which 40 percent or more of the opening is covered by any material in the form of a lid, cover or wrapping of any kind.

(d) "Pack," "packing," or "packed" means the regular compact arrangement of all or part of the fruit or vegetables in any container or subcontainer.

(e) "Deceptive pack" means any container or subcontainer which has in the outer layer or any exposed surface, fruits, nuts or vegetables which are in quality, size, condition, or in any other respect so superior to those in the interior of the container or subcontainer or in the unexposed portion as to materially misrepresent the contents. Such pack is deceptive when the outer or exposed surface is composed of products whose size is not an accurate representation of the variation of size of the products in the entire container, even though the

fruits, nuts or vegetables in the container are virtually uniform in size or comply with the specific commodity size variation requirements of this chapter.

(f) "Deceptive arrangement" or "deceptive display" of fresh or dried fruits, nuts or vegetables means any bulk lot or load, arrangement or display of such products which has in the exposed surface, fresh or dried fruits, nuts or vegetables which are so superior in quality, size, condition, or in any other respect so superior to those which are concealed, or the unexposed portion, as to materially misrepresent any part of the bulk lot or load.

(g) "Fruits, nuts, or vegetables" means the food product of any tree, vine or plant.

(h) "Mature," except when otherwise specifically defined, means having reached that stage of ripeness which will insure the completion of the ripening process to a degree which will insure palatability, after the removal of the product from the tree, plant or vine.

(i) "Overripe" means having reached an advanced state of maturity which causes the product to be undesirable for human consumption in a fresh state.

(j) "Byproduct" means any product commercially processed, preserved or manufactured from fruits, nuts or vegetables, except fresh citrus fruit juices, with or without the addition of other ingredients.

(k) "Processing," "preserving," or "manufacturing" includes canning, preserving, fermenting, which materially alters the flavor, keeping quality, or any other property, and extracting of juices or other substances, and making of any substantial change of form, but does not include refrigeration at temperatures above the freezing point nor any other treatment which merely retards or accelerates the natural processes of ripening or decomposition.

(*l*) "Agent" includes broker, commission merchant, auctioneer, solicitor, seller on consignment, and any other person acting upon the actual or implied authority of another.

(m) "Mislabel" means the placing or presence of any false or misleading statement, design, or device, upon any container, or upon the label or lining of any such container, or upon the wrapper of any fresh or dried fruit, nut or vegetable, or upon any fruit, nut or vegetable, or upon any placard used in connection therewith and having reference to such fresh or dried fruits, nuts or vegetables. A statement, design or device is false or misleading, when the fresh or dried fruit, nut or vegetable, or container to which it apparently or actually refers, does not conform in every respect to such statement.

(n) A "bulk lot" or "bulk load" of any fresh or dried fruit, nut or vegetable is any one group of specimens of such product which is not in a container and which is set apart or is separate from any other group or groups.

(o) A "placard" is any sign, label, or designation other than an oral designation used in connection with any fresh or dried fruit, nut or vegetable as a description or identification thereof.

(p) "Cross section" means the section of the fruit or vegetable taken at a right angle to a straight line drawn from the stem end to the distal end thereof.

SEC. 2. Section 784.4 of said code is amended to read:

Unlawful removal

784.4. It is unlawful to remove or dispose of any fruits, nuts or vegetables, or their containers to which any warning tag or notice has been affixed or to remove such warning tag or notice from the place where it is affixed, except under written permit from an enforcing officer or under his specific direction.

SEC. 3. Section 784.6 of said code is amended to read:

Fancy pack. Uniform contents

784.6. It is unlawful to pack any mixture of fresh or dried fruits, with or without nuts, glazed fruits, or confections, unless the contents of the lower layers or unexposed portion are of the same kind and quality, and in the same proportion, as to count, volume, and weight, as the contents of the top layer or the exposed portions.

SEC. 4. Section 12604.5 is added to the Business and Professions Code, to read:

Definitions

12604.5. As used in this chapter "lidded container" and "closed container" are synonymous and, unless otherwise specifically defined in this chapter, mean any container of which 40 percent or more of the opening is covered by any material in the form of a lid, cover or wrapping of any kind.

CHAPTER 112

An act to add Section 6357.4 to the Education Code, and to add Section 20801.5 to the Education Code as proposed by Senate Bill No. 2, relating to school district maximum tax rates.

In effect September 18, 1959

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959.]

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

SECTION 1. Section 6357.4 is added to the Education Code, to read:

Increase of maximum rate

6357.4. The maximum rate of school district tax for any school year is hereby increased by such amount as will produce the amount which the district is required to pay to the State in the administration of the Old Age and Survivors' Insurance System pursuant to Section 22551 of the Government Code, plus the amount of employer's contribution for which the district is liable under the provisions of Section 22553 of the Government Code, as shown by the budget of the district for such school year, as finally adopted by the

governing board of the district, less any unencumbered balances remaining at the end of the preceding school year derived from the revenue from the increase in the rate of tax provided by this section.

If at the end of any school year there remains an unencumbered balance derived from the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for the payment of such obligations of the district.

SEC. 2. Section 20801.5 is added to the Education Code as proposed by Senate Bill No. 2, to read:

Same

20801.5. The maximum rate of school district tax for any school year is hereby increased by such amount as will produce the amount which the district is required to pay to the State in the administration of the Old Age and Survivors' Insurance System pursuant to Section 22551 of the Government Code, plus the amount of employer's contribution for which the district is liable under the provisions of Section 22553 of the Government Code, as shown by the budget of the district for such school year, as finally adopted by the governing board of the district, less any unencumbered balances remaining at the end of the preceding school year derived from the revenue from the increase in the rate of tax provided by this section.

If at the end of any school year there remains an unencumbered balance derived from the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for the payment of such obligations of the district.

Effect. Stats 1959, Ch 2

SEC. 3. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 6357.4 of the Education Code as added by Section 1 of this act is repealed.

CHAPTER 113

An act to amend Sections 27 and 29 of the Streets and Highways Code, relating to maintenance and construction of highway facilities.

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 27 of the Streets and Highways Code is amended to read:

"Maintenance"

27. As used in the general provisions and in Divisions 1 and 2 of this code, "maintenance" includes:

(a) The preservation and keeping of rights-of-way, and each type of roadway, structure, safety convenience or device, plant-

ing, illumination equipment and other facility, in the safe and usable condition to which it has been improved or constructed, but does not include reconstruction or other improvement.

(b) Operation of special safety conveniences and devices, and illuminating equipment.

(c) The special or emergency maintenance or repair necessitated by accidents or by storms or other weather conditions, slides, settlements or other unusual or unexpected damage to a roadway, structure or facility.

The degree and type of maintenance for each highway, or portion thereof, shall be determined in the discretion of the authorities charged with the maintenance thereof, taking into consideration traffic requirements and moneys available therefor.

SEC. 2. Section 29 of said code is amended to read:

"Construction"

29. "Construction" includes:

(a) Acquisition of rights-of-way and material sites and the payment of damage claims under Section 14 of Article I of the Constitution.

(b) Construction.

(c) Reconstruction.

(d) Replacement.

(e) Any improvement excepting maintenance as defined in Section 27.

(f) Such improvements, without being limited thereto, may include, where capital outlay is required, provision for special safety conveniences and devices, roadside planting and weed control, and such illumination of streets, roads, highways, and bridges as in the judgment of the body authorized to expend such funds is required for the safety of persons using the same.

CHAPTER 114

An act to amend Section 8695 of the Fish and Game Code, relating to gill nets.

In effect September 18, 1959

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959.]

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

SECTION 1. Section 8695 of the Fish and Game Code is amended to read:

8695. In District 20, gill nets may be used subject to the following restrictions:

(a) They may be used only in state waters in District 20 on the northerly side of Santa Catalina Island between Long Point and the extreme westerly end of the island.

(b) They may be used only to take flying fish for bait. Such fish may not be transported out of the State.

(c) They shall not exceed 50 fathoms in length and two fathoms four feet in depth. The length of the meshes shall be between $1\frac{7}{8}$ and $2\frac{1}{8}$ inches.

CHAPTER 115

An act to amend Section 801.5 of the Agricultural Code, relating to sale of grapes.

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 801.5 of the Agricultural Code is amended to read:

801.5. Nothing in this chapter shall be construed to prohibit any person, under permit from an enforcing officer of this chapter, from transporting out of the State to another state or country grapes which comply with the quality requirements of this chapter in unlidded containers, whether standard or not or in bulk loads; provided, that such grapes are to be used for commercial processing, preserving or manufacture of byproducts for resale, on the premises of the purchaser and such permit is issued for and is attached to each load or lot transported.

The permit may be issued by the commissioner of the county from which such grapes are to be transported if he determines that the grapes comply with the requirements of this chapter except as to containers and are to be delivered pursuant to a written contract of sale bearing the signature of the purchaser in another state or country stipulating that the grapes will be used for commercial processing, preserving or manufacture of byproducts for resale, on the premises of the purchaser and a copy of said contract is furnished to said commissioner and said commissioner is satisfied that such grapes will be used only for such byproduct purposes. All containers of such grapes shall bear upon them in plain sight in letters not less than one-half inch in height "For Manufacturing Purposes Only."

CHAPTER 116

An act to amend Sections 24507, 24908, 26241, 26653, and 27281 of, and to add Sections 25057, 25841.5, 25845, 25846, 25847, 25848, 25849, 25904, 26210.5, 26403, 26404, 26405, 26406, 26657, and 26658 to, and to add Article 7 (commencing at Section 26351) to Chapter 7 of Part 1 of Division 10 of, and Article 3 (commencing at Section 27291) to Chapter 10 of Part 1 of Division 10, and Chapter 10.5 (commencing at Section 27401) to Part 1 of Division 10 of, the Public Utilities Code, and to amend Sections 13006, 13507, 14280, 14752, and 15030, and to add Sections 13656, 14065.5, 14069, 14070, 14071, 14072, 14073, 14128, 14259.5, 14502, 14503, 14504, 14505, 14756, and 14757 to, and to add Article 7 (commencing at Section 14390) to Chapter 7 of Part 1

of Division 5, and Article 3 (commencing at Section 15035) to Chapter 10 of Part 1 of Division 5, and Chapter 10.5 (commencing at Section 15050) to Part 1 of Division 5 of the Public Districts Code as proposed by Assembly Bill No. 908, relating to the transit districts in the Counties of Alameda and Contra Costa, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959.]

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

SECTION 1. Section 24507 of the Public Utilities Code is amended to read:

"Percent of total vote cast"

24507. "Percent of the total vote cast," when used with reference to the requirements of any petition or nomination paper, means percent of the total vote cast, exclusive of absent voter ballots, within the proposed district, district, city or territory, as the case may be at the last general state election.

SEC. 2. Section 24908 of said code is amended to read:

Rules, per diem

24908. The board shall establish rules for its proceedings and may provide by ordinance or resolution that each member shall receive for each attendance at the meetings of the board and for each day any member is engaged in authorized district business other than attendance at meetings of the board the sum of twenty dollars ($20) but not to exceed one hundred dollars ($100) in any calendar month and shall be allowed such necessary traveling and personal expenses incurred in the performance of his duties as authorized by the board.

SEC. 3. Section 25057 is added to said code, to read:

Payments for insurance, health plans, etc.

25057. Notwithstanding any provisions of the Government Code, the board may authorize payment of any or all of the premiums on any group life, accident and health insurance, health and welfare plan, or pension or retirement plan, on officers or employees of a district. Upon authorization by its employees, a district may make deductions from the wages and salaries of its employees:

(1) Pursuant to a collective bargaining agreement with a duly designated or certified labor organization for the payment of union dues, fees, or assessments.

(2) For the payment of contributions pursuant to any health and welfare, pension, or retirement plan.

(3) For any purpose for which deductions may be authorized by employees of any private employer.

SEC. 4. Section 25841.5 is added to said code, to read:

Current expenses

25841.5. A district may borrow money for the purpose of defraying the expenses of a district lawfully incurred after the commencement of the fiscal year, but prior to the time moneys from the tax levy for the fiscal year are received by a district, in a sum which shall not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation of taxable property in a district at the time the moneys are borrowed, and

may evidence such borrowing by notes bearing interest at a rate not to exceed six (6) percent per annum. The notes shall be payable from the tax levy from the then current fiscal year, which levy shall contain a sum sufficient to provide for the payment of the notes and the interest thereon. The form of said notes and the proceedings relating to their issuance and sale, will be governed by the applicable provisions contained in Article 7 (commencing at Section 53820) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code. The maturity of said notes shall not exceed two (2) years.

SEC. 5. Section 25845 is added to said code, to read:

Acquisition of equipment

25845. The district may purchase equipment such as cars, trolley buses and motorbuses, and rolling equipment, and may execute agreements, leases and equipment trust certificates in the forms customarily used by private corporations engaged in the transit business appropriate to effect the purchase and leasing of rolling equipment and may dispose of the equipment trust certificates upon the terms and conditions as the board may deem appropriate. All money required to be paid by the district pursuant to the agreements, leases and equipment trust certificates provided for in this section shall be payable solely from the revenue or income to be derived from the transit facilities and from grants and loans as provided in Section 25844. Payment for equipment, or the rental of equipment, may be made in installments, and the deferred installments may be evidenced by equipment trust certificates payable solely from revenue or income as provided in this section, and title to the equipment shall not vest in the district until the equipment trust certificates are paid.

SEC. 6. Section 25846 is added to said code, to read:

Agreements to purchase or lease

25846. The agreement to purchase or lease may direct the vendor or lessor to sell and assign or lease the rolling equipment to a bank or trust company, duly authorized to transact business in the State of California, as trustee, for the benefit and security of the equipment trust certificates and may direct the trustee to deliver the rolling equipment to one or more designated officers of the district and may authorize the district to simultaneously execute and deliver an installment purchase agreement or a lease of the equipment to the district.

SEC. 7. Section 25847 is added to said code, to read:

Acknowledgment

25847. The agreements and leases shall be duly acknowledged before a person authorized by law to take acknowledgments of deeds and in the form required for acknowledgement of deeds. The agreements, leases, and equipment trust certificates shall be authorized by resolution of the district and shall contain such covenants, conditions and provisions as may be deemed necessary or appropriate to insure the payment of the equipment trust certificates from the revenue or income to be derived from the transit system.

SEC. 8. Section 25848 is added to said code, to read:

Provisions

25848. The covenants, conditions and provisions of the agreements, leases, and equipment trust certificates shall not

conflict with any of the provisions of any trust agreement securing the payment of bonds, notes or certificates of the district.

SEC. 9. Section 25849 is added to said code, to read:

Filing of copy

25849. An executed copy of each agreement or lease shall be filed in the Office of the Secretary of State, who will be entitled to receive one dollar ($1) for each copy filed with him and which filing shall constitute notice to any subsequent judgment creditor or any subsequent purchaser. Each vehicle so purchased or leased shall have the name of the owner or lessor plainly marked on both sides thereof, followed by the appropriate words, "owner and lessor" or "owner and vendor," as the case may be.

SEC. 10. Section 25904 is added to said code, to read:

Limitation of tax

25904. Whenever one or more special transit service districts are created and established pursuant to Chapter 10.5 (commencing at Section 27401), taxes in excess of one cent ($0.01) per one hundred dollars ($100) of assessed valuation shall not thereafter be levied against any property not within the boundaries of a special transit service district, excepting, however, taxes sufficient to pay the principal or interest or both on any bonded indebtedness theretofore or thereafter incurred by a district as a whole. The creation of a special transit service district does not invalidate, in any manner, any taxes or assessments previously levied or assessed against any property of the district, either within or without the boundaries of a special transit service district.

SEC. 11. Section 26210.5 is added to said code, to read:

Election

26210.5. The board shall comply with the provisions of Article 3 (commencing at Section 1670) of Chapter 2 of Division 4 of the Elections Code, the provisions of which are applicable to any bond election held pursuant to this article. Wherever the words "county clerk" appear in the Elections Code the words "secretary of the board" shall be substituted, for the purposes of this article, and wherever the words "board of supervisors" appear in the Elections Code, the words "board of directors" shall be substituted, and wherever the words "district attorney or county counsel" appear in the Elections Code, the words "attorney for the district" shall be substituted.

SEC. 12. Section 26241 of said code is amended to read:

Bond maturity, issuance, etc

26241. Bonds authorized by this chapter shall mature serially in amounts to be fixed by the board; except that payment shall begin not later than 10 years from the date thereof and shall be completed in not more than 50 years from that date.

The board may divide any issue of bonds authorized pursuant to this chapter into two or more series, and may fix different dates of issuance and different maturity dates for the bonds of each series. The bonds of each series shall mature serially in amounts to be fixed by the board, and the board shall fix a date not more than 10 years from the date of issuance of each series for the earliest maturity of such series,

and shall fix a date not more than 50 years from the date of issuance of each series for the final maturity of such series.

Pending the actual issuance or delivery of bonds, a district may issue temporary or interim bonds, certificates, or receipts, of any denomination whatsoever, with or without coupon, and in such form as may be prescribed by the board, to be exchanged for definitive bonds when ready for delivery.

SEC. 13. Article 7 (commencing at Section 26351) is added to Chapter 7 of Part 1 of Division 10 of said code, to read:

Article 7. Revenue Bonds

26351. As an alternative procedure for the raising of funds, a district created pursuant to this part is authorized to issue bonds, payable from revenues of any facility or enterprise to be acquired or constructed by a district, in the manner provided by the Revenue Bond Law of 1941 (Chapter 6 (commencing at Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code), all of the provisions of which are applicable to a district created pursuant to this part. Revenue bonds Issuance

26352. A district created pursuant to this part is a local agency within the meaning of the Revenue Bond Law of 1941 (Chapter 6 (commencing at Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code). The term "enterprise" as used in the Revenue Bond Law of 1941 shall, for all purposes of this part, include transit facilities and any and all parts thereof and all additions, extensions and improvements thereto and all other facilities authorized to be acquired, constructed or completed by a district under this part A district may issue revenue bonds under the Revenue Bond Law of 1941, for any one or more facilities or enterprises authorized to be acquired, constructed, or completed by a district or, in the alternative, may issue revenue bonds under the Revenue Bond Law of 1941, for the acquisition, construction and completion of any one of such facilities. Nothing in this article shall prevent a district from availing itself of, or making use of, any procedure provided in this part for the issuance of bonds of any type or character for any of the facilities or works authorized hereunder, and all proceedings may be carried on simultaneously or, in the alternative, as the directors may determine. Revenue Bond Law of 1941

SEC. 14. Section 26403 is added to said code, to read:

26403. The annexation agreement may also provide that the city's annexation to the district shall constitute annexation to any existing special transit service district. Approval of the annexation by the voters, pursuant to this chapter, if the annexation agreement includes provision for inclusion in a special transit service district, shall constitute full compliance with the provisions of Article 6 (commencing at Section 27461) of Chapter 10.5. Annexation Contents of agreement

SEC. 15. Section 26404 is added to said code, to read:

26404. As an alternative to commencement of annexation proceedings by action of the legislative body of a city, a peti- Petition

tion signed by voters within the city proposed to be annexed, equal in number to at least ten (10) percent of the total vote cast, and asking that proceedings be taken for its annexation, may be addressed to the board and filed with the secretary of the district.

SEC. 16. Section 26405 is added to said code, to read:

Certification

26405. The petition may include one or more separate documents, but each document shall contain the affidavit of the party who circulated it, certifying that each name signed thereto is the true signature of the person whose name it purports to be. The secretary of the district shall compare the signatures on the petition with the affidavits of registration on file with the county clerk and if he finds that the petition has been signed by the required number of voters he shall attach his signature thereto and present the petition to the board.

SEC. 17. Section 26406 is added to said code, to read:

Terms and conditions

26406. If the board determines that the annexation of the city, whose voters have petitioned pursuant to Section 26404, would facilitate the acquisition or operation of any transit facilities for the district or be of advantage to the district, then the board shall also determine the terms and conditions upon which the annexation should be made. The terms and conditions of annexation shall be embodied in an annexation agreement. The annexation agreement may provide (among other things) for any or all of the items set forth in Sections 26402 and 26403.

SEC. 18. Section 26653 of said code is amended to read:

Petition

26653. A petition signed by voters within the territory proposed to be annexed equal in number to at least 10 percent of the total vote cast, describing the territory and asking that proceedings be taken for its annexation, shall be addressed to the board and filed with the secretary of the district.

SEC. 19. Section 26657 is added to said code, to read:

Contents of annexation agreement

26657. The annexation agreement may also provide that the unincorporated territory's annexation to the district shall constitute annexation to any existing special transit service district. Approval of the annexation by the voters, pursuant to this chapter, if the agreement includes provision for inclusion in a special transit service district, shall constitute full compliance with the provisions of Article 6 (commencing at Section 27461) of Chapter 10.5.

SEC. 20. Section 26658 is added to said code, to read:

Commencement of proceedings by agreement

26658. As an alternative to commencement of annexation proceedings by a petition by the voters within any unincorporated territory, proposed to be annexed, the legislative body of an unincorporated territory may agree in writing upon the terms and conditions of annexation, which agreement may contain (among other things) provisions as set forth in Sections 26656 and 26657.

SEC. 21. Section 27281 of said code is amended to read:

27281. If the city to which any territory included in any district has been annexed already provides transit service in the territory annexed, or if any territory in any district is annexed to a city, not a part of any district as originally established pursuant to this part, and not annexed thereto pursuant to this part, the city council or other governing body of the city may petition the district for the exclusion of such territory from the district. Petition

SEC. 22. Article 3 (commencing at Section 27291) is added to Chapter 10 of Part 1 of Division 10 of said code, to read:

Article 3. Exclusion of Territory Within or Without City

27291. The provisions of this article are alternative to any other provisions for the exclusion of territory from the district. Alternative provisions

27292. Any time after the defeat of a bond issue by the voters of the district any city or unincorporated territory, a majority of whose voters voting on a district bond issue proposition voted against said proposition, may be excluded by order of the board upon receipt by the board of a verified petition of ten percent (10%) of the total vote cast in the territory proposed to be excluded, or of a resolution adopted by the city council or board of supervisors having jurisdiction of the territory. However, no city shall be divided and not less than one-half of the territory under the jurisdiction of the board of supervisors and then remaining within the district shall be included in any petition or resolution or combination thereof filed simultaneously, nor shall any territory be excluded by any petition or resolution or combination thereof which creates areas of noncontiguous territory or will be entirely surrounded by the remainder of the district. Exclusion of territory Petition

27293. The petition or resolution shall state the reasons for the proposed exclusion and that the area will not be benefited by inclusion in the district, shall define the boundaries of the area proposed to be excluded, and request that the area be excluded. Contents of petition

27294. (a) If the exclusion is initiated by a city council or a board of supervisors, such legislative body shall hold a public hearing on the proposal to adopt the resolution. A notice of the hearing shall be published once in a newspaper of general circulation published in the area proposed to be excluded, or in a newspaper published within the city and county the legislative body of which has initiated the proceedings, in the event that a newspaper is not published in the area. Hearing by initiating body

(b) The notice of the hearing shall be entitled "Proposal to Exclude the _____ Territory from the _____ Transit District." The territory shall be designated by an appropriate name descriptive of the area proposed to be excluded. The notice shall also contain a description of the area, state the time and place for a hearing by the legislative body, and shall Notice

state that all persons interested in the exclusion may attend and be heard. The hearing shall be held not less than 10 days after publication of the required notice.

Adoption of resolution

(c) The legislative body shall conduct the hearing and at its conclusion, or at the conclusion of a further hearing to which adjournment has been made, may adopt the resolution and transmit it to the board.

Hearing Notice

27295. Within 60 days after the receipt of a petition for exclusion, the board shall hear the petition or resolution at a regular or adjourned meeting of the board. Notice of the filing of the petition or resolution shall be given by publication of the petition or resolution in a newspaper of general circulation, published in the district and selected by the board. The notice shall also state the date of the filing of the petition or resolution and that it will be considered by the board, and shall state the time and place of the hearing. The time fixed for the hearing shall not be less than 20 days from the date of the first publication of the notice. The property to be excluded may or may not be specifically described in the notice, but if not described, the notice shall refer to the petition or resolution on file for purposes of a particular description of the property sought to be excluded and shall make reference to the property by a descriptive name.

Appearances

27296. Any landowner or taxpayer within the district may appear at the hearing, either in behalf of or in opposition to the granting of the petition or resolution.

Time and place

27297. The petition or resolution shall be heard by the board at the time and place specified in the notice of the hearing.

Exclusion order

27298. If, upon the hearing the board determines that it is in the best interests of the district that the lands mentioned in the petition or resolution, or some portion of them, be excluded from the district, or if it appears that the lands, or some portion of them, will not be benefited by their continued inclusion in the district, the board shall make an order that the lands, or some portion of them, as the board may determine, be excluded from the district, describing specifically the lands excluded.

Election

27299. In the event that the board shall not make the order excluding all of the area proposed to be excluded within 10 days after the hearing on the petition or resolution for exclusion, the board shall within 120 days thereof order and conduct an election within the area proposed to be excluded upon the question of whether the area shall be excluded from the district, however, if a general election is to be held within the territory proposed to be excluded within six months after the petition or resolution is filed with the secretary of the district the board may consolidate the election requested by this article with the general election. All resident electors of the area shall be eligible to vote at the election. The cost of the election shall be borne by the district.

27300. In the event that a majority of the votes cast at the election are in favor of the exclusion, the board, upon completion of the canvass, shall make an order excluding the area from the district. In the event that a majority of the votes cast at the election are opposed to the exclusion, the measure fails and no proceedings for exclusion of the area may be subsequently intitiated within one year. Majority vote

27301. A copy of the order of exclusion, certified by the secretary of the district, shall be recorded in the office of the county recorder of the county in which the lands are situated. The record of the certified copy shall be prima facie evidence of the exclusion from the district of the lands which are purported to be excluded thereby. Recordation

27302. Subsequent to the making and recording of the order of exclusion, the lands excluded shall no longer be a part of the district. Effect of order

The order of exclusion does not invalidate, in any manner, taxes or assessments previously levied or assessed against the lands excluded, nor relieve the property excluded from any outstanding bonds which are a lien upon the excluded property at the time of exclusion or from any taxes imposed to pay the principal or interest on the bonds.

SEC. 23. Chapter 10.5 (commencing at Section 27401) is added to Part 1 of Division 10 of said code, to read:

CHAPTER 10.5. SPECIAL TRANSIT SERVICE DISTRICTS

Article 1. Proposal of Formation

27401. One or more special transit service districts may be created within the boundaries of a district pursuant to this chapter. Special districts Creation

27402. Resolutions shall first be passed by the legislative bodies of half or more, but of not less than two, of the public agencies, within all or any part of the area which would be included in the proposed special transit service district, declaring that the public interest or necessity demands the creation of a special transit service district and describing its boundaries. The boundaries of the proposed special transit service district may include territory outside any such public agency if the territory is within the area of the transit district. When the entire area of a public agency is to be included in the special transit service district it may be described in the resolutions by name. Certified copies of the resolutions shall be filed with the secretary of the district. Resolutions, boundaries, etc.

27403. As an alternative to the instigation of the formation of a special transit service district by resolutions, a petition may be filed with the secretary of a district signed by voters within the proposed special transit service district equal in number to at least 10 percent of the total vote cast. The boundaries of the proposed special transit service district shall be described in the petition and shall include at least Petition

two public agencies or portions thereof. A statement of the name of any public agency constitutes a sufficient and legal description of the territory if the entire area of the agency is included.

Contents of petition

27404. The petition shall declare that the public interest or necessity demands the creation of a special transit service district within the area of the district described in the petition. The petition may include one or more separate documents, but each document shall contain the affidavit of the party who circulated it, certifying that each name signed thereto is the true signature of the person whose name it purports to be.

Certification

27405. The secretary of the district shall compare the signatures on the petition with the affidavits of registration on file with the county clerk and he shall certify to the board as to the sufficiency or insufficiency of the petition.

Proceedings initiated by board

27406. The board may initiate proceedings for the creation of a special transit service district within the area of the district by passing a resolution declaring that the public interest or necessity demands the creation of a special transit service district, and describing its boundaries, which shall include all or any part of two or more public agencies. A public agency to be included may be described by name if the entire area of the agency is included. No certified copy of the resolution need be filed with the secretary of the district.

Article 2. Hearing

Hearing

27411. Within 60 days after receipt of the resolutions of the public agencies or receipt of the certification of the sufficiency of a petition by the secretary of the district, or the passage of the resolution of the board, the board shall, by resolution, designate the special transit service district as "_____ (here insert name) Transit District, Special Transit Service District No. _____ (here insert number)" (all such special transit service districts shall be numbered consecutively) and shall fix a time and place for a hearing on the proposed creation of the special transit service district, and shall publish notice of the hearing.

Notice

27412. The notice of hearing shall be published once in a newspaper of general circulation published in the district.

Time

27413. The time fixed for the hearing shall be not less than 20 nor more than 60 days from the date of the publication of the notice.

Objections

27414. At or before the hearing, any person interested may file with the secretary of the district written objections to the creation of the special transit service district or to the inclusion of his property therein. Upon the hearing the board shall hear and determine all protests and objections. The hearing may be adjourned from time to time by the board without further notice other than an order to be entered upon the minutes of its meeting fixing the time and place of the adjournment.

27415. The board may reduce or enlarge the boundaries of the proposed special transit service district, but the boundaries of the proposed special transit service district shall be within the boundaries of the district. Boundaries

27416. The board shall not approve the creation of a special transit service district containing territory in addition to the territory included in the resolutions or petitions filed with the secretary of the district, or in its own resolution, until notice of its intention to include such additional territory has been published for the time and in the manner prescribed for the original hearing on the matter and a hearing is had pursuant to the notice. Limitation

27417. If no protests are filed, or if the protests filed are overruled and denied by the board, the board shall by resolution approve the creation of the special transit service district either as originally described or as revised by the board and, except as provided by Article 3 (commencing at Section 27421), shall by resolution order and declare the special transit service district created. Approval

Article 3. Election

27421. Any public agency included, or partly included, within the boundaries of a special transit service district may, by a resolution adopted by its legislative body, adopted within 30 days after the adoption of the resolution creating a special transit service district, require the submission of a proposition to the voters of the public agency, or portion thereof, for the purpose of determining whether the public agency, or portion thereof, will be included within the boundaries of the special transit service district. However, no election shall be held, if the board, pursuant to Section 27417, excludes from the territory to be annexed the whole or any portion of a public agency in accordance with the petition or resolution adopted by the legislative body of the public agency. Election Initiation by resolution

27422. Instead of the procedure by resolution of a public agency, a petition may be filed with the secretary of the district, signed by voters within any public agency, or portion thereof, included within the boundaries of the special transit service district equal in number to at least 10 percent of the vote cast, requiring an election to be held as described in Section 27421 of this chapter. Petition

27423. The petition may include one or more documents, but each document shall contain the affidavit of the party who circulated it, certifying that each name affixed thereto is the true signature of the person whose name it purports to be. The petition shall be filed within 30 days after the adoption of the resolution creating a special transit service district. Same Contents, filing

27424. The secretary of the district shall compare the signatures with the affidavits of registration on file with the county clerk and shall certify to the board as to the sufficiency or insufficiency of the petition. Certification

Effect of filing

27425. The filing of a resolution pursuant to Section 27421, or of a petition pursuant to Section 27422, shall stay the effective creation of the special transit service district within the public agency or portion thereof included in the resolution or petition until the results of the required election are canvassed.

Time

27426. The board shall call the election required by Sections 27421 and 27422 within 60 days after the petition or resolution is filed with the secretary of the district; provided, that if a general election is to be held within the petitioning public agency within 120 days after the petition or resolution is filed with the secretary of the district, the board may consolidate the election required by this article with the general election.

Ballot

27427. The ballot for the election shall contain such instructions as are required by law to be printed thereon and in addition thereto the following:

Shall the "(giving name of special transit service district)" be created and established in "(giving name of public agency or portion thereof)"?	YES	
	NO	

Voting qualifications, consolidation

27428 No person is entitled to vote at the election unless he is a voter of the public agency or portion thereof requesting the election. The election may be held on the same day as any other state, county or city election and may be consolidated.

Costs

27429. The costs of the election required by this article shall be borne equally by the public agency and the district.

Effect

27430. The question of the creation of a special transit service district, submitted to a vote pursuant to this article, shall be canvassed separately for each public agency or portion thereof in which an election is held, and the board shall order and declare the special transit service district created, including each public agency, or portion thereof, in which no election was held pursuant to Section 27426 and also including each public agency, or portion thereof, in which an election was held and in which a majority of those who voted upon the proposition of creating the special transit service district voted in favor of the proposition, and excluding each public agency, or portion thereof, in which an election was held and in which a majority of those who voted upon the proposition of creating the special transit service district voted against the proposition.

Article 4. Taxing Subdivision

Taxing subdivision

27441. A special transit service district has no separate corporate existence, but shall be deemed to be a taxing subdivision of the district, and within each special transit service district the board may levy and collect or cause to be collected taxes for any lawful purpose in accordance with Article 8 (commencing at Section 25891) of Chapter 6.

Article 5. Bond Election

27451. At any time after the adoption by the board of the resolution creating a special transit service district, notwithstanding the effective date of the resolution, the board may provide for the submission of a proposition for the incurring of a bonded indebtedness to be incurred by the district on behalf of the special transit service district to pay the costs of acquiring, constructing, or completing the whole or any portion of any transit facilities, or for acquiring any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes or powers of the district within the boundaries of a special transit service district created pursuant to this chapter. Bond election Purposes

27452. The proposition for incurring a bonded indebtedness under Section 27451 may be submitted to the voters of any public agency or portion thereof at the same election as a proposition to create the special transit service district within a public agency or portion thereof, held pursuant to Article 3 (commencing at Section 27421). In such event a proposition for incurring a bonded indebtedness shall be submitted at a separate special bond election in all portions of the special transit service district in which no election is held pursuant to Article 3 (commencing at Section 27421). Consolidation of elections

27453. Except as otherwise provided in this article, the provisions of Chapter 7 (commencing at Section 26201) shall substantially govern as to all matters pertaining to the issuance of bonds under this article, including, among other things and without limiting the generality of the foregoing, the calling, holding, and consolidation of the bond election, the formation, execution, issuance, maturity, redemption, refunding, validation, the payment of interest from bond funds, and the status of the bonds as investments. Issuance of bonds, etc

27454. The favorable vote of a majority of all the voters voting on the proposition to authorize the issuance of bonds at the election or elections held pursuant to Sections 27451 or 27452 within the special transit service district as finally established is required to authorize the issuance of the bonds. Majority vote

27455. Only the property in the special transit service district shall be taxable for the payment of the principal and interest on special transit service district bonds. Until the bonds are paid, taxes shall be levied in substantial compliance with Section 25893. Taxable property

27456 Any proceeding denying the validity of the creation of any special transit service district, or of any bonds authorized by the voters thereof, pursuant to this part, shall be brought within three months after the date upon which the applicable resolution is adopted by the board or the applicable proposition is approved by the voters. Limitation of proceedings

Article 6. Annexation

Annexation: "Territory"

27461. Any public agency or portion thereof within the boundaries of a district, hereafter referred to collectively as "territory," not included within the boundaries of a special transit service district, may be annexed thereto in the manner provided in this article.

Resolution

27462. The board shall, by resolution, determine that the annexation of the territory will facilitate the acquisition or operation of transit facilities for the special transit service district, describe the territory, declare its intention to annex the territory to the special transit service district, set forth the terms and conditions upon which the territory shall be annexed, fix the time and place for hearing on the question of the annexation, and provide for notice of the hearing.

Initiation of election

27463. Any public agency or portion thereof included as part of the territory to be annexed to a special transit service district pursuant to this article may, by resolution of its legislative body, or a petition of its voters filed prior to the hearing on annexation, require the submission of an annexation proposition to the voters of the public agency, or portion thereof.

Election

27464. Except as otherwise provided herein, Article 3 (commencing at Section 27421) shall govern the procedure for the submitting of the annexation proposition to the voters of any public agency or portion thereof involved; provided, that no election shall be held if the board, pursuant to Section 27468, excludes from the territory to be annexed the whole or any portion of a public agency in accordance with its petition or resolution.

Terms and conditions

27465. The terms and conditions for the annexation of territory to a special transit service district may provide (among other things) for the payment of taxes within the territory to be annexed, in addition to the taxes otherwise provided for in this part, the fixing of rates, rentals, and charges differing from those fixed or existing elsewhere, within the special transit service district, the making of a payment or payments, or the transfer of property, real and personal, and other assets to the district by the territory proposed to be annexed.

Hearing: Notice

27466. Notice fixing the time and place for hearing on the question of the annexation of territory to a special transit service district shall be published once in a newspaper of general circulation published in the district.

Time

27467. The time for hearing shall be not less than 20 nor more than 60 days from the date of the publication of the notice.

Objections

27468. At or before the hearing, any person interested may file with the secretary of the district written objections to the annexation of the territory to the special transit service district or to the inclusion of his property. Upon the hearing, the board shall hear and determine all protests and objections.

27469. The hearing may be adjourned from time to time by the board without further notice other than an order entered upon the minutes of its meeting fixing the time and place of adjournment. In the event that no protests are filed or the protests filed are overruled and denied, the board shall, by resolution, declare the territory, or a portion thereof, annexed to the special transit service district. Adjournment, resolution of annexation

27470. From and after the date of filing of the resolution with the secretary of the district the annexation of the territory, or portion thereof, to the special transit service district is complete; provided, that if pursuant to Sections 27463 and 27464 of this article, an annexation election is to be held, the annexation is stayed until the canvassing of the results of said election. Effect of resolution

27471. From and after the date of annexation any territory annexed to a special transit service district is liable for payment of its proportionate share of any indebtedness then existing and payable by the special transit service district. From and after the date of annexation the board shall levy upon all of the property in the territory annexed such taxes, tolls, or charges as are necessary to comply with the terms and conditions of annexation, in addition to any other district taxes otherwise authorized in this part. Liability of territory

Article 7. Dissolution

27481. A special transit service district may be dissolved by resolution of the board if any proposition for the incurring of a bonded indebtedness fails to carry, and if the special transit service district is then subject to no other indebtedness or liability pursuant to this part and has been organized for not less than two years. Dissolution of a special transit service district shall not prevent subsequent proceedings for the creation of a special transit service district including the same or any part of the area of the special transit service district dissolved. Dissolution

SEC. 24. Section 13006 of the Public Districts Code, as proposed by Assembly Bill No. 908, is amended to read:

13006. "Percent of the total vote cast," when used with reference to the requirements of any petition or nomination paper, means percent of the total vote cast, exclusive of absent voter ballots, within the proposed district, district, city or territory, as the case may be at the last general state election. "Percent of total vote cast"

SEC. 25. Section 13507 of said code is amended to read:

13507. The board shall establish rules for its proceedings and may provide by ordinance or resolution that each member shall receive for each attendance at the meetings of the board and for each day any member is engaged in authorized district business other than attendance at meetings of the board the sum of twenty dollars ($20) but not to exceed one hundred dollars ($100) in any calendar month and shall be allowed such necessary traveling and personal expenses incurred in the performance of his duties as authorized by the board. Rules and per diem

SEC. 26. Section 13656 is added to said code, to read:

Payment for insurance, health plans, etc.

13656. Notwithstanding any provisions of the Government Code, the board may authorize payment of any or all of the premiums on any group life, accident and health insurance, health and welfare plan, or pension or retirement plan, on officers or employees of a district. Upon authorization by its employees, a district may make deductions from the wages and salaries of its employees:

(1) Pursuant to a collective bargaining agreement with a duly designated or certified labor organization for the payment of union dues, fees, or assessments.

(2) For the payment of contributions pursuant to any health and welfare, pension, or retirement plan.

(3) For any purpose for which deductions may be authorized by employees of any private employer.

SEC. 27. Section 14065.5 is added to said code, to read:

Current expenses

14065.5. A district may borrow money for the purpose of defraying the expenses of a district lawfully incurred after the commencement of the fiscal year, but prior to the time moneys from the tax levy for the fiscal year are received by a district, in a sum which shall not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation of taxable property in a district at the time the moneys are borrowed, and may evidence such borrowing by notes bearing interest at a rate not to exceed six (6) percent per annum. The notes shall be payable from the tax levy from the then current fiscal year, which levy shall contain a sum sufficient to provide for the payment of the notes and the interest thereon. The form of said notes and the proceedings relating to their issuance and sale, will be governed by the applicable provisions contained in Article 7 (commencing at Section 53820) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code. The maturity of said notes shall not exceed two (2) years.

SEC. 28. Section 14069 is added to said code, to read:

Acquisition of equipment

14069. The district may purchase equipment such as cars, trolley buses and motorbuses, and rolling equipment, and may execute agreements, leases and equipment trust certificates in the forms customarily used by private corporations engaged in the transit business appropriate to effect the purchase and leasing of rolling equipment and may dispose of the equipment trust certificates upon the terms and conditions as the board may deem appropriate. All money required to be paid by the district pursuant to the agreements, leases and equipment trust certificates provided for in this section shall be payable solely from the revenue or income to be derived from the transit facilities and from grants and loans as provided in Section 14068. Payment for equipment, or the rental of equipment, may be made in installments, and the deferred installments may be evidenced by equipment trust certificates payable solely from revenue or income as provided in this

section, and title to the equipment shall not vest in the district until the equipment trust certificates are paid.

SEC. 29. Section 14070 is added to said code, to read:

Agreements to purchase or lease

14070. The agreement to purchase or lease may direct the vendor or lessor to sell and assign or lease the rolling equipment to a bank or trust company, duly authorized to transact business in the State of California, as trustee, for the benefit and security of the equipment trust certificates and may direct the trustee to deliver the rolling equipment to one or more designated officers of the district and may authorize the district to simultaneously execute and deliver an installment purchase agreement or a lease of the equipment to the district.

SEC. 30. Section 14071 is added to said code, to read:

Acknowledgment

14071. The agreements and leases shall be duly acknowledged before a person authorized by law to take acknowledgments of deeds and in the form required for acknowledgment of deeds. The agreements, leases, and equipment trust certificates shall be authorized by resolution of the district and shall contain such covenants, conditions and provisions as may be deemed necessary or appropriate to insure the payment of the equipment trust certificates from the revenue or income to be derived from the transit system.

SEC. 31. Section 14072 is added to said code, to read:

Provisions

14072. The covenants, conditions and provisions of the agreements, leases, and equipment trust certificates shall not conflict with any of the provisions of any trust agreement securing the payment of bonds, notes or certificates of the district.

SEC. 32. Section 14073 is added to said code, to read:

Filing of copy

14073. An executed copy of each agreement or lease shall be filed in the Office of the Secretary of State, who will be entitled to receive one dollar ($1) for each copy filed with him and which filing shall constitute notice to any subsequent judgment creditor or any subsequent purchaser. Each vehicle so purchased or leased shall have the name of the owner or lessor plainly marked on both sides thereof, followed by the appropriate words, "owner and lessor" or "owner and vendor," as the case may be.

SEC. 33. Section 14128 is added to said code, to read:

Limitation of tax

14128. Whenever one or more special transit service districts are created and established pursuant to Chapter 10.5 (commencing at Section 15050) taxes in excess of one cent ($0.01) per one hundred dollars ($100) of assessed valuation shall not thereafter be levied against any property not within the boundaries of a special transit service district, excepting, however, taxes sufficient to pay the principal or interest or both on any bonded indebtedness theretofore or thereafter incurred by a district as a whole. The creation of a special transit service district does not invalidate, in any manner, any taxes or assessments previously levied or assessed against any property of the district, either within or without the boundaries of a special transit service district.

Election

SEC. 34. Section 14259.5 is added to said code, to read:

14259.5. The board shall comply with the provisions of Article 3 (commencing at Section 1670) of Chapter 2 of Division 4 of the Elections Code, the provisions of which are applicable to any bond election held pursuant to this article. Wherever the words "county clerk" appear in the Elections Code the words "secretary of the board" shall be substituted, for the purposes of this article, and wherever the words "board of supervisors" appear in the Elections Code, the words "board of directors" shall be substituted, and wherever the words "district attorney or county counsel" appear in the Elections Code, the words "attorney for the district" shall be substituted.

Bond maturity, issuance, etc.

SEC. 35. Section 14280 of said code is amended to read:

14280. Bonds authorized by this chapter shall mature serially in amounts to be fixed by the board; except that payment shall begin not later than 10 years from the date thereof and shall be completed in not more than 50 years from that date.

The board may divide any issue of bonds authorized pursuant to this chapter into two or more series, and may fix different dates of issuance and different maturity dates for the bonds of each series. The bonds of each series shall mature serially in amounts to be fixed by the board, and the board shall fix a date not more than 10 years from the date of issuance of each series for the earliest maturity of such series, and shall fix a date not more than 50 years from the date of issuance of each series for the final maturity of such series.

Pending the actual issuance or delivery of bonds, a district may issue temporary or interim bonds, certificates, or receipts, of any denomination whatsoever, with or without coupon, and in such form as may be prescribed by the board, to be exchanged for definitive bonds when ready for delivery.

SEC. 36. Article 7 (commencing at Section 14390) is added to Chapter 7 of Part 1 of Division 5 of said code, to read:

Article 7. Revenue Bonds

Revenue bonds: Issuance

14390. As an alternative procedure for the raising of funds, a district created pursuant to this part is authorized to issue bonds, payable from revenues of any facility or enterprise to be acquired or constructed by a district, in the manner provided by the Revenue Bond Law of 1941 (Chapter 6 (commencing at Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code), all of the provisions of which are applicable to a district created pursuant to this part.

Revenue Bond Law of 1941

14391. A district created pursuant to this part is a local agency within the meaning of the Revenue Bond Law of 1941 (Chapter 6 (commencing at Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code). The term "enterprise" as used in the Revenue Bond Law of 1941 shall, for all purposes of this part, include transit facilities and any

and all parts thereof and all additions, extensions and improvements thereto and all other facilities authorized to be acquired, constructed or completed by a district under this part. A district may issue revenue bonds under the Revenue Bond Law of 1941, for any one or more facilities or enterprises authorized to be acquired, constructed, or completed by a district or, in the alternative, may issue revenue bonds under the Revenue Bond Law of 1941, for the acquisition, construction and completion of any one of such facilities. Nothing in this article shall prevent a district from availing itself of, or making use of, any procedure provided in this part for the issuance of bonds of any type or character for any of the facilities or works authorized hereunder, and all proceedings may be carried on simultaneously or, in the alternative, as the directors may determine.

SEC. 37. Section 14502 is added to said code, to read:

Annexation Contents of agreement

14502. The annexation agreement may also provide that the city's annexation to the district shall constitute annexation to any existing special transit service district. Approval of the annexation by the voters, pursuant to this chapter, if the annexation agreement includes provision for inclusion in a special transit service district, shall constitute full compliance with the provisions of Article 6 (commencing at Section 15130) of Chapter 10.5.

SEC. 38. Section 14503 is added to said code, to read:

Petition

14503. As an alternative to commencement of annexation proceedings by action of the legislative body of a city, a petition signed by voters within the city proposed to be annexed, equal in number to at least ten (10) percent of the total vote cast, and asking that proceedings be taken for its annexation, may be addressed to the board and filed with the secretary of the district.

SEC. 39. Section 14504 is added to said code, to read:

Certification

14504. The petition may include one or more separate documents, but each document shall contain the affidavit of the party who circulated it, certifying that each name signed thereto is the true signature of the person whose name it purports to be. The secretary of the district shall compare the signatures on the petition with the affidavits of registration on file with the county clerk and if he finds that the petition has been signed by the required number of voters he shall attach his signature thereto and present the petition to the board.

SEC. 40. Section 14505 is added to said code, to read:

Terms and conditions

14505. If the board determines that the annexation of the city, whose voters have petitioned pursuant to Section 14503, would facilitate the acquisition or operation of any transit facilities for the district or be of advantage to the district, then the board shall also determine the terms and conditions upon which the annexation should be made. The terms and conditions of annexation shall be embodied in an annexation agreement. The annexation agreement may provide (among other

things) for any or all of the items set forth in Sections 14501 and 14502.

SEC. 41. Section 14752 of said code is amended to read:

Petition

14752. A petition signed by voters within the territory proposed to be annexed equal in number to at least 10 percent of the total vote cast, describing the territory and asking that proceedings be taken for its annexation, shall be addressed to the board and filed with the secretary of the district.

SEC. 42. Section 14756 is added to said code, to read:

Contents of annexation agreement

14756. The annexation agreement may also provide that the unincorporated territory's annexation to the district shall constitute annexation to any existing special transit service district. Approval of the annexation by the voters, pursuant to this chapter, if the agreement includes provision for inclusion in a special transit service district, shall constitute full compliance with the provisions of Article 6 (commencing at Section 15130) of Chapter 10.5.

SEC. 43. Section 14757 is added to said code, to read:

Commencement of proceedings by agreement

14757. As an alternative to commencement of annexation proceedings by a petition by the voters within any unincorporated territory, proposed to be annexed, the legislative body of an unincorporated territory may agree in writing upon the terms and conditions of annexation, which agreement may contain (among other things) provisions as set forth in Sections 14755 and 14756.

SEC. 44. Section 15030 of said code is amended to read:

Petition

15030. If the city to which any territory included in any district has been annexed already provides transit service in the territory annexed, or if any territory in any district is annexed to a city, not a part of any district as originally established pursuant to this part, and not annexed thereto pursuant to this part, the city council or other governing body of the city may petition the district for the exclusion of such territory from the district.

SEC. 45. Article 3 (commencing at Section 15035) is added to Chapter 10 of Part 1 of Division 5 of said code, to read:

Article 3. Exclusion of Territory Within or Without City

Alternative provisions

15035. The provisions of this article are alternative to any other provisions for the exclusion of territory from the district.

Exclusion of territory: Petition

15036. Any time after the defeat of a bond issue by the voters of the district any city or unincorporated territory, a majority of whose voters voting on a district bond issue proposition voted against said proposition, may be excluded by order of the board upon receipt by the board of a verified petition of ten percent (10%) of the total vote cast in the territory proposed to be excluded, or of a resolution adopted by the city council or board of supervisors having jurisdiction of the territory. However, no city shall be divided and not less than one-half of the territory under the jurisdiction of the board of supervisors and then remaining within the

district shall be included in any petition or resolution or combination thereof filed simultaneously, nor shall any territory be excluded by any petition or resolution or combination thereof which creates areas of noncontiguous territory or will be entirely surrounded by the remainder of the district.

Contents of petition

15037. The petition or resolution shall state the reasons for the proposed exclusion and that the area will not be benefited by inclusion in the district, shall define the boundaries of the area proposed to be excluded, and request that the area be excluded.

Hearing by initiating body

15038. (a) If the exclusion is initiated by a city council or a board of supervisors, such legislative body shall hold a public hearing on the proposal to adopt the resolution. A notice of the hearing shall be published once in a newspaper of general circulation published in the area proposed to be excluded, or in a newspaper published within the city and county the legislative body of which has initiated the proceedings, in the event that a newspaper is not published in the area.

Notice

(b) The notice of the hearing shall be entitled "Proposal to Exclude the _____ Territory from the _____ Transit District." The territory shall be designated by an appropriate name descriptive of the area proposed to be excluded. The notice shall also contain a description of the area, state the time and place for a hearing by the legislative body, and shall state that all persons interested in the exclusion may attend and be heard. The hearing shall be held not less than 10 days after publication of the required notice.

Adoption of resolution

(c) The legislative body shall conduct the hearing and at its conclusion, or at the conclusion of a further hearing to which adjournment has been made, may adopt the resolution and transmit it to the board.

Hearing. Notice

15039. Within 60 days after the receipt of a petition for exclusion, the board shall hear the petition or resolution at a regular or adjourned meeting of the board. Notice of the filing of the petition or resolution shall be given by publication of the petition or resolution in a newspaper of general circulation, published in the district and selected by the board. The notice shall also state the date of the filing of the petition or resolution and that it will be considered by the board, and shall state the time and place of the hearing. The time fixed for the hearing shall not be less than 20 days from the date of the first publication of the notice. The property to be excluded may or may not be specifically described in the notice, but if not described, the notice shall refer to the petition or resolution on file for purposes of a particular description of the property sought to be excluded and shall make reference to the property by a descriptive name.

Appearances

15040. Any landowner or taxpayer within the district may appear at the hearing, either in behalf of or in opposition to the granting of the petition or resolution.

Time and place

15041. The petition or resolution shall be heard by the board at the time and place specified in the notice of the hearing.

Exclusion order

15042. If, upon the hearing the board determines that it is in the best interests of the district that the lands mentioned in the petition or resolution, or some portion of them, be excluded from the district, or if it appears that the lands, or some portion of them, will not be benefited by their continued inclusion in the district, the board shall make an order that the lands, or some portion of them, as the board may determine, be excluded from the district, describing specifically the lands excluded.

Election

15043. In the event that the board shall not make the order excluding all of the area proposed to be excluded within 10 days later the hearing on the petition or resolution for exclusion, the board shall within 120 days thereof order and conduct an election within the area proposed to be excluded upon the question of whether the area shall be excluded from the district. However, if a general election is to be held within the territory proposed to be excluded within six months after the petition or resolution is filed with the secretary of the district the board may consolidate the election requested by this article with the general election. All resident electors of the area shall be eligible to vote at the election. The cost of the election shall be borne by the district.

Majority vote

15044. In the event that a majority of the votes cast at the election are in favor of the exclusion, the board, upon completion of the canvass, shall make an order excluding the area from the district. In the event that a majority of the votes cast at the election are opposed to the exclusion, the measure fails and no proceedings for exclusion of the area may be subsequently initiated within one year.

Recordation

15045. A copy of the order of exclusion, certified by the secretary of the district, shall be recorded in the office of the county recorder of the county in which the lands are situated. The record of the certified copy shall be prima facie evidence of the exclusion from the district of the lands which are purported to be excluded thereby.

Effect of order

15046. Subsequent to the making and recording of the order of exclusion, the lands excluded shall no longer be a part of the district.

The order of exclusion does not invalidate, in any manner, taxes or assessments previously levied or assessed against the lands excluded, nor relieve the property excluded from any outstanding bonds which are a lien upon the excluded property at the time of exclusion or from any taxes imposed to pay the principal or interest on the bonds.

SEC. 46. Chapter 10.5 (commencing at Section 15050) is added to Part 1 of Division 5 of said code, to read:

CHAPTER 10.5. SPECIAL TRANSIT SERVICE DISTRICTS

Article 1. Proposal of Formation

15050. One or more special transit service districts may be created within the boundaries of a district pursuant to this chapter. Special districts. Creation

15051. Resolutions shall first be passed by the legislative bodies of half or more, but of not less than two, of the public agencies, within all or any part of the area which would be included in the proposed special transit service district, declaring that the public interest or necessity demands the creation of a special transit service district and describing its boundaries. The boundaries of the proposed special transit service district may include territory outside any such public agency if the territory is within the area of the transit district. When the entire area of a public agency is to be included in the special transit service district it may be described in the resolutions by name. Certified copies of the resolutions shall be filed with the secretary of the district. Resolutions, boundaries, etc

15052. As an alternative to the instigation of the formation of a special transit service district by resolutions, a petition may be filed with the secretary of a district signed by voters within the proposed special transit service district equal in number to at least 10 percent of the total vote cast. The boundaries of the proposed special transit service district shall be described in the petition and shall include at least two public agencies or portions thereof. A statement of the name of any public agency constitutes a sufficient and legal description of the territory if the entire area of the agency is included. Petition

15053. The petition shall declare that the public interest or necessity demands the creation of a special transit service district within the area of the district described in the petition. The petition may include one or more separate documents, but each document shall contain the affidavit of the party who circulated it, certifying that each name signed thereto is the true signature of the person whose name it purports to be. Contents of petition

15054. The secretary of the district shall compare the signatures on the petition with the affidavits of registration on file with the county clerk and he shall certify to the board as to the sufficiency or insufficiency of the petition. Certification

15055. The board may initiate proceedings for the creation of a special transit service district within the area of the district by passing a resolution declaring that the public interest or necessity demands the creation of a special transit service district, and describing its boundaries, which shall include all or any part of two or more public agencies. A public agency to be included may be described by name if the entire area of the agency is included. No certified copy of the resolution need be filed with the secretary of the district. Proceedings initiated by board

Article 2. Hearing

Hearing

15060. Within 60 days after receipt of the resolutions of the public agencies or receipt of the certification of the sufficiency of a petition by the secretary of the district, or the passage of the resolution of the board, the board shall, by resolution, designate the special transit service district as "_____ (here insert name) Transit District, Special Transit Service District No._____ (here insert number)" (all such special transit service districts shall be numbered consecutively) and shall fix a time and place for a hearing on the proposed creation of the special transit service district, and shall publish notice of the hearing.

Notice

15061. The notice of hearing shall be published once in a newspaper of general circulation published in the district.

Time

15062. The time fixed for the hearing shall be not less than 20 nor more than 60 days from the date of the publication of the notice.

Objections

15063. At or before the hearing, any person interested may file with the secretary of the district written objections to the creation of the special transit service district or to the inclusion of his property therein. Upon the hearing the board shall hear and determine all protests and objections. The hearing may be adjourned from time to time by the board without further notice other than an order to be entered upon the minutes of its meeting fixing the time and place of the adjournment.

Boundaries

15064. The board may reduce or enlarge the boundaries of the proposed special transit service district, but the boundaries of the proposed special transit service district shall be within the boundaries of the district.

Limitation

15065. The board shall not approve the creation of a special transit service district containing territory in addition to the territory included in the resolutions or petitions filed with the secretary of the district, or in its own resolution, until notice of its intention to include such additional territory has been published for the time and in the manner prescribed for the original hearing on the matter and a hearing is had pursuant to the notice.

Approval

15066. If no protests are filed, or if the protests filed are overruled and denied by the board, the board shall by resolution approve the creation of the special transit service district either as originally described or as revised by the board and, except as provided by Article 3 (commencing at Section 15080), shall by resolution order and declare the special transit service district created.

Article 3. Election

Election: Initiation by resolution

15080. Any public agency included, or partly included, within the boundaries of a special transit service district may, by a resolution adopted by its legislative body, adopted

within 30 days after the adoption of the resolution creating a special transit service district, require the submission of a proposition to the voters of the public agency, or portion thereof, for the purpose of determining whether the public agency, or portion thereof, will be included within the boundaries of the special transit service district. However, no election shall be held, if the board, pursuant to Section 15066, excludes from the territory to be annexed the whole or any portion of a public agency in accordance with the petition or resolution adopted by the legislative body of the public agency.

Petition

15081. Instead of the procedure by resolution of a public agency, a petition may be filed with the secretary of the district, signed by voters within any public agency, or portion thereof, included within the boundaries of the special transit service district equal in number to at least 10 percent of the vote cast, requiring an election to be held as described in Section 15080 of this chapter.

Same: Contents, filing

15082. The petition may include one or more documents, but each document shall contain the affidavit of the party who circulated it, certifying that each name affixed thereto is the true signature of the person whose name it purports to be. The petition shall be filed within 30 days after the adoption of the resolution creating a special transit service district.

Certification

15083. The secretary of the district shall compare the signatures with the affidavits of registration on file with the county clerk and shall certify to the board as to the sufficiency or insufficiency of the petition.

Effect of filing

15084. The filing of a resolution pursuant to Section 15080, or of a petition pursuant to Section 15081, shall stay the effective creation of the special transit service district within the public agency or portion thereof included in the resolution or petition until the results of the required election are canvassed.

Time

15085. The board shall call the election required by Sections 15080 and 15081 within 60 days after the petition or resolution is filed with the secretary of the district; provided, that if a general election is to be held within the petitioning public agency within 120 days after the petition or resolution is filed with the secretary of the district, the board may consolidate the election required by this article with the general election.

Ballot

15086. The ballot for the election shall contain such instructions as are required by law to be printed thereon and in addition thereto the following:

Shall the "(giving name of special transit service district)" be created and established in "(giving name of public agency or portion thereof)"?	YES	
	NO	

Voting qualifications, consolidation

15087. No person is entitled to vote at the election unless he is a voter of the public agency or portion thereof requesting the election. The election may be held on the same day as any other state, county or city election and may be consolidated.

Costs

15088. The costs of the election required by this article shall be borne equally by the public agency and the district.

Effect

15089. The question of the creation of a special transit service district, submitted to a vote pursuant to this article, shall be canvassed separately for each public agency or portion thereof in which an election is held, and the board shall order and declare the special transit service district created, including each public agency, or portion thereof, in which no election was held pursuant to Section 15085 and also including each public agency, or portion thereof, in which an election was held and in which a majority of those who voted upon the proposition of creating the special transit service district voted in favor of the proposition, and excluding each public agency, or portion thereof, in which an election was held and in which a majority of those who voted upon the proposition of creating the special transit service district voted against the proposition.

Article 4. Taxing Subdivision

Taxing subdivision

15100. A special transit service district has no separate corporate existence, but shall be deemed to be a taxing subdivision of the district, and within each special transit service district the board may levy and collect or cause to be collected taxes for any lawful purpose in accordance with Article 8 (commencing at Section 14115) of Chapter 6.

Article 5. Bond Election

Bond election: Purposes

15110. At any time after the adoption by the board of the resolution creating a special transit service district, notwithstanding the effective date of the resolution, the board may provide for the submission of a proposition for the incurring of a bonded indebtedness to be incurred by the district on behalf of the special transit service district to pay the costs of acquiring, constructing, or completing the whole or any portion of any transit facilities, or for acquiring any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes or powers of the district within the boundaries of a special transit service district created pursuant to this chapter.

Consolidation

15111. The proposition for incurring a bonded indebtedness under Section 15110 may be submitted to the voters of any public agency or portion thereof at the same election as a proposition to create the special transit service district within a public agency or portion thereof, held pursuant to Article 3 (commencing at Section 15080). In such event a

proposition for incurring a bonded indebtedness shall be submitted at a separate special bond election in all portions of the special transit service district in which no election is held pursuant to Article 3 (commencing at Section 15080).

Issuance of bonds etc

15112. Except as otherwise provided in this article, the provisions of Chapter 7 (commencing at Section 14250) shall substantially govern as to all matters pertaining to the issuance of bonds under this article, including, among other things and without limiting the generality of the foregoing, the calling, holding, and consolidation of the bond election, the formation, execution, issuance, maturity, redemption, refunding, validation, the payment of interest from bond funds, and the status of the bonds as investments.

Majority vote

15113. The favorable vote of a majority of all the voters voting on the proposition to authorize the issuance of bonds at the election or elections held pursuant to Section 15110 or 15111 within the special transit service district as finally established is required to authorize the issuance of the bonds.

Taxable property

15114. Only the property in the special transit service district shall be taxable for the payment of the principal and interest on special transit service district bonds. Until the bonds are paid, taxes shall be levied in substantial compliance with Section 14117.

Limitation of proceedings

15115. Any proceeding denying the validity of the creation of any special transit service district, or of any bonds authorized by the voters thereof, pursuant to this part, shall be brought within three months after the date upon which the applicable resolution is adopted by the board or the applicable proposition is approved by the voters.

Article 6. Annexation

Annexation "Territory"

15130. Any public agency or portion thereof within the boundaries of a district, hereafter referred to collectively as "territory," not included within the boundaries of a special transit service district may be annexed thereto in the manner provided in this article.

Resolution

15131. The board shall, by resolution, determine that the annexation of the territory will facilitate the acquisition or operation of transit facilities for the special transit service district, describe the territory, declare its intention to annex the territory to the special transit service district, set forth the terms and conditions upon which the territory shall be annexed, fix the time and place for hearing on the question of the annexation, and provide for notice of the hearing.

Initiation of election

15132. Any public agency or portion thereof included as part of the territory to be annexed to a special transit service district pursuant to this article may, by resolution of its legislative body, or a petition of its voters filed prior to the hearing on annexation, require the submission of an annexation proposition to the voters of the public agency, or portion thereof.

Election

15133. Except as otherwise provided herein, Article 3 (commencing at Section 15080) shall govern the procedure for the submitting of the annexation proposition to the voters of any public agency or portion thereof involved; provided, that no election shall be held if the board, pursuant to Section 15137, excludes from the territory to be annexed the whole or any portion of a public agency in accordance with its petition or resolution.

Terms and conditions

15134. The terms and conditions for the annexation of territory to a special transit service district may provide (among other things) for the payment of taxes within the territory to be annexed, in addition to the taxes otherwise provided for in this part, the fixing of rates, rentals, and charges differing from those fixed or existing elsewhere, within the special transit service district, the making of a payment or payments, or the transfer of property, real and personal, and other assets to the district by the territory proposed to be annexed.

Hearing: Notice

15135. Notice fixing the time and place for hearing on the question of the annexation of territory to a special transit service district shall be published once in a newspaper of general circulation published in the district.

Time

15136. The time for hearing shall be not less than 20 nor more than 60 days from the date of the publication of the notice.

Objections

15137. At or before the hearing, any person interested may file with the secretary of the district written objections to the annexation of the territory to the special transit service district or to the inclusion of his property. Upon the hearing, the board shall hear and determine all protests and objections.

Adjournment, resolution of annexation

15138. The hearing may be adjourned from time to time by the board without further notice other than an order entered upon the minutes of its meeting fixing the time and place of adjournment. In the event that no protests are filed or the protests filed are overruled and denied, the board shall, by resolution, declare the territory, or a portion thereof, annexed to the special transit service district.

Effect of resolution

15139. From and after the date of filing of the resolution with the secretary of the district the annexation of the territory, or portion thereof, to the special transit service district is complete; provided, that if pursuant to Sections 15132 and 15133 of this article, an annexation election is to be held, the annexation is stayed until the canvassing of the results of said election.

Liability of territory

15140. From and after the date of annexation any territory annexed to a special transit service district is liable for payment of its proportionate share of any indebtedness then existing and payable by the special transit service district. From and after the date of annexation the board shall levy upon all of the property in the territory annexed such taxes, tolls, or charges as are necessary to comply with the terms and conditions of annexation, in addition to any other district taxes otherwise authorized in this part.

Article 7. Dissolution

15145. A special transit service district may be dissolved by resolution of the board if any proposition for the incurring of a bonded indebtedness fails to carry, and if the special transit service district is then subject to no other indebtedness or liability pursuant to this part and has been organized for not less than two years. Dissolution of a special transit service district shall not prevent subsequent proceedings for the creation of a special transit service district including the same or any part of the area of the special transit service district dissolved. Dissolution

SEC. 47. Sections 24 to 46, inclusive, become operative only if the Public Districts Code is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said code takes effect, at which time the sections of the Public Utilities Code affected by Sections 1 to 23, inclusive, of this act are repealed.

SEC. 48. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

Because of recent court decisions and the outcome of recent bond elections the provisions of this act are urgently required to permit districts already formed under the Transit District Law to take immediate action to carry out the purposes of such law.

CHAPTER 117

An act to amend Section 752 of the Financial Code, relating to powers of banks and trust companies.

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959.] In effect September 18, 1959

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

SECTION 1. Section 752 of the Financial Code is amended to read:

752. A bank or trust company may purchase, acquire, and hold not less than 75 percent of the outstanding shares of a corporation engaged exclusively in holding real property of the character described in subdivision (a) of Section 750 for the purposes therein set forth or in holding, separately or in addition to such real property, tangible personal property necessary or convenient for the use of the bank or trust company in the conduct of its business or for future expansion of its business. The purchase or acquisition of stock of any such corporation shall be approved by two-thirds of all the directors of such bank or trust company and be approved in writing by the superintendent.

CHAPTER 118

An act to amend Sections 1010 and 1011 of, and to add Section 1011.5 to, the Agricultural Code, relating to spray residue.

In effect September 18, 1959

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959.]

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

SECTION 1. Section 1010 of the Agricultural Code is amended to read:

1010. As used in this article:

Definitions

(a) "Spray residue" means any pesticide chemical added to produce.

(b) "Pesticide chemical" means any substance which, alone, in chemical combination or in formulation with one or more other substances, is an "economic poison," as defined in Section 1061 of this code, and which is used in the production, storage, or transportation of produce.

(c) "Produce" means any food in its raw or natural state when in such form as to indicate it is intended for consumer use without any or further processing.

(d) "Food" means any article used for food or drink for man or other animals, or for a component of any such article.

SEC. 2. Section 1011 of said code is amended to read:

Unlawful acts

1011. It is unlawful to pack, ship, or sell any produce carrying spray residue in excess of the permissible tolerance established by the director in accordance with the provisions of this article.

SEC. 3. Section 1011.5 is added to said code, to read:

Permissible tolerances

1011.5. The director by rules and regulations may establish permissible tolerances for any pesticide chemical in or on produce whenever he finds that such pesticide chemical is useful for the production and marketing of such produce, and that the presence of such pesticide chemical as spray residue in quantities within the tolerances so established is not deleterious to the health of man or animals. The director may exempt any pesticide chemical from the requirement of a tolerance if he finds that such pesticide chemical may safely be used without a tolerance. The director may establish the tolerance for any pesticide chemical on produce at zero if he finds that a greater tolerance is not justified. Until a different permissible tolerance is established by rules and regulations of the director pursuant to this article, the permissible tolerances for fresh and dried fruits, vegetables, hay, fodder, or feedstuffs are as follows: fluorine, 7 parts per million; arsenic, expressed as arsenic trioxide, 3.5 parts per million; lead, 7 parts per million; dichloro-diphenyl-trichloroethane (DDT), 7 parts per million.

Whenever a tolerance for a pesticide chemical in or on produce is established pursuant to the provisions of any law of the United States, the director may review such tolerance, and

if he finds that it is in accordance with the standards and provisions of this article, he may establish a like tolerance pursuant to this article.

CHAPTER 119

An act to add Section 8397 to the Fish and Game Code, relating to squid, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959] In effect immediately

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

SECTION 1. Section 8397 is added to the Fish and Game Code, to read:

8397. It is unlawful to use any artificial light to lure or attract squid in Districts 16 and 17.

This section applies to all artificial lights except those lights necessary for the usual operation of a vessel not used to lure or attract, or intended to lure or attract, squid.

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

In order to protect the squid it is necessary that this act take effect prior to the time, in the early summer months, when most squid are taken.

CHAPTER 120

An act to amend Sections 769, 1228 and 1416 of the Financial Code, relating to investments and loans by banks, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 10, 1959. Filed with Secretary of State April 10, 1959] In effect immediately

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

SECTION 1. Section 769 of the Financial Code is amended to read:

769. A bank may purchase and hold the stock of small business investment companies authorized to operate under the Small Business Investment Act, as amended, in an amount not aggregating more than 1 percent of the bank's capital and surplus. Purchase of stock of small business investment companies

SEC. 2. Section 1228 of said code is amended to read:

1228. A commercial bank may lend on the security of a first lien on real property or a first lien on a leasehold (1) Leasehold property security

under a lease for not less than 99 years which is renewable or (2) under a lease having a period of not less than 50 years to run from the date of the loan, if:

(a) The loan is fully guaranteed or insured or covered by a commitment to guarantee or insure by the United States, the Federal Housing Administrator, or by any other agency of the United States which the superintendent shall have approved for the purposes of this subdivision as an issuer of insurance or guarantees of loans on real property, whether the proceeds of the guarantee or insurance is payable in cash or in obligations of the United States; or

(b) The loan is fully guaranteed by the United States or any agency thereof pursuant to the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof, or, if a portion of the loan is so guaranteed, then if the unguaranteed portion of the loan does not exceed 66⅔ percent of the sound market value of the property or leasehold for loan purposes as determined by proper appraisal; or

(c) The loan is one in which the Small Business Administration co-operates through agreements to participate on an immediate or deferred basis under the Small Business Act, as amended.

SEC. 3. Section 1416 of said code is amended to read:

Same

1416. A savings bank may lend on the security of a first lien on real property or a first lien on a leasehold (1) under a lease for not less than 99 years which is renewable, or (2) under a lease having a period of not less than 50 years to run from the date of the loan, if:

(a) The loan is fully guaranteed or fully insured or covered by a commitment to fully guarantee or fully insure by the United States, the Federal Housing Administrator, or by any other agency of the United States which the superintendent shall have approved for the purposes of this subdivision as an issuer of insurance or guarantees of loans on real property, whether the proceeds of the guarantee or insurance is payable in cash or in obligations of the United States; or

(b) The loan is fully guaranteed by the United States or any agency thereof pursuant to the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof, or, if a portion of the loan is so guaranteed, then if the unguaranteed portion of the loan does not exceed 66⅔ percent of the sound market value of the property or leasehold for loan purposes as determined by proper appraisal; or

(c) The loan is one in which the Small Business Administration co-operates through agreements to participate on an immediate or deferred basis under the Small Business Act, as amended.

Urgency

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and

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

A program has been established under federal legislation which is designed to improve the national economy in general and the small-business segment thereof in particular by stimulating and supplementing the flow of private equity capital and long-term loan funds which small business concerns need for the sound financing of their business operations and for their growth, expansion and modernization. It was provided that this policy is to be carried out in such a manner as to insure the maximum participation of private financing sources. In order to allow state banks to assist and participate in this program without a delay which not only would needlessly postpone the benefits of this program to many small businesses located in California, but, also, because of the limitations contained in the program, would jeopardize even the eventual participation of state banks, it is necessary that this act take effect immediately.

CHAPTER 121

An act to add Part 4.5 (commencing with Section 1410) to Division 2 of, and to amend Section 56 of, the Labor Code, relating to prevention and elimination of practices of discrimination in employment and otherwise against persons because of race, religious creed, color, national origin, or ancestry, creating a State Commission on Fair Employment Practices, defining its functions, powers and duties, providing for the appointment and compensation of its officers and employees.

[Approved by Governor April 16, 1959. Filed with Secretary of State April 16, 1959.]

In effect September 18, 1959

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

SECTION 1. Part 4.5 (commencing with Section 1410) is added to Division 2 of the Labor Code, to read:

PART 4.5. FAIR EMPLOYMENT PRACTICES

1410. This part may be referred to as the "California Fair Employment Practice Act." Short title

1411. It is hereby declared as the public policy of this State that it is necessary to protect and safeguard the right and opportunity of all persons to seek, obtain, and hold employment without discrimination or abridgement on account of race, religious creed, color, national origin, or ancestry. Declaration of policy

It is recognized that the practice of denying employment opportunity and discriminating in the terms of employment for such reasons, foments domestic strife and unrest, deprives the State of the fullest utilization of its capacities for development and advance, and substantially and adversely affects

the interests of employees, employers, and the public in general.

This part shall be deemed an exercise of the police power of the State for the protection of the public welfare, prosperity, health, and peace of the people of the State of California.

Recognition of rights

1412. The opportunity to seek, obtain and hold employment without discrimination because of race, religious creed, color, national origin, or ancestry is hereby recognized as and declared to be a civil right.

Definitions

1413. As used in this part:

(a) "Person" includes one or more individuals, partnerships, associations or corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(b) "Employment agency" includes any person undertaking for compensation to procure employees or opportunities to work.

(c) "Labor organization" includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection.

(d) "Employer," except as hereinafter provided, includes any person regularly employing five or more persons, or any person acting as an agent of an employer, directly or indirectly; the State or any political or civil subdivision thereof and cities.

"Employer" does not include a social club, fraternal, charitable, educational or religious association or corporation not organized for private profit.

"Employer" does not include a person with respect to the person's employment of agricultural workers residing on the land where they are employed as farm workers.

(e) "Employee" does not include any individual employed by his parents, spouse or child, or in the domestic service of any person in his home; and it does not include agricultural workers residing on the land where they are employed as farm workers.

(f) "Commission," unless a different meaning clearly appears from the context, means the State Fair Employment Practice Commission created by this part.

State Fair Employment Practice Commission:

1414. There is in the Division of Fair Employment Practices the State Fair Employment Practice Commission. Such commission shall consist of five members, to be known as commissioners, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and one of whom shall be designated as chairman by the Governor. The term of office of each member of the commission shall be for four years; provided, however, that of the commissioners first appointed two shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years.

1415. Any member chosen to fill a vacancy occurring otherwise than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed. Three members of the commission shall constitute a quorum for the purpose of conducting the business thereof. Vacancies, quorum, etc.

The Governor shall also appoint a Chief of the Division of Fair Employment Practices, who shall be the principal executive officer of the commission.

1416. Each member of the commission shall serve without compensation but shall receive fifty dollars ($50) for each day actually spent in the performance of his duties under this part and shall also be entitled to his expenses actually and necessarily incurred by him in the performance of his duties. Compensation

1417. Any member of the commission may be removed by the Governor for inefficiency, for neglect of duty, misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard thereon. Removal of members

1418. The commission shall formulate policies to effectuate the purposes of this part and may make recommendations to agencies and officers of the state and local governments in aid of such policies and purposes. Powers and duties

1419. The commission shall have the following functions, powers and duties: Same

(a) To establish and maintain a principal office and such other offices within the State as the Legislature authorizes.

(b) To meet and function at any place within the State.

(c) To appoint an attorney, and such clerks and other employees as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

(d) To obtain upon request and utilize the services of all governmental departments and agencies.

(e) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this part.

(f) To receive, investigate and pass upon complaints alleging discrimination in employment because of race, religious creed, color, national origin or ancestry.

(g) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, examine any person under oath and, in connection therewith, to require the production of any books or papers relating to any matter under investigation or in question before the commission.

(h) To create such advisory agencies and conciliation councils, local or otherwise, as in its judgment will aid in effectuating the purposes of this part, and may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of race, religious creed, color, national origin, or ancestry, and to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population of the State and to make recommendations to the commission for the development of policies and procedures

in general. Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay.

(i) To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, religious creed, color, national origin, or ancestry.

(j) To render annually to the Governor and biennially to the Legislature a written report of its activities and of its recommendations.

Unlawful employment practices

1420. It shall be an unlawful employment practice, unless based upon a bona fide occupational qualification, or, except where based upon applicable security regulations established by the United States or the State of California:

(a) For an employer, because of the race, religious creed, color, national origin, or ancestry of any person, to refuse to hire or employ him or to bar or to discharge from employment such person, or to discriminate against such person in compensation or in terms, conditions or privileges of employment.

(b) For a labor organization, because of the race, religious creed, color, national origin, or ancestry of any person, to exclude, expel or restrict from its membership such person, or to provide only second-class or segregated membership or to discriminate in any way against any of its members or against any employer or against any person employed by an employer.

(c) For any employer or employment agency to print or circulate or cause to be printed or circulated any publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, religious creed, color, national origin, or ancestry or any intent to make any such limitation, specification or discrimination.

(d) For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he has opposed any practices forbidden under this act or because he has filed a complaint, testified or assisted in any proceeding under this part.

(e) For any person to aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under this part, or to attempt to do so.

Investigation conciliation, etc.

1421. The commission is empowered to prevent unlawful employment practices. When it shall appear to it that an unlawful employment practice may have been committed, the chairman of the commission shall designate one of the commissioners to make, with the assistance of the commission's staff, prompt investigation in connection therewith. If such commissioner determines after such investigation that further action is warranted, he shall immediately endeavor to eliminate the unlawful employment practice complained of by conference, conciliation and persuasion. The members of the com-

mission and its staff shall not disclose what has transpired in the course of such endeavors.

Every member of the commission or its staff who discloses information in violation of the requirements of this section is guilty of a misdemeanor. Such disclosure by an employee subject to civil service shall be cause for disciplinary action under the State Civil Service Act.

Complaint

1422. Any person claiming to be aggrieved by an alleged unlawful employment practice may file with the commission a verified complaint in writing which shall state the name and address of the person, employer, labor organization or employment agency alleged to have committed the unlawful employment practice complained of and which shall set forth the particulars thereof and contain such other information as may be required by the commission. The Attorney General may, in like manner, make, sign and file such complaint. Any employer whose employees, or some of them, refuse or threaten to refuse to co-operate with the provisions of this part may file with the commission a verified complaint asking for assistance by conciliation or other remedial action.

No complaint may be filed after the expiration of one year from the date upon which the alleged unlawful employment practice or refusal to co-operate occurred; except that this period may be extended for not to exceed 90 days following the expiration of that year, if a person allegedly aggrieved by an unlawful employment practice first obtained knowledge of the facts of the alleged unlawful employment practice after the expiration of one year from the date of their occurrence.

Accusation

1423. After the filing of any accusation, an investigation shall be made and an attempt to eliminate such practice shall be made as provided in Section 1421 unless such attempt has previously been made.

In case of failure to eliminate such practice, or in advance thereof if in the judgment of the commissioner making the investigation, circumstances warrant, the latter shall cause to be issued and served in the name of the commission, a written accusation, together with a copy of such complaint, as the same may have been amended, requiring the person, employer, labor organization or employment agency named in such accusation, hereinafter referred to as "respondent," to answer the charges of such accusation at a hearing.

Hearing

1424. Hearings held under the provision of this part shall be conducted, as nearly as practicable, in accordance with the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code, and the commission shall have all the powers granted therein.

Presentation of case, etc

1425. The case in support of the accusation shall be presented before the commission by one of its attorneys or agents, and the commissioner who shall have previously made the investigation and caused the notice to be issued shall not participate in the hearing except as a witness, nor shall he partic-

ipate in the deliberations of the commission in such case; and the aforesaid endeavors at conciliation shall not be received in evidence.

Findings, order

1426. If the commission finds that a respondent has engaged in any unlawful employment practice as defined in this part, the commission shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful employment practice and to take such affirmative action, including (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay, or restoration to membership in any respondent labor organization, as, in the judgment of the commission, will effectuate the purposes of this part, and including a requirement for report of the manner of compliance. If the commission finds that a respondent has not engaged in any such unlawful employment practice, the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the said accusation as to such respondent. A copy of its order shall be delivered in all cases to the Attorney General, and such other public officers as the commission deems proper.

Any order issued by the commission shall have printed on its face references to the provisions of the Administrative Procedure Act which prescribe the rights of appeal of any party to the proceeding to whose position the order is adverse.

Rules of practice

1427. The commission shall establish rules of practice not inconsistent with law to govern the foregoing procedure and its own actions thereunder.

Judicial review

1428. Every final order or decision of the commission is subject to judicial review in accordance with law.

Action for injunction

1429. Whenever the commission believes, on the basis of evidence presented to it, that any person is violating or is about to violate any final order or decision issued by it pursuant to this part, the commission may bring an action in the Superior Court of the State of California against such person to enjoin him from continuing the violation or engaging therein or in doing anything in furtherance thereof. In such action an order or judgment may be entered awarding such temporary restraining order or such preliminary or final injunction as may be proper.

Interference, violation of order

1430. Any person who shall willfully resist, prevent, impede or interfere with any member of the commission or any of its agents or agencies in the performance of duties pursuant to this part, or who shall in any manner willfully violate an order of the commission, shall be guilty of a misdemeanor, punishable by imprisonment in a county jail, not exceeding six (6) months, or by a fine not exceeding five hundred dollars ($500), or both.

Saving clause

1431. The provisions of this part shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this act shall be deemed to repeal any of the provi-

sions of the Civil Rights Law or of any other law of this State relating to discrimination because of race, religious creed, color, national origin or ancestry.

Nothing contained in this act shall be deemed to repeal or affect the provisions of any ordinance relating to such discrimination in effect in any city, city and county, or county at the time this act becomes effective, insofar as proceedings theretofore commenced under such ordinance or ordinances remain pending and undetermined. The respective administrative bodies then vested with the power and authority to enforce such ordinance or ordinances shall continue to have such power and authority, with no ouster or impairment of jurisdiction, until such pending proceedings are completed, but in no event beyond one year after the effective date of this act.

Severability clause

1432. If any clause, sentence, paragraph, or part of this part or the application thereof to any person or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this part and the application thereof to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved.

SEC. 2. Section 56 of said code is amended to read:

Divisions of department

56. The work of the department shall be divided into at least nine divisions known as the Division of Industrial Accidents, the Division of Industrial Safety, the Division of Housing, the Division of Labor Law Enforcement, the Division of Fair Employment Practices, the Division of Industrial Welfare, the Division of Labor Statistics and Research, the Division of Apprenticeship Standards, and the State Compensation Insurance Fund.

CHAPTER 122

An act to add Section 1073 to the Civil Code and to add Section 109 to the Probate Code, relating to a grant, devise or bequest to a grantor's or testator's own heirs or next of kin.

[Approved by Governor April 17, 1959. Filed with Secretary of State April 17, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1073 is added to the Civil Code, to read:

Conveyance to grantor's heirs

1073. The law of this State does not include (1) the common law rule of worthier title that a grantor cannot convey an interest to his own heirs or (2) a presumption or rule of interpretation that a grantor does not intend, by a grant to his own heirs or next of kin, to transfer an interest to them. The

meaning of a grant of a legal or equitable interest to a grantor's own heirs or next of kin, however designated, shall be determined by the general rules applicable to the interpretation of grants. This section shall be applied in all cases in which final judgment has not been entered on its effective date.

SEC. 2. Section 109 is added to the Probate Code, to read:

Devise to testator's heirs

109. The law of this State does not include (1) the common law rule of worthier title that a testator cannot devise an interest to his own heirs or (2) a presumption or rule of interpretation that a testator does not intend, by a devise or bequest to his own heirs or next of kin, to transfer an interest to them. The meaning of a devise or bequest of a legal or equitable interest to a testator's own heirs or next of kin, however designated, shall be determined by the general rules applicable to the interpretation of wills. This section shall be applied in all cases in which final judgment has not been entered on its effective date.

Saving clause

SEC. 3 If the application of Section 1073 of the Civil Code or of Section 109 of the Probate Code to any instrument is held invalid, its application to other instruments to which it may validly be applied shall not be affected thereby.

CHAPTER 123

An act to amend Sections 12607 and 12611 of the Business and Professions Code, relating to commodities sold in containers.

In effect September 18, 1959

[Approved by Governor April 17, 1959. Filed with Secretary of State April 17, 1959.]

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

SECTION 1. Section 12607 of the Business and Professions Code is amended to read:

Designation of quantity

12607. The designation of the quantity of the commodity shall be the net amount and shall be expressed in terms of weight, measure or numerical count so that the quantity of the contents so marked shall be the net amount of the commodity in the package or container. Effective January 1, 1960, whenever the quantity is expressed in terms of measure or volume, any such measure or volume declared on the label shall not be greater than the interior displacement of the container. Whenever the quantity of any commodity sold in a nonrigid container is expressed in terms of measure or volume, such measure or volume of such container for such commodity shall be determined in accordance with regulations established by the director. Whenever any commodity is sold in compressed form the container of such commodity may carry a supplemental statement showing the measure or volume of the commodity in uncompressed form. Any letters, figures or nu-

merals used in such supplemental statement shall not be greater in size, or more conspicuously displayed, than the letters, figures or numerals used in the required statement of quantity. The method of determining the measure or volume of the commodity in uncompressed form may be established by regulations of the director. No trademark, brand number, number or numerals in combination or otherwise, shall be used on the side, top or ends of the container which will facilitate deception or misrepresentation.

SEC. 2. Section 12611 of said code is amended to read:

Statement of quantity

12611. The quantity of the contents may be stated in terms of minimum weight, minimum measure or minimum count, but in such cases the actual quantity shall in no instance exceed the stated minimum by more than 10 percent and there shall be no tolerance below the stated minimum, except that the limitation on the actual quantity in excess of stated minimums shall not apply to peat moss, leaf mold, compost, animal manure, mulching materials or similar materials or mixtures thereof, and for such materials the director may, by regulations, establish reasonable permissible maximums.

CHAPTER 124

An act to amend Section 3304 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to discontinuance of elementary schools in unified school districts.

[Approved by Governor April 17, 1959. Filed with Secretary of State April 17, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 3304 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

3304. The governing board of a unified school district established under this chapter (commencing at Section 3001) may discontinue an elementary school by order or resolution unless within 30 days of such order or resolution a petition is filed with the governing board requesting the continuance of the school signed by the parents or guardians of at least 10 or one-third, whichever number is the greater, of children of elementary school age, at the time of the petition. The signature of one parent is sufficient to represent all of the children of such parent. The parents or guardians eligible to sign such petitions shall be residents within the boundaries of the component elementary school district which maintained the school prior to the establishment of the unified school district and shall be qualified electors within such district at the time the petition is filed. If a school is discontinued as herein provided,

the governing board of the unified school district may maintain the building for community and civic center and other lawful purposes.

CHAPTER 125

An act to repeal Sections 1435.4, 1435.5, 1435.6, 1435.7, 1435.8, 1435 9, 1435.10, 1435.11, 1435.12, 1435.13, 1435.14, 1435.15, 1435.16, 1435.17, 1435.18, 1435.19, 1435.22, 1435.24, 1435.25, 1435.26, 1435.27, 1435.28, 1435.29, 1435.30, 1435.31, 1435.33, 1435.37, and 1435 39 of the Probate Code, and to amend Sections 1435.1, 1435.2, 1435.3, and 1529 of said code, and to amend and renumber Sections 1435.20, 1435.21, 1435.23, 1435.32, 1435.34, 1435.35, 1435.36, and 1435.38 of said code, and to add Sections 1435.4, 1435.5, 1435.9, 1435.15, 1435.16, 1435.17, and 1435.18 to said code, and to amend Sections 172, 172a, 1242, and 1243 of the Civil Code, and to add Section 172b to said code, relating to transfer and encumbrance of community and homestead property when a spouse is incompetent.

In effect September 18, 1959

[Approved by Governor April 17, 1959. Filed with Secretary of State April 17, 1959.]

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

SECTION 1. Sections 1435.4, 1435.5, 1435.6, 1435.7, 1435.8, 1435.9, 1435.10, 1435.11, 1435.12, 1435.13, 1435.14, 1435.15, 1435.16, 1435.17, 1435.18, 1435.19, 1435.22, 1435.24, 1435.25, 1435.26, 1435.27, 1435.28, 1435.29, 1435.30, 1435.31, 1435.33, 1435.37, and 1435.39 of the Probate Code are repealed.

Repeals

SEC. 2. Section 1435.1 of the Probate Code is amended to read:

Incompetent spouse. Transfer, etc., of property

1435.1. Where real or personal property or any interest therein or lien or encumbrance thereon is owned by husband and wife as community property or as community property or separate property subject to a homestead, and one or both of the spouses is incompetent, such property, interest, lien, or encumbrance may be sold and conveyed, assigned, transferred or exchanged, conveyed pursuant to any pre-existing contract, encumbered by pledge, deed of trust or mortgage, leased, including a lease for the exploration for and production of oil, gas, minerals or other substances, or unitized or pooled with other property for or in connection with such exploration and production, or assigned, transferred or conveyed, in whole or in part, in compromise, composition or settlement of any indebtedness, demand, or proceeding to which such property may be subject, or any easement therein or thereover conveyed or dedicated, with or without consideration, to the State or any county or municipal corporation or any district or to any person, firm, association, or public or private corporation; all in the manner provided in this chapter, notwithstanding the

provisions of Section 172a, 1242 or 1243 of the Civil Code. Nothing herein is intended to or shall affect the husband's management and control of community personal property unless he is incompetent as hereinafter defined.

SEC. 3. Section 1435.2 of said code is amended to read:

Definitions

1435.2. As used in this chapter the word incompetent shall be construed to include insanity as well as incompetency arising by reason of old age, disease, weakness of mind, physical disability or other cause rendering a person unable, unassisted, properly to manage and take care of his property, and by reason thereof likely to be deceived or imposed upon by artful or designing persons. The word guardian means a guardian or conservator duly appointed by the Superior Court of California.

SEC. 4. Section 1435.3 of said code is amended to read:

Petition

1435.3. The spouse not incompetent, or the guardian of the estate of either incompetent spouse, as such guardian, may petition the court for an order under this chapter. If one spouse is incompetent, proceedings may be taken under this chapter by the competent spouse, as petitioner, without the necessity of appointing a guardian for the incompetent spouse.

SEC. 5. Section 1435.4 is added to said code, to read:

Same: Verification and filing

1435.4. The petition shall be verified and filed in the superior court of the county in which the real property, or some part thereof, or which is subject to the lien or encumbrance affected, is situated, or, if the proceeding affects only personal property other than a lien or encumbrance on real property, in the superior court of the county in which the spouses or either of them reside or in which a guardian for either spouse has been appointed; and shall set forth the following:

(a) The name, age, and residence of both spouses and, if one or both of them has been adjudged incompetent, the fact of such adjudication, otherwise the facts establishing incompetency.

(b) The name of the guardian, if any, and the county in which the guardianship proceeding is pending, and the court number of said proceeding.

(c) The names and addresses of the adult relatives of the incompetent person or persons within the second degree residing in this State, other than a spouse, if such names and addresses are known to the petitioner.

(d) An allegation as to the status of the property described in the petition, whether homestead or community or both.

(e) The estimated value of the property.

(f) A sufficient legal description of the property.

(g) The terms and conditions of the proposed transaction, including the names of all parties thereto.

(h) Such facts, in addition to the incompetency of the spouse or spouses, as may be relied upon to show that the order sought is for the advantage, benefit, or best interests of the spouses or their estates; or for the care and support of either of them, or of their minor child or children, or of such members

of their families as either of them may be legally obligated to support; or to pay taxes, interest or other encumbrances and charges for the protection and preservation of the homestead or the community property.

SEC. 6 Section 1435.5 is added to said code, to read:

Hearing Notice

1435.5. Upon the filing of the petition the clerk shall set the same for hearing by the court and, except as later in this section provided, shall issue a citation directed to the spouse or spouses not petitioning, setting forth the time and place of such hearing. Notice of the hearing shall be given as hereinafter provided. The citation and a copy of the petition shall be personally served on the spouse or spouses not petitioning, whether within or without the State, at least 10 days before the hearing if served within the State, otherwise three weeks before the hearing.

In the event the citation and copy of the petition cannot be personally served on a spouse by reason of inability to ascertain the whereabouts of such spouse, service of the citation may be made by publication pursuant to Section 6064 of the Government Code, and after the same showing as in the case of service of summons and complaint in a civil action in the superior court. No copy of the petition need then be served on such spouse.

Notice of the hearing of the petition shall give the name or names of the incompetent persons, the name of the petitioner and the purpose for which the order is sought, referring to the petition for further particulars, and notifying all interested persons to appear at the time and place mentioned in the notice and show cause, if any they have, why the order should not be made.

If there is a guardian of the estate of a spouse, no citation to such spouse need be issued if a copy of the notice and of the petition be personally served upon such guardian at least 10 days before the hearing. It shall be the duty of such guardian so served to appear and represent the interests of his ward.

A copy of the notice and petition shall be mailed, by the petitioner, by prepaid, first-class mail, at least 10 days before the hearing, to the adult relatives named in the petition at their addresses set forth in the petition.

If there is no guardian of the estate of the incompetent spouse to whom the citation is issued or if such guardian cannot be personally served with the notice and petition, a copy of such notice and petition must be served personally upon the public guardian or public administrator of the county in which the petition was filed or upon his deputy or assistant at least 10 days prior to the hearing and it shall be the duty of such public guardian or administrator to appear and represent the interests of such incompetent spouse. For all such services rendered by the public guardian or administrator he may be allowed a reasonable fee, to be fixed by the court, which fee shall be paid out of the cash proceeds of the transaction or otherwise as the court shall direct.

SEC. 7. Section 1435.20 of said code is amended and renumbered to read:

1435.6. If the alleged incompetent person is a patient in or on leave of absence from a state institution under the jurisdiction of the Department of Mental Hygiene, the petition shall set forth the name of such institution, and a copy of such notice and petition shall be mailed to the Director of Mental Hygiene at his office in Sacramento at least 10 days prior to the hearing, and the director may appear and represent the interests of such incompetent spouse.

Copy to Director of Mental Hygiene

SEC. 8. Section 1435.21 of said code is amended and renumbered to read:

1435.7. If a spouse alleged in the petition to be incompetent has not been so found in proceedings under Division 4 or Division 5 of this code, or thereafter has been restored to capacity as in this code provided, such spouse, if able to attend, must be produced at the hearing. If such spouse is not able to attend by reason of mental or physical condition, the affidavit or certificate of a duly licensed physician, surgeon, or other medical practitioner, or the certificate of the medical superintendent or acting medical superintendent of a state hospital in this State in which such spouse is a patient, shall be prima facie evidence of the facts therein stated as to the inability of the spouse to attend.

Appearance

If such spouse is not represented at the hearing by his guardian, or by the public guardian or public administrator or his deputy or assistant, or by the Director of Mental Hygiene, the court may, in its discretion, appoint a guardian ad litem to represent the interests of such spouse, and he may be allowed a reasonable fee to be fixed by the court and paid out of the cash proceeds of the transaction or otherwise as the court shall direct.

SEC. 9. Section 1435.23 of said code is amended and renumbered to read:

1435.8. If it appears to the court that said property is the homestead or community property of the spouses, and if it also appears that a spouse is or the spouses are then incompetent or has or have been so found under Division 4 or Division 5 of this code and has not or have not been restored to capacity, it shall so adjudge. If it further appears to the court that the petition should be granted it may then so order and authorize the petitioner to do and perform all acts and execute and deliver all papers, documents, and instruments necessary to effectuate the same.

Judgment

SEC. 10. Section 1435 9 is added to said code, to read:

1435.9. The court shall require the petitioner to give a bond conditioned on the duty of the petitioner to account for and apply the proceeds of the transaction to be received by him only as the court may by its order or any subsequent order direct. Such bond, with two or more persons or an authorized surety company as surety, to be approved by the judge if the surety is not an authorized surety company, shall be in such

Bond

sum as the court shall order, which sum shall be not less than twice the value of the personal property, including cash and any note or notes, to be received by said petitioner as determined by the court or, when the bond is given by an authorized surety company, not less than the value of such personal property as so determined. The provisions of Sections 1483, 1483.1, 1483.2, and 1483.3 of this code relating to guardians and the bonds thereof are hereby made applicable to petitioners and the bonds thereof under the provisions of this chapter. The court in its order may, however, for cause shown, reduce or dispense with such bond.

SEC. 11. Section 1435.32 of said code is amended and renumbered to read:

Documents

1435.10. The petitioner shall, upon receipt of the consideration therefor execute, acknowledge, and deliver any necessary instruments or documents as directed, setting forth therein that they are made by authority of the order, and a certified copy of the order must be recorded in the office of the recorder of each county in which is situated any land which, or an encumbrance on which, is affected thereby.

Any sale, conveyance, assignment, transfer, pledge, mortgage, lease, or deed of trust and any instrument or document made in pursuance of such order is as valid and effectual as if the property affected thereby was the sole and absolute property of the person making such sale or executing such instrument.

SEC. 12. Section 1435.34 of said code is amended and renumbered to read:

Liability of guardian

1435.11. Any note or notes, pledges, mortgages, leases or deeds of trust so executed by a petitioning guardian as such, shall create no personal liability against the guardian so signing, unless said guardian is one of the spouses and then only to the extent that such personal liability would have resulted had both spouses been competent and joined in such execution.

SEC. 13. Section 1435.35 of said code is amended and renumbered to read:

Notes, etc.

1435.12. If a sale is made upon a credit in pursuance of the order, the petitioner must take the note or notes of the person to whom the sale is made for the amount of the unpaid balance of the purchase money, with such security for payment thereof as the court shall by order approve. Such note or notes shall be made payable to the petitioner or if his petition was made as guardian, then made payable to him as such guardian.

The proceeds, rents, issues and profits of community property dealt with or disposed of under the provisions of this chapter, and any property taken in exchange therefor, shall be community property; and the proceeds of sale of homestead property and any property taken in exchange therefor, or acquired with such proceeds with court approval, shall enjoy the exemptions prescribed in Sections 1265 and 1265a of the Civil Code; provided, in the case of property so taken or acquired,

the declaration required by said Section 1265a is made by the petitioner, with leave of court.

SEC. 14. Section 1435.36 of said code is amended and renumbered to read:

Change of order

1435.13. If, after the authorization of any transaction under this chapter, any person to such transaction, other than the petitioner, neglects or refuses to consummate such transaction, the court, after such notice to such other party as the court on application of the petitioner shall direct, may vacate the order authorizing such transaction. In the event the original order provided for the sale or encumbering of any real or personal property, any other sale or encumbrance found by the court to be to the advantage, benefit or best interests of the spouses may be authorized by the court upon a verified supplemental petition copies of which shall have been served on the same persons and at the same time and in the same manner as the original application, except that no further citation need be issued.

SEC. 15. Section 1435.38 of said code is amended and renumbered to read:

Restoration to capacity

1435.14. Any person who has been found to be incompetent in proceedings under this chapter and is not then the subject of pending proceedings under any other chapter of this code, or any relative or friend of such person, may at any time apply by a verified petition filed in the same proceeding to have the fact of his restoration to capacity judicially determined. Such petition shall allege that such person is then sane or competent. The court, in proceedings under this chapter, shall retain jurisdiction to hear and determine any such petition. The proceedings upon such petition shall be as prescribed in Sections 1471 and 1472 of this code. Any adjudication of restoration to capacity shall not prejudice or affect anything theretofore lawfully done pursuant to and in accordance with any prior order made under the provisions of this chapter.

SEC. 16. Section 1435 15 is added to said code, to read:

Jurisdiction

1435.15. As an alternative to the procedure elsewhere in this chapter prescribed, where there is a guardian of the respective estates of one or both of the spouses, the court having jurisdiction of the or either such estate shall for the purposes of administration under Section 1435.16 or 1435.17 have jurisdiction to determine the validity of the homestead and whether or not specific property is in fact community property or the separate property of one or both of the spouses, and thereafter to authorize the guardian or guardians to deal with or dispose of such homestead or community property or consent to such dealing therewith or disposition thereof, in the manner hereinafter provided.

SEC. 17. Section 1435.16 is added to said code, to read:

Homestead property

1435.16. (a) Where homestead property is community property or the separate property of the husband of whose estate the guardian has been appointed and the wife, being

competent, consents thereto in writing, such homestead property may be included in and dealt with and disposed of as a part of the guardianship estate, but the wife must join in any such dealing therewith or disposition thereof.

(b) Where homestead property is the separate property of the wife and there is a guardian of the estate of the husband, the wife, being competent, may deal with or dispose of the homestead property as fully as though no homestead existed thereon provided the guardian of the estate of the husband join therein, being first thereunto duly authorized by order of court under Section 1516 of this code. Where there is a guardian of the estate of the wife, such homestead property may be included in and dealt with and disposed of as a part of the guardianship estate, but the husband, being competent, must join in any such dealing therewith or disposition thereof.

(c) Where there are guardians of the respective estates of both husband and wife, the homestead property, if community property or the separate property of the husband, may be included in and dealt with and disposed of as a part of his guardianship estate or, if the separate property of the wife, then as a part of her guardianship estate; but the guardian of the estate of the other spouse must join in any such dealing therewith or disposition thereof, being first thereunto duly authorized by an order of court under Section 1516 of this code. If the homestead property is the separate property of both spouses as joint tenants, tenants in common, or otherwise, the respective interests of each may be included in and dealt with or disposed of as a part of their respective guardianship estates but both guardians must concur therein under appropriate orders of court.

The court, on petition of the guardian of either estate or of the competent spouse, with such notice to the other as the court shall prescribe, may authorize the investment of the proceeds in another home for the spouses, to be held by the same tenure as the homestead property so sold or exchanged. The proceeds of the sale of homestead property and any property taken in exchange therefor or acquired with such proceeds shall enjoy the exemptions prescribed in Sections 1265 and 1265a of the Civil Code; provided, in the case of property so taken or acquired the declaration required by Section 1265a is made by the petitioner with leave of court.

SEC. 18. Section 1435.17 is added to said code, to read:

Guardianship estates

1435.17. (a) Where there is a guardian of the estate of the husband, and the wife, being competent, consents thereto in writing, such community property may be included in and dealt with or disposed of as a part of the guardianship estate of the husband. The wife must join in any such dealing with or disposition of community real property.

(b) Where there is a guardian of the estate of the wife, the husband, being competent, has the management, control and disposition thereof but, in lieu of the joinder of the wife required by Section 172a of the Civil Code, the guardian of her

estate must join therein, being first thereunto duly authorized by an order of court under Section 1516 of this code.

(c) Where there are guardians of the respective estates of both husband and wife, an undivided one-half interest in such community property may be included in and dealt with and disposed of as a part of the guardianship estate of the husband and an undivided one-half interest therein as a part of the guardianship estate of the wife, but both guardians must concur therein under appropriate orders of court.

Proceedings under this section shall not alter the character of the property or the proceeds, rents, issues or profits thereof, or the rights of the respective spouses therein save as herein expressly provided with respect to the procedure for the management and disposition thereof.

SEC. 19. Section 1435.18 is added to said code, to read:

Conservators

1435.18. Where in this chapter reference is made to a guardian, guardianship estate, or the court having jurisdiction of such estate, such reference shall be deemed to include a conservator, conservatorship estate, and the court having jurisdiction of the estate of the conservatee; and, in the event of a conservatorship, reference in Section 1435.16 or 1435.17 to Section 1516 of this code shall be deemed to refer to Section 1860 of this code.

SEC. 20. Section 1529 of said code is amended to read:

Homestead and community property

1529. The provisions of this chapter and Chapter 4 (commencing with Section 1851) of Division 5 shall apply to property owned by husband and wife as community property or owned by husband and wife or either of them which is subject to a homestead only to the extent authorized by Chapter 2A (commencing with Section 1435.1) of Division 4 of this code.

SEC. 21. Section 172 of the Civil Code is amended to read:

Husband's control of community property

172. Except as provided in Section 172b, the husband has the management and control of the community personal property, with like absolute power of disposition, other than testamentary, as he has of his separate estate; provided, however, that he cannot make a gift of such community personal property, or dispose of the same without a valuable consideration, or sell, convey, or encumber the furniture, furnishings, or fittings of the home, or the clothing or wearing apparel of the wife or minor children that is community, without the written consent of the wife.

SEC. 22. Section 172a of said code is amended to read:

Same

172a. Except as provided in Section 172b, the husband has the management and control of the community real property, but the wife, either personally or by duly authorized agent, must join with him in executing any instrument by which such community real property or any interest therein is leased for a longer period than one year, or is sold, conveyed, or encumbered; provided, however, that nothing herein contained shall be construed to apply to a lease, mortgage, conveyance, or transfer of real property or of any interest in real property between husband and wife; provided, also, however,

that the sole lease, contract, mortgage or deed of the husband, holding the record title to community real property, to a lessee, purchaser or encumbrancer, in good faith without knowledge of the marriage relation shall be presumed to be valid. No action to avoid any instrument mentioned in this section, affecting any property standing of record in the name of the husband alone, executed by the husband alone, shall be commenced after the expiration of one year from the filing for record of such instrument in the recorder's office in the county in which the land is situate, and no action to avoid any instrument mentioned in this section, affecting any property standing of record in the name of the husband alone, which was executed by the husband alone and filed for record prior to the time this act takes effect, in the recorder's office in the county in which the land is situate, shall be commenced after the expiration of one year from the date on which this act takes effect.

SEC. 23. Section 172b is added to said code, to read:

Incompetent spouse

172b. Where one or both of the spouses is incompetent, the procedure for dealing with and disposing of community property is prescribed in Chapter 2A (commencing with Section 1435.1) of Division 4 of the Probate Code.

SEC 24. Section 1242 of said code is amended to read:

Conveyance of homestead

1242. Except as provided in Chapter 2A (commencing with Section 1435.1) of Division 4 of the Probate Code where one or more spouses is incompetent, the homestead of a married person cannot be conveyed or encumbered unless the instrument by which it is conveyed or encumbered is executed and acknowledged by both husband and wife or unless each spouse executes and acknowledges a separate instrument so conveying or encumbering the homestead in favor of the same party or his successor in interest; provided, however, that a conveyance of the homestead between husband and wife need be executed and acknowledged only by the spouse conveying, and unless the one conveying expressly reserves his homestead rights, the spouse to whom the conveyance is made may convey or encumber the homestead property in the same manner and to the same extent as though no homestead had been declared.

SEC. 25. Section 1243 of said code is amended to read:

Abandonment of homestead

1243. Except as provided in Chapter 2A (commencing with Section 1435.1) of Division 4 of the Probate Code where one or both spouses are incompetent, a homestead can be abandoned only by a declaration of abandonment, or a grant thereof as provided by Section 1242, executed and acknowledged:

1. By the husband and wife, jointly or by separate instruments, if the claimant is married;

2. By the claimant, if unmarried.

CHAPTER 126

An act to amend Sections 8514, 8562, 8564, 8565, 8566, and 8651 of the Business and Professions Code, relating to structural pest control.

[Approved by Governor April 17, 1959. Filed with Secretary of State April 17, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 8514 of the Business and Professions Code is amended to read:

Contracts by restricted licensee

8514. Notwithstanding any provision of this chapter, after an inspection has been made a licensee who holds a branch license for the control of household pests, or wood destroying pests or organisms, but whose branch license restricts the method of eradication or control permitted, may recommend and enter into a contract for the eradication or control of pests within the scope of his branch license, provided he subcontracts in writing the actual performance of the work to a licensee who holds a branch license authorizing the particular method to be used.

A licensee may in writing subcontract any pest control work for which he is licensed in any branch or branches to a licensee holding a valid branch license to do such work.

Nothing herein contained shall permit or authorize any licensee to perform, attempt to perform, advertise or hold out to the public or to any person that he is authorized, qualified or licensed to perform, pest control work in any branch, or by any method, for which he is not licensed.

Subcontracting of work, as permitted herein, shall not relieve the prime contractor or the subcontractor from responsibility for, or from disciplinary action because of, any act or omission on his part, which would otherwise be a ground for disciplinary action.

SEC. 2. Section 8562 of said code is amended to read:

Application Operator's license

8562. To obtain an original operator's license, an applicant shall submit to the registrar an application in writing containing the statement that the applicant desires the issuance of an operator's license under the terms of this chapter.

The application shall be made on forms prescribed by the board and issued by the registrar in accordance with rules and regulations adopted by the board, and shall contain the following:

(a) The name of the applicant.

(b) If a partnership, the names of all partners and the name of the partner or responsible natural person qualifying for the applicant.

(c) If an association or corporation, the names of all officers and the name of the officer or responsible natural person qualifying for the association or corporation.

(d) The proposed location of place of business and the proposed location of branch offices, if any.

(e) Proof satisfactory to the board that the applicant has had actual experience for a period of not less than the time specified opposite the branches listed below in the employ of a licensed operator in the State of California in the particular branch or branches of pest control for which the applicant desires to be licensed, or the equivalent of such experience:

Branch 1	6 months
Branch 2	1 year
Branch 3	4 years

(f) A designation of the branch or branches for which the application is made.

(g) The fees prescribed by this chapter.

(h) No operator's license shall be issued to a person under 21 years of age or to any copartnership in which such person is a partner or to any corporation of which he is an officer or responsible natural person; provided, however, that if he shall first have had a guardian appointed by a court of competent jurisdiction he can become a partner in a licensed partnership, or an officer or other responsible official in a corporation or association, other than the qualified partner, qualified officer, or qualified responsible natural person.

SEC. 3. Section 8564 of said code is amended to read:

Field representative's license

8564. To obtain an original field representative's license, an applicant shall submit to the registrar an application in writing containing a statement that the applicant desires the issuance of a field representative's license under the terms of this chapter.

The application shall be made on a form prescribed by the board and issued by the registrar in accordance with rules and regulations adopted by the board, and shall contain the following:

(a) The length of time during which the applicant has engaged in any work relating to pest control.

(b) The name and place of business of the person who last employed him.

(c) The name of the person by whom the applicant is employed.

(d) The name of the operator by whom the applicant is to be employed.

(e) A statement from the operator employing the applicant at the time of the application certifying to the honesty, truthfulness and good reputation of the applicant, or if the applicant has not been previously employed by an operator, a statement by two reputable natural persons who have resided in the State of California for at least one year immediately preceding the date of the application and who have known the applicant for at least one year, certifying to the honesty, truthfulness and reputation of the applicant.

(f) The fees prescribed by this chapter.

If the applicant qualifies therefor, the board shall issue to him a license as a field representative in the branch of pest control for which he has qualified.

The board shall not accept any application for a field representative license in Branch 1 unless the applicant submits proof satisfactory to the board that he has had six months' training and experience in the practice of fumigating with poisonous or lethal gases under the immediate supervision of a person licensed to practice fumigating, or the equivalent of such training and experience.

SEC. 4. Section 8565 of said code is amended to read:

Operator's examination

8565. The board shall ascertain by written examination that an applicant for a license as operator is qualified in the use and understanding of all of the following:

(a) The English language, including reading, writing and spelling.

(b) The building and safety laws of the State and any of its political subdivisions, if the branch or branches of pest control for which he is applying, require such knowledge.

(c) The labor laws of the State.

(d) The provisions of this chapter.

(e) Poisonous and other dangerous chemicals used in pest control, if the branch license or licenses for which he is applying, require such knowledge.

(f) The theory and practice of pest control in the branch or branches thereof for which the applicant desires to be licensed.

(g) Such other state laws, safety or health measures, or practices as are reasonably within the scope of structural pest control in the various branches.

SEC. 5. Section 8566 of said code is amended to read:

Field representative's examination

8566. The board shall ascertain by written examination that an applicant for a license as field representative is qualified in the use and understanding of the following:

(a) The safety laws of the State, if the branch or branches of pest control for which he is applying, require such knowledge.

(b) The provisions of this chapter.

(c) Poisonous and other dangerous chemicals used in pest control, if the branch or branches of pest control for which he is applying, require such knowledge.

(d) The theory and practice of pest control in the branch or branches thereof for which the applicant desires to be licensed.

(e) Such other state laws, safety or health measures, or practices as are reasonably within the scope of structural pest control in the various branches.

SEC. 6. Section 8651 of said code is amended to read:

Grounds for disciplinary action

8651. The performing or soliciting of structural pest control work or the inspecting for structural or household pests in branches of pest control other than those for which the operator or field representative is licensed is a ground for disciplinary action.

CHAPTER 127

An act to repeal Section 6558 of the Welfare and Institutions Code, relating to appointment of employees by medical superintendent.

In effect September 18, 1959

[Approved by Governor April 19, 1959. Filed with Secretary of State April 20, 1959.]

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

SECTION 1. Section 6558 of the Welfare and Institutions Code is repealed.

CHAPTER 128

An act to add Section 6868 to the Harbors and Navigation Code, relating to river port districts.

In effect September 18, 1959

[Approved by Governor April 19, 1959. Filed with Secretary of State April 20, 1959.]

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

SECTION 1. Section 6868 is added to the Harbors and Navigation Code, to read:

6868. The board may adopt and carry into effect a contract or contracts of group insurance or a system of group annuities or both for the benefit of such of the officers and employees of the district as accept the same and who have authorized the board to make deductions from their compensation for the payment of a portion of the premium thereon. Contracts of group insurance or systems of group annuities which include benefits to dependents of officers and employees are contracts of group insurance or systems of group annuities for the benefit of officers and employees for the purpose of this section. The board may make such deductions and may pay the remainder of such premiums from any funds of the district not required to be devoted to a specific purpose. The board may pay such portions of the premiums thereon or attributable thereto as it determines to be advisable. The board may arrange or contract for a contract or contracts of group insurance or a system of group annuities or both with any public agency or any insurance company or agent authorized by or pursuant to law to transact such business within this State.

CHAPTER 129

An act to amend Section 639 of the Agricultural Code, relating to milk and dairy products.

In effect September 18, 1959

[Approved by Governor April 19, 1959. Filed with Secretary of State April 20, 1959.]

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

SECTION 1. Section 639 of the Agricultural Code is amended to read:

639. Whipped cream or cream topping is a product packaged and dispensed from a pressurized hermetically sealed container. It shall be made from cream which contains not more than 150,000 bacteria per milliliter with or without added nonfat milk solids, sweetening and harmless edible stabilizer not exceeding one-half of 1 percent. It shall contain not less than 20 percent of milk fat and shall contain not more than 30,000 bacteria per milliliter after pasteurization. It shall be charged with nitrous oxide or other inert harmless gas approved by the director. Harmless flavoring or coloring may be added and the product shall be manufactured and processed in a milk products plant, licensed by the Department of Agriculture. It shall be labeled with the term "whipped cream" or "cream topping" and with the name and address of the manufacturer.

Milk and milk products used in the manufacture of whipped cream or cream topping shall be pasteurized.

CHAPTER 130

An act to amend Sections 375.8, 377.8, and 1118 of the Agricultural Code, relating to New York dressed fowl.

[Approved by Governor April 18, 1959. Filed with Secretary of State April 20, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 375.8 of the Agricultural Code is amended to read:

375.8. The provisions of Section 375.4 shall not apply to New York dressed fowl until November 1, 1963.

New York dressed fowl

SEC. 2. Section 377.8 of said code is amended to read:

377.8. The provisions of Section 377.4 shall not apply to New York dressed fowl until November 1, 1963. Anything in this article to the contrary notwithstanding, any inspection required by this article shall not, as to New York dressed fowl, require or be construed to mean, the evisceration, cutting, or any internal examination thereof.

Same

SEC. 3. Section 1118 of said code is amended to read:

1118. The provisions of Sections 1113 and 1114, except those requiring that poultry, poultry meat, or carcasses be placed in classes and marked to show the class of poultry meat, shall not apply to New York dressed fowl until November 1, 1963.

Same

CHAPTER 131

An act to add Section 13103 to the Fish and Game Code, relating to fish and game funds.

In effect September 18, 1959

[Approved by Governor April 18, 1959. Filed with Secretary of State April 20, 1959.]

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

SECTION 1. Section 13103 is added to the Fish and Game Code, to read:

13103. Expenditures may be made from the Fish and Game Propagation Fund of any county to pay for disposing of carcasses of dead seals and sea lions found on ocean beach areas in the county and such expenditures are declared to be for the protection, conservation, propagation, and preservation of fish, game, mollusks or crustaceans or for the administration and enforcement of laws relating thereto.

CHAPTER 132

An act to amend Section 254.7 of the Revenue and Taxation Code, relating to the welfare exemption, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 18, 1959. Filed with Secretary of State April 20, 1959.]

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

SECTION 1. Section 254.7 of the Revenue and Taxation Code is amended to read:

254.7. Notwithstanding Section 254.5, an affidavit for the welfare exemption for the Fiscal Year 1958-59 may be filed with the assessor until and including May 15, 1959, by any organization which furnishes care, education, treatment, transportation, and other assistance to handicapped persons and which is entitled to claim the exemption for that year in respect to any property owned by it. All other provisions of Section 254.5, other than those relating to the filing date of affidavits, are nevertheless applicable to this section.

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

Some organizations engaged generally in the work of assisting handicapped persons have inadvertently failed to file the required affidavit in support of the welfare exemption applicable to their property for the Fiscal Year 1958-59 and, as a consequence, are now confronted with possible tax obligations which, if met, will substantially impair their ability to func-

tion effectively. This act will remedy the situation by removing the procedural bar to the obtainment of the exemption by such organizations. In doing so, it will fulfill the public policy of the State expressed through such exemption and thereby benefit the people generally.

CHAPTER 133

An act to amend Section 823 of the Penal Code, relating to bail of person arrested on warrant of another county.

[Approved by Governor April 18, 1959. Filed with Secretary of State April 20, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 823 of the Penal Code is amended to read:

823. On taking the bail, the magistrate must certify that fact on the warrant, and deliver the warrant to the officer having charge of the defendant. The magistrate shall issue to defendant a receipt for the undertaking of bail. The officer must then discharge the defendant from arrest, and must, without delay, deliver the warrant to the clerk of the court at which the defendant is required to appear. If the undertaking of bail is in the form of a bond, the magistrate shall forward the bond to the court at which defendant is required to appear. If the undertaking is in the form of cash, the magistrate shall deposit the cash in the county treasury, notifying the county auditor thereof, and the county auditor shall, by warrant, transmit the amount of the undertaking to the court at which the defendant is required to appear. If authorized by the county auditor, the magistrate may deposit the money in a bank account pursuant to Section 68084 of the Government Code, and by check drawn on such bank account transmit the amount of the undertaking to the court at which the defendant is required to appear.

CHAPTER 134

An act to amend Sections 2160.1, 2160.3 and 3044.1 of, and add Section 4160.1 to, the Welfare and Institutions Code, relating to payments to recipients of old age security, aid to needy blind and aid to needy disabled in public medical institutions.

[Approved by Governor April 18, 1959. Filed with Secretary of State April 20, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2160.1 of the Welfare and Institutions Code is amended to read:

Patients or inmates of public institutions: Application

2160.1. Any patient or inmate of a public institution who is not qualified for aid because of the provisions of subsections (h), (i) or (j) of Section 2160 may make application for aid under this chapter and have his application investigated and acted upon without delay, in the same manner as applications of other persons are acted upon, while he is such a patient or inmate, and, if he is otherwise qualified under the terms of this chapter, such application shall be approved. The applicant may remain a patient or inmate of such institution until he receives his first monthly payment, whereupon he shall leave the institution.

SEC. 2. Section 2160.3 of said code is amended to read:

Eligibility, etc.

2160.3. An applicant or recipient who is a patient in a public medical institution and who is otherwise eligible under this chapter is entitled to receive aid.

Notwithstanding any other provision of this chapter payment may be made in behalf of the recipient directly to the public medical institution except for the allowance for personal and incidental needs as provided in the standard of assistance established by the State Social Welfare Board. Wherever it is necessary the county shall assist the recipient to make full use of his personal and incidental needs allowance to obtain items which will add to his comfort and contentment while under care in the public medical institution.

If a person enters the public medical institution as a recipient, payment directly to such institution shall not be made for a period prior to the first calendar month following the expiration of 60 days.

Payment to the institution under this section shall not be made in advance of furnishing the care. If a recipient leaves the institution during the month and remains on aid the full monthly grant shall be paid to the recipient.

SEC. 3. Section 3044.1 of said code is amended to read:

Same

3044.1. An applicant or recipient who is a patient in a public medical institution and who is otherwise eligible under this chapter is entitled to receive aid.

Notwithstanding any other provision of this chapter payment may be made in behalf of the recipient directly to the public medical institution except for the allowance for personal and incidental needs as provided in the standard of assistance established by the State Social Welfare Board. Wherever it is necessary the county shall assist the recipient to make full use of his personal and incidental needs allowance to obtain items which will add to his comfort and contentment while under care in the public medical institution.

If a person enters the public medical institution as a recipient, payment directly to such institution shall not be made for a period prior to the first calendar month following the expiration of 60 days.

Payment to the institution under this section shall not be made in advance of furnishing the care. If a recipient leaves

the institution during the month and remains on aid the full monthly grant shall be paid to the recipient.

SEC. 4. Section 4160.1 is added to the Welfare and Institutions Code, to read:

4160.1. An applicant or recipient who is a patient in a public medical institution who is otherwise eligible under this chapter is entitled to receive aid. Same

Notwithstanding any other provision of this chapter payment may be made in behalf of the recipient directly to the public medical institution except for the allowance for personal and incidental needs as provided in the standard of assistance established by the State Social Welfare Board. Wherever it is necessary the county shall assist the recipient to make full use of his personal and incidental needs allowance to obtain items which will add to his comfort and contentment while under care in the public medical institution.

If a person enters the public medical institution as a recipient, payment directly to such institution shall not be made for a period prior to the first calendar month following the expiration of 60 days.

Payment to the institution under this section shall not be made in advance of furnishing the care. If a recipient leaves the institution during the month and remains on aid the full monthly grant shall be paid to the recipient.

SEC. 5. This act shall become operative October 1, 1959. Operative date

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CHAPTER 135

An act to amend Sections 170 and 171 of the Vehicle Code and to amend Sections 5005 and 5008 of the Vehicle Code as proposed by Assembly Bill No. 5, relating to the fees for issuing special license plates.

[Approved by Governor April 18, 1959. Filed with Secretary of State April 20, 1959.] In effect September 18, 1959

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

SECTION 1. Section 170 of the Vehicle Code is amended to read:

170. Issuance of Special Plates to Amateur Radio Station Licensees. Any person holding an unexpired amateur radio station license, other than a novice station license, issued by the Federal Communications Commission may, at the time he makes application for an original or a renewal registration of a vehicle required to be registered, also apply for special license plates, to be affixed to the vehicle for which registration is sought, on which, in lieu of the numbers otherwise prescribed by law, shall be inscribed the official amateur radio station call letters of such applicant as assigned by the Federal Communications Commission. Special plates Amateur radio station licensees

The director shall provide for the issuance of the special license plates specified in this section upon the applicant's showing of satisfactory proof that he is the holder of such an unexpired license, and may, in addition to the regular registration fee, charge a fee not exceeding three dollars ($3) for each set of special plates when issued and whenever the vehicle or the ownership of the vehicle for which plates are issued, is changed.

The department shall make such rules and regulations as necessary to ascertain compliance with all state license and registration laws relating to use and operation of a motor vehicle before issuing such plates in lieu of the regular license plates, and all applications for such plates shall be made to the department. The department shall not issue more than one set of special plates for any licensed amateur radio station.

The department shall, on or before the first day of August of each year, furnish to the sheriff of each county and the chief of police of each incorporated city in the State an alphabetically arranged list of the names, addresses and license plate letters of each person to whom license plates are issued under the provisions of this section, and it shall be the duty of said sheriffs and chiefs of police to maintain and keep current such lists for public information and inquiry, particularly in relation to public emergencies.

SEC. 2. Section 171 of said code is amended to read:

Press photographers

171. Issuance of Special Plates to Press Photographers. Any person who is regularly employed or engaged as a bona fide newspaper, newsreel, or television photographer or cameraman, may, at the time he makes application for an original or renewal registration of a vehicle required to be registered, also apply for special license plates, to be affixed to the vehicle for which registration is sought, on which, in addition to the numbers otherwise prescribed by law, shall be inscribed the letters "PP" enclosed by a shield.

The director shall provide for the issuance of special license plates specified in this section upon the applicant's showing of satisfactory proof that he is a bona fide newspaper, newsreel, or television photographer or cameraman, and may, in addition to the regular registration fee, charge a fee not exceeding three dollars ($3) for each set of special plates when issued and whenever the vehicle or the ownership of the vehicle for which plates are issued, is changed.

The department shall make such rules and regulations as necessary to ascertain compliance with all state license and registration laws relating to use and operation of a motor vehicle before issuing such plates in lieu of the regular license plates, and all applications for such plates shall be made to the department. The department shall not issue more than one set of such special plates to any person.

SEC. 3. Section 5005 of the Vehicle Code as proposed by Assembly Bill No. 5 is amended to read:

5005. Any person holding an unexpired amateur radio station license, other than a novice station license, issued by the Federal Communications Commission may, at the time he makes application for an original or a renewal registration, also apply directly to the department for special license plates, to be affixed to the vehicle for which registration is sought, on which, in lieu of the numbers otherwise prescribed by law, shall be inscribed the official amateur radio station call letters of the applicant as assigned by the Federal Communications Commission. Amateur radio station licensees

The applicant shall by satisfactory proof show that he is the holder of an unexpired license, and, in addition to the regular registration fee, may be charged a fee not exceeding three dollars ($3) for each set of special plates when issued and whenever the vehicle or the ownership of the vehicle for which plates are issued, is changed.

SEC. 4. Section 5008 of said code is amended to read:

5008. Any person who is regularly employed or engaged as a bona fide newspaper, newsreel, or television photographer or cameraman, may, at the time he makes application for an original or renewal registration of a vehicle required to be registered, also apply for special license plates, to be affixed to the vehicle for which registration is sought, on which, in addition to the numbers otherwise prescribed by law, shall be inscribed the letters "PP" enclosed by a shield. Press photographers

The applicant shall by satisfactory proof show that he is a bona fide newspaper, newsreel, or television photographer or cameraman, and, in addition to the regular registration fee, may be charged a fee not exceeding three dollars ($3) for each set of special plates when issued and whenever the vehicle or the ownership of the vehicle for which plates are issued, is changed.

SEC. 5. Sections 3 and 4 of this act become operative only if the Vehicle Code as proposed by Assembly Bill No. 5 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said code takes effect, at which time Sections 170 and 171 of the Vehicle Code adopted in 1935 are repealed. Effect Stats 1959, Ch 3

CHAPTER 136

An act to amend Section 4160 of the Welfare and Institutions Code, relating to aid to the needy disabled.

[Approved by Governor April 18, 1959. Filed with Secretary of State April 20, 1959.] In effect September 18, 1959

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

SECTION 1. Section 4160 of the Welfare and Institutions Code is amended to read:

4160. Aid shall be granted under this chapter to any needy disabled person who comes within all of the following descriptions:

(a) Who has attained the age of 18 years.

(b) Who is a citizen of the United States or who has resided continuously in the United States since January 1, 1932; provided, that aid shall not be granted to any alien who has been convicted of an overt act against the Government of the United States; provided further, that any noncitizen who applies for aid under this chapter shall submit evidence that he is proceeding diligently within the limits of his ability to qualify for citizenship.

(c) Who resides in the State and has so resided continuously for at least one year immediately preceding the date of application and for at least five years within the nine years immediately preceding the date of application.

(d) Who has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid.

(e) Who is not at the time of receiving such aid a patient in an institution for tuberculosis or mental disease, a patient in a medical institution as the result of a diagnosis of tuberculosis or psychosis, an inmate of a public institution of a custodial (nonmedical), penal, or correctional character, or an inmate of a federal medical institution. Any such inmate or patient, however, may make an application for aid under this chapter and have his application investigated and acted upon without delay, in the same manner as applications of other persons are acted upon, while he is such an inmate or patient, and, if he is otherwise qualified under the terms of this chapter, such application shall be approved. The aid shall be granted to him from the first day of the month in which the determination is made that he is eligible, but in no event shall the aid commence prior to the date of the application. The applicant may remain an inmate or patient until he receives his first monthly payment, whereupon he shall cease to be such inmate or patient.

(f) Who is not receiving adequate support from a husband or wife, or parent, or child able and responsible under the laws of this State to furnish such support.

CHAPTER 137

An act to add Section 2327 to the Business and Professions Code, relating to the practice of medicine.

In effect September 18, 1959

[Approved by Governor April 18, 1959. Filed with Secretary of State April 20, 1959.]

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

SECTION 1. Section 2327 is added to the Business and Professions Code, to read:

2327. Notwithstanding any other provision of this chapter, any person who is licensed to practice medicine in any other state or a foreign country may engage in the practice of medicine in this State upon any participant, official, or other person employed by the organizing committee, while such person is in this State to attend the North American trials to be held from February 21, 1959 to March 3, 1959, and the VIII Olympic Winter Games to be held from February 18, 1960 to February 28, 1960, in Squaw Valley, Placer County, State of California.

This section shall be operative from and including February 1, 1959 to and including March 15, 1959 and from and including February 1, 1960 to and including March 15, 1960.

CHAPTER 138

An act to amend Section 10176 of the Insurance Code, relating to disability insurance policies.

[Approved by Governor April 18, 1959. Filed with Secretary of State April 20, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 10176 of the Insurance Code is amended to read:

10176. In disability insurance the policy may provide for payment of medical, surgical or hospital expenses upon a reimbursement basis, such policy to permit the insured to select the services of any holder of a certificate under Section 2135 of the Business and Professions Code of the State of California authorized by such certificate to perform the particular medical or surgical services covered under the terms of the policy, and provision may be made therein for payment of all or a portion of the amount of the charge for such services without requiring that the insured first pay such expenses.

CHAPTER 139

An act to amend Sections 803, 803.5, 804, 828.45, and 829.2 of the Agricultural Code, relating to standard containers.

[Approved by Governor April 18, 1959. Filed with Secretary of State April 20, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 803 of the Agricultural Code is amended to read:

803. Fresh peaches shall be mature but not overripe; free from insect injury which has penetrated or damaged the flesh, split pits which are open at the stem end, and from mold,

Peaches

brown rot, and decay, and free from serious damage, due to cuts or skin breaks, growth cracks, bruises, scab, rust, blight, disease, hail, or other causes. Damage to any one peach is not serious unless it causes a waste of 10 percent, by weight, of the individual peach.

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

Packed peaches shall not vary in size between the fruits, in any one container, more than three-eighths of an inch in diameter, when measured through the widest portion of the cross section.

Peaches of the freestone variety shall not be considered mature unless at the time of picking, the flesh breaks free from the pit. In addition the flesh of peaches of the Elberta variety shall be a yellowish color.

All containers of fresh peaches shall bear upon them in plain sight and in plain letters on one outside end: the name of the person who first authorized the packing of the peaches or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer; the name of the variety, if known, and when not known the words "unknown variety"; the size description, when the peaches are packed in the four-basket crate, or the count when wrapped and packed throughout, in straight side containers in uniform layers and rows.

In the case of the four-basket crate the numerical description of the pack in the top layer of the baskets shall be used to designate size. When the count is used to designate the contents of the container a variation of four peaches more or less than the number stated shall be allowed.

Peaches, when packed, shall be in standard containers Numbers 1, 1A, 5, 6, 7, 8, 9, 9A, 9B, 12B, 22D, 25, 26, 27, 27A, or 27B. Containers of peaches placed in molded forms shall be marked with the exact number of peaches placed therein, and may be packed in standard container Number 31. Other size containers may be used if conspicuously marked on the outside of the end which bears any marks intended to describe the contents of such container, in letters not less than one-half inch in height, "irregular container."

SEC. 2 Section 803.5 of said code is amended to read:

Nectarines

803.5. Nectarines shall be mature, but not overripe; free from insect injury which has penetrated or damaged the flesh, split pits which are open at the stem end; and from mold, brown rot, and decay which has affected the edible portion; and free from serious damage due to skin breaks or cuts, growth cracks, bruises, or other causes. Damage to any one nectarine is not serious unless it causes a waste of 10 percent, by weight, of the individual nectarine.

Nectarines shall not be considered mature unless at the time of picking (a) an aggregate area of at least one inch in

diameter of the surface of the individual fruit has broken from green or dark green to a distinct flecking of light green or a light green indicating equivalent maturity, or (b) the shoulders and suture are well developed and filled out.

Except in the case of nectarines affected by split pits which are visible, not more than 10 percent, by count, of the nectarines in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause. In the case of nectarines affected by split pits which are visible, an additional tolerance of not more than 10 percent, by count, of the nectarines in any one container or bulk lot shall be allowed.

Packed nectarines shall not vary in size between the fruits, in any one container, more than three-eighths of an inch in diameter, when measured through the widest portion of the cross section.

All containers of fresh nectarines shall bear upon them in plain sight and in plain letters on one outside end: the name of the person who first authorized the packing of the nectarines or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer; the name of the variety, if known, and when not known the words "unknown variety"; the size description, when the nectarines are packed in the four-basket crate, or the count, when wrapped and packed throughout, in straight side containers in uniform layers and rows.

In the case of the four-basket crate the numerical description of the pack in the top layer of the basket shall be used to designate size. When the count is used to designate the contents of the container a variation of four nectarines more or less than the number stated shall be allowed.

Nectarines, when packed, shall be in standard containers Numbers 1, 1A, 5, 6, 7, 8, 9, 9A, 9B, 12B, 12C, 22B, 22D, 25, 26, 27, or 27A. Containers of nectarines placed in molded forms shall be marked with the exact number of nectarines placed therein, and may be packed in standard container Number 31. Other size containers may be used if conspicuously marked on the outside of the end which bears any marks intended to describe the contents of such container, in letters not less than one-half inch in height, "irregular container."

SEC. 3. Section 804 of said code is amended to read:

804. Fresh pears shall be mature but not overripe, free from codlin moth larvae, mold, decay, black end, unsealed cuts, and skin breaks; and free from serious damage, due to hail, scab or other diseases, hard end, bruises, limb rubs, frost, codlin moth larvae or other insects. Pears

Damage to any one pear is not serious when it is caused by:

(a) Scab, unless the spots cover an aggregate area of more than one-half of an inch in diameter;

(b) Hail damage, unless it affects an aggregate area of more than one-half inch in diameter or is more than one-fourth of an inch in depth;

(c) Codlin moth larvae, unless it causes unhealed stings or holes in any part of the pear. Superficial, well-healed codlin moth stings are not serious;

(d) Thrip mark, blister mite or other superficial blemishes caused by insects, unless more than 10 percent of the surface of the fruit is affected or they cause a depression of more than one-fourth of an inch in depth;

(e) Limb rub, unless it affects an aggregate area of more than three-fourths of an inch in diameter;

(f) Frost, unless the constriction resulting from frost damage affects the shape of the pear and extends around the fruit more than one-half of the circumference;

(g) Other diseases, bruises, or hard end, unless such defects cause a waste of more than 10 percent, by weight, of the individual pear.

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

Pears which fail to meet the requirements of this section only because of the presence of codlin moth larvae, or because of serious damage caused by codlin moth larvae, which cannot be detected by external examination of the pears, shall be considered as complying with this standard, if the pears have been treated at point of origin during preparation and loading and before actual shipment to any market or storage plant, under the supervision of an enforcing officer, according to formulae and under conditions approved by the director and which is known to completely destroy codlin moth in any stage of development in such pears; provided, that the continued identity of the lot is maintained.

Pears which fail to meet the requirements of this section only because of serious damage caused by hail, shall be considered as complying with this standard, if the container in which they are packed or placed is plainly marked, on the outside of one end thereof, in letters not less than one-half inch in height, with the words "hail marked."

Packed pears in any container shall be uniform in size which means in the case of pears which are $2\frac{3}{4}$ inches in diameter or larger, a variation of not more than one-half of one inch in diameter, when measured through the widest portion of the cross-section, between the fruits in any one container and in the case of pears which are smaller than $2\frac{3}{4}$ inches in diameter, a variation of not more than three-eighths of one inch when so measured.

Bartlett pears shall be considered mature when, (1) the average pressure test of not less than 10 representative pears of each commercial size of pears in any lot does not exceed 23 pounds or (2) the soluble solids in a sample of juice from not less than 10 representative pears of each commercial size of pears in any lot is not less than 13 percent or (3) the pears

show a yellowish-green color, as indicated by the color chart prepared by the department.

As to maturity standards for Bartlett pears:

(1) The pressure test shall be determined by means of a fruit pressure tester measuring in pounds the force required to push a rounded plunger five-sixteenths of an inch in diameter into the flesh of the fruit to a depth of five-sixteenths of an inch, after the skin from the areas tested, but little of the underlying flesh, has been removed. Two such determinations are to be made on each specimen selected as a sample and the average of all individual readings from the sample shall be considered as the pressure test of the lot. Pressure test readings shall be made on opposite sides, and approximately at the widest portion of the cross section of the fruit at right angles to the core. Sunburned or very highly colored areas shall be avoided in making pressure tests.

(2) The soluble solids of a sample of juice shall be the percentage reading as shown by a standard refractometer instrument on a composite sample of a small amount of juice obtained from each of the pears in the representative sample selected when such pears are subjected to the method described in subsection (1) of this section.

All containers of pears shall bear upon them in plain sight and in plain letters on one outside end: the name of the person who first authorized the packing of the pears, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer; the name of the variety, if known, and when not known the words "unknown variety"; the size description when the pears are packed in the four-basket crate or the count when wrapped and packed throughout, in straight side containers in uniform layers and rows.

In the case of the four-basket crate the numerical description of the pack in the top layer of the baskets shall be used to designate size. When the count is used to designate the contents of the container a variation of four pears more or less than the number stated shall be allowed.

Pears, when packed, shall be in standard containers Numbers 1A, 19, 20, 26, 27 or 29A. Other size containers may be used if conspicuously marked on the outside of the end which bears any marks intended to describe the contents of such container, in letters not less than one-half inch in height, "Irregular container."

SEC. 4. Section 828.45 of said code is amended to read:

828.45.

28	Special sawdust pack chest	$7\frac{3}{4}$	$14\frac{15}{16}$	$18\frac{5}{8}$
29	Special sawdust pack lug	$7\frac{3}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$
29A	Special lug box	$6\frac{1}{2}$ or $7\frac{3}{16}$	$13\frac{1}{2}$	$20\frac{5}{8}$
30	Special lug box	$8\frac{1}{2}$	14	$22\frac{3}{4}$
30A	Special lug box	$4\frac{7}{8}$	15	$22\frac{1}{8}$
31	Special box	$4\frac{3}{4}$ to $5\frac{1}{4}$	12	$19\frac{3}{4}$

Container Number 29A with an endpiece $7\frac{3}{16}$ inches in depth shall be considered standard only when the inside depth of the container to the top of the sidepieces or slats is $6\frac{1}{2}$ inches and when cleats are not placed on top of the endpieces.

SEC. 5. Section 829.2 of said code is amended to read:

Standard containers

829.2. 7. Fresh peaches, Numbers, 1, 1A, 5, 6, 7, 8, 9, 9A, 9B, 12B, 22D, 25, 26, 27, 27A, or 27B.

7a. Nectarines, Numbers 1, 1A, 5, 6, 7, 8, 9, 9A, 9B, 12B, 12C, 22B, 22D, 25, 26, 27 or 27A.

8. Fresh pears, Numbers 1A, 19, 20, 26, 27 or 29A. Container Number 19 shall be standard only when used with three pads or cushions.

9. Oriental persimmons, Numbers, 6, 7, 8, 13, 14, 15, 16, 17, 18, 22D, 27, 27B or 32.

10. Plums or fresh prunes, Numbers 1, 1A, 5, 6, 7, 8, 9, 9C, 12A, 12B, 14, 15, 16, 17, 18A, 22B, 22D, 23, 24, 25, 26 or 27.

11. "Wonderful" pomegranates, Number 34.

CHAPTER 140

An act to add Chapter 7 (commencing at Section 12900) to Part 6 of Division 6 of the Water Code, relating to development of water resources of the State.

In effect September 18, 1959

[Approved by Governor April 18, 1959. Filed with Secretary of State April 20, 1959.]

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

SECTION 1. Chapter 7 (commencing at Section 12900) is added to Part 6 of Division 6 of the Water Code, to read:

CHAPTER 7. CALIFORNIA WATER FUND

Article 1. General Provisions

Short title

12900. This chapter shall be known and may be cited as the California Water Fund Law of 1959.

Definitions

12901. As used in this chapter:

(a) "Project" means any project constructed by the State, or by the State in co-operation with the Federal Government, for the development, utilization, and distribution of the water resources of the State, including all necessary or convenient property, works, and facilities.

(b) "Fund" means the California Water Fund.

Article 2. The California Water Fund

Fund: Created

12910. The California Water Fund is created as a special fund in the State Treasury, the moneys, securities, and increment of which shall be held by the State Treasurer and shall

be expended upon projects when appropriated by the Legislature.

12911. The Investment Fund in the State Treasury is hereby abolished. Upon the effective date of this chapter, the Controller shall transfer all resources of the Investment Fund to the California Water Fund. All references in any law to the Investment Fund shall hereafter be deemed to refer to the California Water Fund. Transfers from Investment Fund

12912. There shall be deposited in the California Water Fund: Deposits

(a) All resources of the Investment Fund.

(b) All receipts and revenues of any type and nature derived from any project constructed, operated, or maintained in whole or in part from the fund, except such receipts and revenues which are necessary to pay the costs of operation, maintenance, replacement, and debt service in connection with the project, and all receipts and revenues of any type or nature derived by the State from joint-use projects between the State and the Federal Government, except such receipts and revenues which are necessary to pay the costs of operation, maintenance, replacement and debt service, in connection with any such project.

(c) Such moneys in other funds which the Legislature may hereafter direct the Controller to transfer to the fund.

(d) All revenues received by the State pursuant to the provisions of Chapter 29, Statutes of 1956, First Extraordinary Session, and any moneys required to be transferred from the State Lands Act Fund to the Investment Fund pursuant to the provisions of subparagraph 2 of subdivision (c) of Section 6816 of the Public Resources Code.

(e) All money from any state bond issue authorized and sold for the purposes of this chapter.

(f) All other funds made available solely for the purposes of this chapter by gift or any other means.

(g) All income derived from the investment of moneys that are in the fund.

12913. The Director of Finance shall cause all moneys in the fund which are in excess of current requirements to be invested and reinvested from time to time in securities described in Section 16430 of the Government Code, and such securities may be sold or exchanged if in his opinion such sale or exchange is in the best interests of the State in effectuating the purposes of this chapter. All income derived from such investment, reinvestment, sale, or exchange shall be credited to the fund. Investment

12914. All of the assets in the fund shall be retained in the State Treasury in the fund and shall not be expended except upon appropriations made by the Legislature. Retention of assets

12915. To the extent the provisions of this chapter are inconsistent or in conflict with any of those provisions of Part 3 (commencing at Section 11100) of Division 6, the provisions of this chapter shall prevail. Conflict clause

CHAPTER 141

An act to amend Sections 103.4, 118, and 118.2 of, and to amend the chapter heading of Chapter 3 (commencing with Section 3400) of Part 1 of Division 5 of, the Welfare and Institutions Code, relating to aid to the blind.

In effect September 18, 1959

[Approved by Governor April 18, 1959. Filed with Secretary of State April 20, 1959.]

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

SECTION 1. Section 103.4 of the Welfare and Institutions Code is amended to read:

One-year absence from State

103.4. For the purposes of the provisions of this code relating to public assistance, including but not limited to aid to the aged, aid to needy children, aid to the needy disabled, aid to needy blind, and aid to potentially self-supporting blind residents, the continued absence of a recipient of public assistance from this State for a period of one year or longer shall be prima facie evidence of the intent of the recipient to have changed his residence to a place outside this State. The county granting the aid shall make inquiry from such persons as to their intent to remain residents of California or to become residents of another state, and shall redetermine the residence of such persons for purposes of this chapter. In any case where the inquiry made under this section establishes that the recipient is no longer a resident of this State, his aid shall be terminated immediately.

SEC. 2. Section 118 of said code is amended to read:

Confidential records

118. Except as otherwise provided in this section, all applications and records concerning any individual made or kept by any public officer or agency in connection with the administration of any provision of this code relating to any form of public assistance for which grants-in-aid are received by this State from the United States Government shall be confidential, and shall not be open to examination for any purpose not directly connected with the administration of such provision of this code; provided, however, any agency having custody of such records may make the disbursement records available to the district attorney upon his request. The information thus obtained shall be made available to the district attorney for the official conduct of his agency and shall not be used for any other purpose.

Except as otherwise provided in this section, no person shall publish or disclose or permit or cause to be published or disclosed any list of persons receiving any such public assistance. Except for purposes directly connected with the administration of such public assistance, no person shall publish, disclose, or use or permit or cause to be published, disclosed, or used any confidential information pertaining to an applicant or recipient. Any violation of this section is a misdemeanor.

The State Department of Social Welfare may make rules and regulations governing the custody, use and preservation of all records, papers, files and communications pertaining to the administration of the public assistance laws. The rules and regulations shall be binding on all departments, officials and employees of the State, or of any political subdivision of the State and may provide for giving information to or exchanging information with public agencies or private social welfare or health agencies for their use in relation to cases in which such agencies, as a part of their usual duties, are making social investigations for the purpose of rendering social services, and for making case records available for research purposes; provided, that such research will not result in the disclosure of the identity of applicants for public assistance.

Any person, including every public officer and employee, who knowingly secures, or possesses, other than in the course of official duty, an official list or a list compiled from official sources, published or disclosed in violation of this section, of persons who have applied for or who have been granted any form of public assistance for which state assistance is made available to the counties of the State, including but not limited to aid to the aged, aid to needy children, aid to needy blind, and aid to potentially self-supporting blind residents, is guilty of a misdemeanor.

SEC. 3. Section 118.2 of said code is amended to read:

Warrants indicative of aid, etc

118.2. Notwithstanding any provisions of Sections 29800 and 29805 of the Government Code, warrants payable to recipients of old age security, aid to the needy blind, aid to the needy disabled, aid to potentially self-supporting blind residents, or aid to needy children shall not include any word or abbreviation indicative of aid, assistance, charity, needy, support, or welfare. Nothing in this section prohibits the use of code numbers or other code symbols used and understood by county officers and agencies to identify the purpose and liability for which such warrants are drawn, if such code numbers or other code symbols are not generally so understood by the public.

The State Board of Social Welfare may make such rules and regulations concerning the contents of such warrants as may be necessary to carry out the provisions of this section.

SEC. 4. The chapter heading of Chapter 3 (commencing with Section 3400) of Part 1 of Division 5 of said code is amended to read:

CHAPTER 3. AID TO POTENTIALLY SELF-SUPPORTING BLIND RESIDENTS

CHAPTER 142

An act to add Section 614.4 to the Agricultural Code, relating to milk and dairy products.

In effect September 18, 1959

[Approved by Governor April 18, 1959. Filed with Secretary of State April 20, 1959.]

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

SECTION 1. Section 614.4 is added to the Agricultural Code, to read:

614.4. (a) "Cream cheese with other foods" is a class of foods each of which is prepared by mixing, with or without the aid of heat. It consists of cream cheese with one or a mixture of two or more properly prepared foods (except other cheeses) such as fresh, cooked, canned, or dried fruits or vegetables; cooked or canned meats; relishes, pickles, or other foods suitable for blending with cream cheese. The amount of the added food or foods must be sufficient to so differentiate the mixture that it does not simulate cream cheese. The mixture may also contain:

(1) One or any mixture of two or more of the following optional ingredients: gum karaya, gum tragacanth, carob bean gum, gelatin, guar gum, carboxymethylcellulose, carrageen, oat gum, algin (sodium alginate), algin derivative (propylene glycol ester of alginic acid). The total quantity of any such substances, including that contained in the cream cheese, shall not be more than 0.8 percent by weight of the finished product.

(2) Artificial coloring, unless such addition conceals damage or inferiority or makes the finished food appear better or of greater value.

(b) No water other than that contained in the added food ingredient shall be used, but the moisture content of the mixture in no case shall be more than 60 percent. The milk fat shall be not less than 33 percent of the percent by weight of the cream cheese used, but in no case shall it be less than 27 percent of the finished food.

(c) The name of the food is "cream cheese with_____" or "cream cheese and _____," the blank being filled with the common names of the foods added, in order of predominance by weight.

(d) The label shall bear the name of the optional water-retaining ingredients used, except that carob bean gum, gum karaya, gum tragacanth, guar gum, and oat gum or mixtures of these may be named as "vegetable gum" or "vegetable gums," as the case may be.

(e) If artificial coloring is used, the label shall bear the statement "artificially colored," except that if the food added to the cream cheese is the only portion artificially colored, the label shall bear the statement "_____ artificially colored," the blank being filled in with the name or names of the food so colored.

(f) The name of the food shall appear on the label so conspicuously as to be easily seen under customary conditions of purchase, and the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

CHAPTER 143

An act to add Section 614.5 to the Agricultural Code, relating to milk and dairy products.

[Approved by Governor April 18, 1959. Filed with Secretary of State April 20, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 614.5 is added to the Agricultural Code, to read:

614.5. (a) "Pasteurized Neufchatel cheese spread with other foods" is a class of foods each of which is prepared by mixing, with aid of heat. It consists of Neufchatel cheese with one or a mixture of two or more properly prepared foods (except other cheese) such as fresh, cooked, canned, or dried fruits or vegetables; cooked or canned meats; relishes, pickles, or other foods suitable for blending with Neufchatel cheese. It may contain one or any mixture of two or more of the optional ingredients named in subsection (b) of this section. The amount of the added food or foods must be sufficient to so differentiate the blend that it does not simulate Neufchatel cheese. It must be spreadable at 70 degrees Fahrenheit.

(1) During its preparation the mixture must be heated for not less than 30 seconds at a temperature of not less than 150 degrees Fahrenheit.

(2) No water other than that contained in the ingredients used shall be added to this food, but the moisture in no case shall be more than 65 percent.

(3) The milk fat shall be not less than 20 percent by weight of the finished product.

(b) The optional ingredients referred to in subsection (a) of this section are:

(1) One or any mixture of two or more of the following: gum karaya, gum tragacanth, carob bean gum, gelatin, algin (sodium alginate), algin derivative (propylene glycol ester of alginic acid), guar gum, carboxymethylcellulose, carrageen, and oat gum. The total quantity of any such substances, including that contained in the Neufchatel cheese, shall be not more than 0.8 percent by weight of the finished food.

(2) Artificial coloring, unless such addition conceals damage or inferiority or makes the finished food appear better or of greater value.

(3) An acidifying agent consisting of one or a mixture of two or more of the following: an edible grade of a vinegar, acetic acid, lactic acid, citric acid or phosphoric acid.

(4) A sweetening agent consisting of one or a mixture of two or more of the following: sugar, dextrose, maltose, corn sirup, corn sirup solids, malt sirup or hydrolized lactose.

(5) Cream, milk, skim milk, cheese whey or any mixture of two or more of these, or any of the foregoing from which part of the water has been removed, and albumin from cheese whey.

(c) The name of the food shall be "pasteurized Neufchatel cheese spread with _____" or "pasteurized Neufchatel cheese spread and _____," the blank being filled with the common names of the foods added, in order of predominance by weight.

(d) The label shall bear the names of any of the optional ingredients designated in subsection (b) of this section, except carob bean gum, gum karaya, gum tragacanth, gum guar, and the oat gum or mixtures of these may be referred to as "vegetable gum" or "vegetable gums," as the case may be.

(e) If artificial coloring is used, the label shall bear the statement "artificially colored," except that if the food added to the Neufchatel cheese is the only portion artificially colored, the label shall bear the statement "_____ artificially colored," the blank being filled in with the name or names of the foods so colored.

(f) If an optional acidifying agent is used so that the pH of the finished food is less than 4.2, there shall appear after its name the words "chemical preservative." In case vinegar is the only acidifying agent added, it shall be considered to be acetic acid when the pH of the finished food is less than 4.2. In case vinegar and other acidifying agents are used and the pH of the finished food is less than 4.2, only the name or names of the acidifying agents other than vinegar shall be followed by the statement "a chemical preservative."

(g) The name of the food shall appear on the label so conspicuously as to be easily seen under customary conditions of purchase and the words and statements herein specified showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

CHAPTER 144

An act to amend Section 620 of the Agricultural Code, relating to cheese.

[Approved by Governor April 18, 1959. Filed with Secretary of State April 20, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 620 of the Agricultural Code is amended to read:

620. (a) All cheese sold in California, except that which is cut and wrapped into individual consumers packages or that which is defined in Sections 613 to 616.2, inclusive, must be labeled at the milk products plant where manufactured to indicate the variety, the milk products plant number, state of origin, date upon which the cheese was manufactured if made from raw milk and if made from part skim milk or from skim milk, with the words "part skim" or "skim," as the case may be. Pasteurized cheese or cheese made from pasteurized milk or pasteurized products thereof must be labeled to indicate that it is pasteurized or made from pasteurized products. Cheese manufactured in any state where milk products plant numbers are not assigned shall be labeled with the name and address of the milk products plant where manufactured.

(b) All cheese which has been coated or treated in such a manner as to cover or conceal the original labels shall, before being offered for sale to retail establishments, be relabeled in a legible manner to indicate the milk products plant number or the name and address of the manufacturer or distributor, state of origin, the variety and with the words "part skim" or "skim," as the case may be, when made from part skim milk or from skim milk.

(c) All cheese cut and wrapped or packaged into individual consumers package must be labeled to indicate that it is pasteurized or made from pasteurized products or that it has been cured for at least 60 days, the variety, and the name and address of the manufacturer or distributor. All cheese sold in such individual consumers package, except cottage cheese, must be labeled with the words "part skim" or "skim," as the case may be, when made from part skim milk or from skim milk.

(d) All cheese cut and wrapped or packaged into individual consumer packages for sale on the premises where cut, wrapped or packaged shall be labeled to indicate the variety of cheese in the package. This provision shall not apply to cheese cut, wrapped or packaged in retail establishments at the request of or in the presence of the consumer.

SEC. 2. Subdivision (d) of Section 620 of the Agricultural Code shall not be construed as prohibiting the use, prior to January 1, 1960, of retailers' stocks of labels on hand; provided, such labels are not misleading or deceptive.

CHAPTER 145

An act to amend Section 8752 of the Education Code, and amend Section 5602 of the Education Code as proposed by Senate Bill No. 2, relating to junior high schools.

In effect September 18, 1959

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.]

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

SECTION 1. Section 8752 of the Education Code is amended to read:

Junior high schools. Establishment in districts

8752. The governing board of a county, a union, or a joint union high school district may establish a junior high school or a system of junior high schools only when a majority of the boards of trustees of the elementary school districts comprising the high school district approve the organization of the course in writing, and file a statement of approval with the high school board, or, when at an election called for that purpose in the same manner as the election for the formation of a high school district as provided in Article 10 (commencing at Section 3661) of Chapter 11 of Division 2 of this code, a majority of the qualified electors voting thereat vote in favor of the junior high school. Upon the request of the governing board of the high school district, the election shall be called and conducted by the county superintendent of schools having jurisdiction over the high school district. The ballots used at the election shall contain the words "Junior High School—Yes" and "Junior High School—No." The election returns shall be made to the county superintendent of schools, conducting the election, who shall canvass the returns and certify the results of the election to the governing boards of the high school and elementary school districts involved.

SEC. 2. Section 5602 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

Same

5602. The governing board of a county, a union, or a joint union high school district may establish a junior high school or a system of junior high schools only when a majority of the boards of trustees of the elementary school districts comprising the high school district approve the organization of the course in writing, and file a statement of approval with the high school board, or, when at an election called for that purpose in the same manner as the election for the formation of a high school district as provided in Article 8 (commencing at Section 2351) of Chapter 6, Division 5, Part 1, of this code, a majority of the qualified electors voting thereat vote in favor of the junior high school. Upon the request of the governing board of the high school district, the election shall be called and conducted by the county superintendent of schools having jurisdiction over the high school district. The ballots used at the election shall contain the words "Junior High School—Yes"

and "Junior High School—No." The election returns shall be made to the county superintendent of schools, conducting the election, who shall canvass the returns, and certify the results of the election to the governing boards of the high school and elementary school districts involved.

SEC. 3. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 8752 of the Education Code as amended by Section 1 of this act is repealed. Effect Stats 1959, Ch 2

CHAPTER 146

An act to repeal Section 60, and to amend Section 69, of the Civil Code, relating to miscegenation.

[Approved by Governor April 20, 1959 Filed with Secretary of State April 21, 1959.] In effect September 18, 1959

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

SECTION 1. Section 60 of the Civil Code is repealed. Repeal

SEC. 2. Section 69 of said code is amended to read:

69. All persons about to be joined in marriage must first obtain a license therefor, from a county clerk, which license must show: Marriage licenses

1. The identity of the parties.
2. Their real and full names, and places of residence; and
3. Their ages.

No license must be granted when either of the parties, applicants therefor, is an imbecile, or insane, or is at the time of making the application, for said license, under the influence of any intoxicating liquor, or narcotic drug. If the male is under the age of 21 years, or the female is under the age of 18 years, and such person has not been previously married, no license may be issued by the county clerk unless both parties are capable of consenting to and consummating marriage as provided for in Section 56 of this code and such consent or consents must be filed by the clerk, and he must state such facts in the license. For the purpose of ascertaining all the facts mentioned or required in this section, the clerk, at the time the license is applied for may, if he deems it necessary in order to satisfy himself as to matters enumerated in this section, examine the applicants for a license on oath, which examination shall be reduced to writing by the clerk, and subscribed by them.

The forms for the application for license to marry and the marriage license shall be prescribed by the State Department of Public Health, and shall be adapted to set forth the facts required in this section.

CHAPTER 147

An act to amend Section 13708 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to the compensation of members of school district personnel commissions.

In effect September 18, 1959

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.]

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

SECTION 1. Section 13708 of the Education Code is amended to read:

13708. Members of the commission may be paid five dollars ($5) per meeting but not over fifty dollars ($50) per month, except that in any school district situated wholly or partly within a city containing a population of over 1,900,000 according to the 1950 federal census members of the commission may be paid thirty dollars ($30) per meeting but not over one hundred fifty dollars ($150) per month.

CHAPTER 148

An act to amend Section 55103 of the Water Code, relating to formation of county waterworks districts.

In effect September 18, 1959

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.]

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

SECTION 1. Section 55103 of the Water Code is amended to read:

55103. The petition shall be presented at a regular meeting of the board of supervisors and shall be signed by not less than 25 percent of the freeholders resident within the proposed district, or by not less than 25 percent of the freeholders resident and nonresident within the proposed district, including not less than 15 percent of such resident freeholders.

CHAPTER 149

An act to amend Section 13672.1 of the Education Code and Section 13456 of the Education Code as proposed by Senate Bill No. 2, relating to leaves of absence of certificated employees of school districts.

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 13672.1 of the Education Code is amended to read:

Pregnancy

13672.1. The governing board of any school district may provide for such leave of absence from duty as it deems appropriate for any female employee of the district who is employed in a position requiring certification qualifications and who is required to absent herself from her duties because of pregnancy or convalescence following childbirth, and may adopt rules and regulations prescribing the manner of proof of pregnancy, the point during the course of the pregnancy at which leave of absence shall be taken, and the length of time for which the leave of absence shall continue after birth of the child. Anything in Sections 13841 and 13841.2 to the contrary notwithstanding, the board may also provide in the rules and regulations whether leave granted under this section shall be with or without pay and, if with pay, the amount, if any, to be deducted from the salary due the employee for the period in which the absence occurs.

Nothing in this section shall be construed so as to deprive any employee of sick leave rights under other sections of this code for absences due to illness or injury resulting from pregnancy.

The leave provided for in this section is in addition to any other leave provided for by law.

This section shall not be construed as requiring the governing board of a school district to grant leave under this section only with pay.

SEC. 2. Section 13456 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

Same

13456. The governing board of any school district may provide for such leave of absence from duty as it deems appropriate for any female employee of the district who is employed in a position requiring certification qualifications and who is required to absent herself from her duties because of pregnancy or convalescence following childbirth, and may adopt rules and regulations prescribing the manner of proof of pregnancy, the point during the course of the pregnancy at which leave of absence shall be taken, and the length of time for which the leave of absence shall continue after birth of the child. Anything in Sections 13467 and 13469 to the con-

trary notwithstanding, the board may also provide in the rules and regulations whether leave granted under this section shall be with or without pay and, if with pay, the amount, if any, to be deducted from the salary due the employee for the period in which the absence occurs.

Nothing in this section shall be construed so as to deprive any employee of sick leave rights under other sections of this code for absences due to illness or injury resulting from pregnancy.

The leave provided for in this section is in addition to any other leave provided for by law.

This section shall not be construed as requiring the governing board of a school district to grant leave under this section only with pay.

Effect. Stats 1959, Ch. 2

SEC. 3. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 13672.1 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 150

An act to repeal Section 5 of Chapter 513 of the Statutes of 1957, to repeal Sections 6814, 6815, 6816, and 6822 of the Education Code; to repeal Sections 11004, 11005.1, 11006.1, and 11052.1 of, and to amend Sections 11005, 11006, and 11052 of, the Education Code as proposed by Senate Bill No. 2, relating to the Public School System, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.]

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

Repeal

SECTION 1. Section 5 of Chapter 513 of the Statutes of 1957 is repealed.

Same

SEC. 2. Sections 6814, 6815, 6816 and 6822 of the Education Code are repealed.

Same

SEC. 3. Sections 11004, 11005.1, 11006.1, and 11052.1 of the Education Code as proposed by Senate Bill No. 2 are repealed.

SEC. 4. Section 11005 of said proposed code is amended to read:

Minimum school day

11005. The minimum school day in grades one, two, and three in elementary schools is 200 minutes.

SEC. 5. Section 11006 of said proposed code is amended to read:

Same

11006. The minimum school day in grades four, five, six, seven, and eight in elementary schools and in special day and

evening classes of an elementary school district, is 240 minutes.

SEC. 6. Section 11052 of said proposed code is amended to read:

11052. The minimum school day in any high school, except in an evening high school, a continuation high school, and in continuation education classes, is 240 minutes. Same

SEC. 7. Sections 2, 3, 4, 5, and 6 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect. Effect. Stats. 1959, Ch. 2

SEC. 8. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

Under the provisions of Chapter 513 of the Statutes of 1957, effective until June 30, 1959, teachers and employees of school districts have been relieved of the duty of maintaining attendance records for pupils and have thereby been able to devote more time to professional services, rather than clerical work, to the benefit of pupils of the Public School System. In order to continue the present system of recording attendance on and after June 30, 1959, it is necessary that this act take effect immediately.

CHAPTER 151

An act to amend Section 4902 of the Health and Safety Code, relating to sewer maintenance districts.

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.] In effect September 18, 1959

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

SECTION 1. Section 4902 of the Health and Safety Code is amended to read:

4902. If the territory annexed to the district comprises all of another district, formed under the provisions of this chapter, or under the provisions of Chapter 26 (commencing at Section 5820), Part 3, Division 7 of the Streets and Highways Code, the theretofore existing district is thereupon dissolved. The funds of the dissolved district shall be transferred to the district to which all its territory has been annexed and all contracts or obligations of the dissolved district become the obligations of the district to which the territory has been annexed.

CHAPTER 152

An act to add Sections 4714.5 and, 4831.7 to, and to amend Sections 4832 and 4832.5 of, the Health and Safety Code, relating to county sanitation districts.

In effect September 18, 1959

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.]

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

SECTION 1. Section 4714.5 is added to the Health and Safety Code, to read:

Protests

4714.5. If the board of supervisors finds that protests have been made, prior to its final determination for formation of the district, by the owners of real property within the proposed district the assessed value of which, as shown by the last equalized assessment roll, constitutes more than one-half of the total assessed value of the real property within the proposed district, the proceeding shall terminate. The board of supervisors shall order the proceeding terminated when such protests are received.

SEC. 2. Section 4831.7 is added to the Health and Safety Code, to read:

Election re annexation and indebtedness

4831.7. If a district to which it is proposed to annex territory has incurred or authorized the incurring of any bonded indebtedness for the acquisition, construction, or completion of sewerage lines or sewage disposal facilities, a verified petition signed by at least 10 percent of the registered voters in the territory proposed to be annexed may be filed with the board of supervisors of the county in which the territory is located requesting that an election be held for the purpose of submitting to the registered voters in the territory the question whether the territory shall be annexed to the district and the property in the territory subjected to taxation after annexation equally with the property in the district to pay a portion of the bonded indebtedness of the district outstanding or authorized on the date the petition is filed.

If a district to which it is proposed to annex territory includes an improvement district which has authorized the incurring of any bonded indebtedness for the acquisition, construction, or completion of sewerage lines or sewage disposal facilities, a verified petition signed by at least 10 percent of the registered voters in the territory proposed to be annexed may be filed with the board of supervisors of the county in which the territory is located requesting that an election be held for the purpose of submitting to the registered voters in the territory the question whether the territory shall be annexed to the district and the property in the territory subjected to taxation after annexation equally with the property in the improvement district to pay a portion of the bonded indebtedness authorized by the improvement district on the date the petition is filed.

If the board of directors of either such district has fixed an amount of money to represent the value to the territory proposed to be annexed of sewerage lines and sewage disposal facilities in the district, or within an improvement district in the district, which have already been paid for by district taxpayers or by taxpayers in the improvement district, a petition requesting the holding of an election may request that, in addition or alternatively to either question referred to above, there be submitted to the taxpayers in the territory the question whether the territory shall be annexed to the district and the property in the territory subjected to taxation after annexation to pay the amount of money fixed by the board of directors.

Upon the receipt of a petition of a type prescribed by this section, the board of supervisors of the county in which the territory proposed to be annexed is located shall call an election at which the question, or questions, presented by the petition shall be submitted to the registered voters in the territory. The provisions relating to an election for the formation of a district in the first instance shall govern the manner in which the election is called and held except the provisions therefor shall refer only to the territory proposed to be annexed. If a question to be submitted at the election provides that the property in the territory shall be subjected to taxation after annexation to pay a portion of the bonded indebtedness of the district outstanding or authorized on the date the petition was filed, or a portion of the bonded indebtedness authorized by an improvement district in the district on the date the petition was filed, the board of supervisors shall notify the board of directors of the district and the board of directors of the district shall fix the portion of the bonded indebtedness to be stated in the question.

If a majority of the votes cast upon a question at the election are in favor of annexation upon the terms prescribed by the question, and the district board by resolution has found and declared that the district will be benefited by the annexation and consents thereto, the board of supervisors shall make an order annexing the territory to the district. The property in the territory annexed shall not be subjected to taxation to pay a greater portion of the bonded indebtedness of the district outstanding or authorized on the date the petition was filed, or a greater portion of the bonded indebtedness authorized by an improvement district in the district on the date the petition was filed, than that stated in a question which received an affirmative vote by a majority of those voting thereon. Nor shall the property in the territory be subjected to taxation to pay a greater amount of money to represent the value to the territory of sewerage lines and sewage facilities in the district, or within an improvement district in the district, paid for prior to the annexation by district taxpayers, or by taxpayers in the improvement district, than that stated in a

question which received an affirmative vote by a majority of those voting thereon.

SEC. 3. Section 4832 of said code is amended to read:

Territory within same county

4832 Whenever any territory situated within the same county is annexed to a district it thereupon becomes a part of the district and, except as provided in Section 4831.7, is subject to all the liabilities and entitled to all the benefits of the district.

SEC. 4. Section 4832.5 of said code is amended to read:

Territory in another county

4832.5. Whenever any territory in another county is annexed to a district it thereupon becomes a part of the district and, except as provided in Section 4831.7, is subject to all the liabilities and entitled to all the benefits of the district. The board of supervisors of the county in which is situated the annexing territory shall appoint one of its members to sit as a member of the board of directors of said district. All ordinances theretofore and thereafter adopted by the board of directors shall have full force and effect in all portions of the district regardless in which county the property is situated.

CHAPTER 153

An act to amend Section 6830 of the Health and Safety Code, relating to sanitary districts.

In effect September 18, 1959

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.]

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

SECTION 1. Section 6830 of the Health and Safety Code is amended to read:

6830. In the manner provided in this part, there may be annexed to a district any of the following territory which is in the same county as the district:

(a) Any territory contiguous to the district.

(b) Any territory any point of which touches any point of the district.

(c) Any territory separated from the district by a "separating barrier," which term includes a street, road, highway, railway line, railway crossing, railway right-of-way, watercourse, lagoon, or other natural barrier.

(d) Any territory not contiguous to the district that will, in the opinion of the district board, be benefited by inclusion in the district.

Any territory specified in this section may consist of one or more separate parcels of land, but it is not necessary that all parcels shall constitute in the aggregate one tract of land.

CHAPTER 154

An act to amend Section 6585 of the Health and Safety Code, relating to sanitary districts.

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 6585 of the Health and Safety Code is amended to read:

6585. The nominating petition may be upon one or more sheets of paper.

Each petition shall contain the name of only one candidate who shall be a resident elector of the district.

CHAPTER 155

An act to amend Section 6464 of the Health and Safety Code, relating to sanitary districts.

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 6464 of the Health and Safety Code is amended to read:

6464. At the election there shall be elected an assessor and the members of the board who shall be resident electors of the district.

CHAPTER 156

An act to amend Section 6482 of the Health and Safety Code, relating to sanitary districts.

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 6482 of the Health and Safety Code is amended to read:

6482. Except as to those members of the board who are elected at the election on formation, the term of office of each member of the board is four years and each holds office until the election and qualification of his successors or his resignation or termination of residence within the district.

CHAPTER 157

An act to amend Section 6628 of the Health and Safety Code, relating to sanitary districts.

In effect September 18, 1959

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.]

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

SECTION 1. Section 6628 of the Health and Safety Code is amended to read:

6628. Immediately upon the completion of the canvass the board shall cause a record to be made and entered upon its minutes showing the number of votes cast in the territory proposed to be annexed, the number of votes cast in favor of annexation, and the number cast against annexation.

CHAPTER 158

An act to amend Section 5024 of the Streets and Highways Code, relating to the Improvement Act of 1911.

In effect September 18, 1959

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.]

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

SECTION 1. Section 5024 of the Streets and Highways Code is amended to read:

5024. "Incidental expenses" includes:

(a) The compensation of the engineer for work done by him;

(b) The cost of printing and advertising provided for in this division, including the treasurer's estimated cost of printing, servicing and collecting any bonds to be issued to represent or be secured by unpaid assessments;

(c) The compensation of the person appointed by the superintendent of streets to take charge of and superintend any of the work;

(d) The expenses of making the assessment, and of the collection of assessments by the superintendent of streets when directed by ordinance to receive payments pursuant to Section 5396 of this division, and of preparing and typing the resolutions, notices and other papers and proceedings for any work authorized by this division;

(e) The expenses of making any analysis and tests to determine that the work and any materials or appliances incorporated therein comply with the specifications;

(f) All costs and expenses incurred in carrying out the investigations and making the reports required by the provi-

sions of the "Special Assessment Investigation, Limitation and Majority Protest Act of 1931";

(g) The cost of title searching, description writing, salaries of right-of-way agent, appraisal fees, partial reconveyance fees, surveys and sketches incident to securing rights-of-way for any work authorized by this division; and

(h) Any other expenses incidental to the construction, completion, and inspection of the work in the manner provided for in this division.

(i) In the event that the construction of sewers or appurtenances incident thereto shall have been ordered, any charge that shall have been established by the city as a condition to the providing of sewer service to properties in the assessment district.

All demands for incidental expenses shall be presented to the street superintendent, by an itemized bill, duly verified by the demandant.

CHAPTER 159

An act to amend Section 6885.8 of the Health and Safety Code, relating to sanitary districts.

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 6885.8 of the Health and Safety Code is amended to read:

6885.8. At the hearing, any person may file with the board written objections to the annexation or any portion thereof or to the terms and conditions proposed.

CHAPTER 160

An act to add Section 6801 to the Health and Safety Code, relating to sanitary districts.

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 6801 is added to the Health and Safety Code, to read:

6801. As an alternative to the functions of the treasurer, the district board may elect to disburse funds of the district. Such election shall be made by resolution of the board and the filing of a certified copy thereof with the treasurer. The treasurer shall thereupon and thereafter deliver to the district all funds of the district. Such funds shall be deposited by the

board in a bank or banks approved for deposit of public funds and shall be withdrawn only by written order of the district board, signed by the president and secretary. The order shall specify the name of the payee, the fund from which it is to be paid and state generally the purpose for which payment is to be made. Such order shall be entered in the minutes of the board. The district board shall appoint a treasurer who shall be responsible for the deposit and withdrawal of funds of the district. The treasurer shall deposit with the district, prior to October 1st of each year, a surety bond in the annual amount certified to the board of supervisors, pursuant to Sections 6785 or as determined pursuant to Section 6745. The deposit and withdrawal of funds of the district shall thereafter be subject to the provisions of Article 2 (commencing at Section 53630), Chapter 4, Part 1, Division 2, Title 5, of the Government Code.

CHAPTER 161

An act to amend Section 6732 of the Health and Safety Code, relating to sanitary districts.

In effect September 18, 1959

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.]

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

SECTION 1. Section 6732 of the Health and Safety Code is amended to read:

6732. If the assessment roll has not been returned by the district assessor the board shall adjourn from time to time until the roll has been returned, and for the purpose of adjournment one or more of the members of the board present may make and announce the adjournment.

CHAPTER 162

An act to amend Section 3000 of the Welfare and Institutions Code, relating to aid to needy blind persons.

In effect September 18, 1959

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.]

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

SECTION 1. Section 3000 of the Welfare and Institutions Code is amended to read:

3000. The purpose of the provisions of this chapter is to relieve blind persons from the distress of poverty, to promote self-care, to enlarge the economic opportunities of the blind, and to stimulate the blind to greater efforts in striving to render themselves self-supporting.

CHAPTER 163

An act to amend Section 795 of the Agricultural Code, relating to citrus.

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 795 of the Agricultural Code is amended to read:

795. Oranges and limes shall be mature and free from decay; free from serious damage due to freezing, drying at the stem or stylar end (resulting from causes other than freezing), splits, bruises or punctures. Damage by drying at the stem or stylar end of all oranges and limes (resulting from causes other than freezing), is not serious unless 20 percent or more of the pulp shows staining, drying or desiccation.

Damage from freezing to any one fruit is serious if it causes either a condition of (a) "damage on the segment walls" to the extent defined herein or (b) drying or desiccation in 20 percent or more of the exposed pulp as shown on a transverse cut through the center.

"Damage on the segment walls" means a water-soaked appearance, or evidence of previous water-soaking, or the presence of crystals or crystalline deposit, on the two surface membranes of each of two or more segments as shown on the separation of two or more segments of a section, which section shall not be less than one inch or more than one and one-half inches in thickness, obtained from the central portion of the fruit by cutting off a portion of each end—such evidence of freezing injury to show for the entire length but not necessarily the entire area of the surface membranes.

In any season in which freezing damage to oranges produced in California has occurred, the extent of damage by freezing to such oranges shall be determined as follows:

(a) By examination for damage on the segment walls from and after the time when the oranges were first exposed to freezing temperatures to the date, herein designated as Date A, when the director shall determine and by regulation declare that the drying process has developed to such extent as to furnish additional evidence of the extent of actual damage to the fruit.

(b) By examination of the exposed pulp on a transverse cut through the center, from and after the date, herein designated as Date B, when the director shall determine and by regulation declare that the drying process has developed to such extent as to permit reasonably accurate determination of the full extent of freezing damage by such examination, without regard to damage on the segment walls.

(c) Either by examination for damage on the segment walls or by examination of the exposed pulp on a transverse cut through the center, or by both such examinations, during the period from Date A to Date B. In no event shall the interval from Date A to Date B exceed three weeks.

As to oranges produced outside of the State of California and offered for distribution and sale in this State, the extent of damage by freezing shall be determined by the same methods and procedures as required for oranges produced in California unless is is not practicable to obtain sufficient accurate information upon which to establish Dates A and B as required by this section for such oranges. In such case the extent of damage by freezing in any lot of such oranges shall be determined by the "damage on the segment walls" unless examination of a representative sample of the oranges in said lot shows that the drying process has developed to such extent as to permit reasonably accurate determination of the full extent of freezing damage by examination of the exposed pulp on a transverse cut through the center, in which case the latter method shall be used.

The percentage of serious damage to oranges and limes in containers, or in bulk, may be established by inspection of a representative sample which shall consist of not less than 100 fruits. Damage caused by splits, bruises or punctures in oranges and limes is not serious if the injury is well healed and free from mold or decay.

With the exception of serious damage caused by freezing, not more than 10 percent, by count, of the oranges and limes in any one container or bulk lot may be below these requirements but with the exception of serious damage by drying at the stem or stylar end of oranges and limes (resulting from causes other than freezing), not to exceed one-half of this tolerance shall be allowed for any one cause. In the case of serious damage by freezing injury, not more than 15 percent, by count, of the oranges and limes in any one container or bulk lot may be below these requirements, but not to exceed one-third of this tolerance shall be allowed for oranges and limes which show a drying or desiccation in 40 percent or more of the exposed pulp, as shown on a transverse cut through the center. The total tolerance for a combination of defects shall not exceed the tolerance permitted for any one cause by more than 5 percent, by count.

CHAPTER 164

An act to amend Section 32009 of the Health and Safety Code, relating to hospital districts.

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.] In effect September 18, 1959

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

SECTION 1. Section 32009 of the Health and Safety Code is amended to read:

32009. When a district is dissolved its board of hospital directors shall convert all property of the district to cash and discharge all indebtedness of the district. All funds remaining after discharge of the district's indebtedness shall, in the event the entire district consists of unincorporated territory, be deposited in the county treasury to the credit of the County General Fund. If the district consists entirely of incorporated territory of one city, said remaining funds shall vest absolutely in said city. If the district consists of incorporated territory of two or more cities or unincorporated territory and incorporated territory of one or more cities, said remaining funds shall be vested in the county and in the city or cities within the district, in the same proportion as their respective current total assessed valuations within the district bear to the total current assessed valuation of the entire district.

CHAPTER 165

An act to add Section 32005.5 to the Health and Safety Code, relating to hospital districts.

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.] In effect September 18, 1959

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

SECTION 1. Section 32005.5 is added to the Health and Safety Code, to read:

32005.5. The board of hospital directors may by resolution adopted by a four-fifths vote, and without an election, dissolve the district, notwithstanding the provisions of Section 32005, if the following conditions exist:

(a) The district has been organized at least five years.

(b) The district has no hospital, no bonded debt, and no property of any kind except cash.

(c) The district board by resolution finds and determines that construction of a district hospital is unnecessary.

Pursuant to this section the district shall be dissolved for all purposes upon compliance with Section 32007.

CHAPTER 166

An act to amend Section 13241 of the Public Utilities Code and to amend Section 3835 of the Public Districts Code, relating to the maturity of bonds of municipal utility districts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.]

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

SECTION 1. Section 13241 of the Public Utilities Code is amended to read:

Bond maturity

13241. Bonds authorized pursuant to this chapter shall mature serially in amounts to be fixed by the board; provided, that payment shall begin not more than 10 years from the date of issuance thereof and be completed in not more than 50 years from that date; provided, further, that the board may divide any issue of bonds authorized pursuant to this chapter into two or more series, and may fix different dates of issuance and different maturity dates for the bonds of each series. The bonds of each series shall mature serially in amounts to be fixed by the board, and the board shall fix a date not more than 10 years from the date of issuance of each series for the earliest maturity of such series, and shall fix a date not more than 50 years from the date of issuance of each series for the final maturity of such series.

SEC. 2. Section 3835 of the Public Districts Code is amended to read:

Same

3835. Bonds authorized pursuant to this chapter shall mature serially in amounts to be fixed by the board; provided, that payment shall begin not more than 10 years from the date of issuance thereof and be completed in not more than 50 years from that date; provided, further, that the board may divide any issue of bonds authorized pursuant to this chapter into two or more series, and may fix different dates of issuance and different maturity dates for the bonds of each series. The bonds of each series shall mature serially in amounts to be fixed by the board, and the board shall fix a date not more than 10 years from the date of issuance of each series for the earliest maturity of such series, and shall fix a date not more than 50 years from the date of issuance of each series for the final maturity of such series.

SEC. 3. Section 2 of this act shall become operative only if the Public Districts Code is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as the Public Districts Code takes effect; at which time Section 13241 of the Public Utilities Code is repealed.

Urgency

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

go into immediate effect. The facts constituting such necessity are: Large scale projects for the development of water resources are under contemplation by municipal utility districts which have authorized the issuance of bonds in substantial amounts These projects consist of interdependent portions of an integrated development. The magnitude of the work contemplated by these districts necessitates the construction of these very large projects over a substantial period of time and the issuance and sale of the bonds from time to time to cover the costs of construction. It is impracticable to issue and sell substantial amounts of bonds at any one time or to complete the work contemplated by these districts except over a period of time. Some of these projects are now ready for immediate initial construction and as a result bonds must be issued and sold forthwith. If this law does not go into effect immediately upon its enactment, the public peace, health and welfare would suffer in that necessary water projects may not be constructed under existing authorizations in time, form and manner as therein provided. It is therefore necessary that this act take effect immediately.

CHAPTER 167

An act to amend Sections 9080.3, 9084.5, and Section 9087, of the Insurance Code, relating to fraternal fire insurance.

[Approved by Governor April 20, 1959 Filed with Secretary of State April 21, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 9080.3 of the Insurance Code is amended to read:

9080.3. Any religious organization engaged in the business of writing fire insurance solely for its members and its churches on the effective date of this section, and which has been doing so continuously in California since January 1, 1925, is subject to all applicable provisions of this chapter.

Religious organization

Such religious organizations shall not write insurance:

(a) In excess of eight thousand dollars ($8,000) on any one risk nor in excess of forty thousand dollars ($40,000) in any one city block within an incorporated city without immediately reinsuring the excess over said amounts;

(b) On business property within any incorporated city.

SEC. 2. Section 9084.5 of said code is amended to read:

9084.5. Such association shall not write insurance in excess of eight thousand dollars ($8,000) on any one risk nor in excess of forty thousand dollars ($40,000) in any one city block within an incorporated city without immediately reinsuring all the excess amount. An association may write insurance for an amount not exceeding forty thousand dollars ($40,000) on any one risk, if the excess over eight thousand dollars

Limitations

($8,000) is reinsured as provided in this section. Such associations may not accept reinsurance but may reinsure risks if such reinsurance is by contracts and with reinsurers which meet the standards therefor prescribed in Sections 922.1 to 922.8 of this code.

SEC. 3. Section 9087 of said code is amended to read:

Property within city limits

9087. No property within the corporate limits of any city or town shall be insured except dwellings and the contents thereof, grange halls and the contents thereof, other grange property, and any buildings appurtenant thereto.

CHAPTER 168

An act to amend and renumber Section 45308.1 of, and to add Sections 45308.1 and 45308.2 to, the Government Code, relating to investment of city retirement funds.

In effect September 18, 1959

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.]

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

SECTION 1. Section 45308.1 of the Government Code is amended and renumbered to read:

Investment in bonds

45308.3. Notwithstanding Section 45308.1, funds received by city retirement systems and not required for current disbursements may be invested in bonds issued pursuant to the Improvement Bond Act of 1915; provided, that an ad valorem tax on all property taxable by the public agency which authorized the issuance of such bonds, at a rate not exceeding ten cents ($0.10) for each one hundred dollars ($100) of assessed value, computed as of the date of such investment, would produce an amount equal to a least 100 percent of the principal and interest payable in any year thereafter on the issue of bonds in which such investment is made.

SEC. 2. Section 45308.1 is added to said code, to read:

Authorized investments

45308.1. All funds received by city retirement systems and not required for current disbursements shall be invested only in:

(a) Securities which are legal for savings bank investments in this State, or which have been certified as legal investments for savings banks pursuant to Division 10 (commencing at Section 20000) of the Water Code.

(b) Securities which, pursuant to the statutes or laws providing for the issuance of such securities, are entitled to the same force or value or use as bonds issued by any municipality.

(c) Securities issued pursuant to those acts, statutes or laws of this State, wherein such law specifically states by reference or otherwise that such securities shall be legal investments for either savings banks, insurance companies, all trust funds, state school funds, and any funds which may be invested in bonds

of cities, counties, cities and counties, school districts, or municipalities in the State.

(d) Securities which have been investigated and approved by a commission or board now or hereafter authorized by law to conduct such investigation and give such approval, and by authority of which such securities are declared to be legal investments for insurors.

(e) Securities issued pursuant to those acts, statutes or laws of this State, wherein such law specifically states by reference or otherwise that such securities shall be legal investments for any pension fund, retirement fund, or retirement plan.

(f) Deposits at interest in any state or national bank in accordance with law authorizing and controlling the deposit of public funds in banks.

(g) Certificates and shares of a savings and loan association or a federal savings and loan association, if the certificates or shares are insured as defined in Title IV of the National Housing Act.

(h) Registered warrants of any political subdivision of this State.

SEC. 3. Section 45308.2 is added to said code, to read:

Investment in real property

45308.2. Notwithstanding Section 45308.1 funds received by city retirement systems and not required for current disbursements may be invested in real property or improvements constructed or to be constructed on real property, when such real property or such improvements are acquired for sale or lease to a city, county, school district, political subdivision, or political corporation of this State, subject to the following limitations:

(1) No investment shall be made in such real property or improvements unless it is approved by a four-fifths vote of the members of the body authorized by ordinance to invest the retirement funds.

(2) No such investment shall be made unless the assets of the retirement system exceed five hundred thousand dollars ($500,000), and the investment, together with other investments in real property and improvements, do not exceed twenty-five percent (25%) of the assets of the retirement system.

(3) Before an investment is made in such real property or improvements, the investing authority shall enter into a lease or lease-option agreement with the public agency hereinbefore mentioned, under which said public agency agrees to rent the property at a monthly rental and for a period not to exceed 50 years, sufficient to return not less than the investment, together with interest at a rate hereinafter prescribed. The agreement may contain an option or options to purchase; provided, such option, together with the rentals, will return not less than the investment, together with interest at a rate hereinafter prescribed. In the event a building is built on land owned by the

public agency, the agreement may contain an option to purchase the land at any time or at the termination of the lease at its fair market value.

(4) The interest rate each year shall be one-fourth percent ($\frac{1}{4}\%$) higher than the average interest rate received by the retirement system on assets other than real property or improvements for the preceding year.

(5) In order to make the provisions of this section relating to the investment in real property or improvements completely effective, the investing authority is authorized, for investment purposes only, to purchase, sell, or lease real property, or to enter into options therefor; and when necessary for investment purposes to enter into contracts for the construction of buildings, and to repair and maintain such property, and do any and all things necessary to protect the investment including, but not limited to, purchasing insurance against the loss of the property or the loss of use and occupancy of the property. It may also take any other action necessary to carry out the investment provisions of this section. In the construction of buildings the investing authority shall follow, substantially and insofar as applicable, the procedure and limitations prescribed by law for the construction of buildings by the city in which the retirement system is established.

CHAPTER 169

An act to amend Section 4362 of the Agricultural Code, relating to milk products.

In effect September 18, 1959

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.]

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

SECTION 1. Section 4362 of the Agricultural Code is amended to read:

4362. Every distributor in any marketing area wherein an order establishing minimum wholesale and minimum retail prices is in effect, except as otherwise herein provided, shall file with the director schedules and any amendments thereto setting forth the prices at which each such distributor is selling or offering or agreeing to sell fluid milk, fluid cream and dairy products, excluding butter, cheese other than cottage cheese, canned milk, powdered milk, casein and ice cream, in such marketing area. Such filings shall be made in such office of the director as he shall designate. Such prices shall not become effective until the fifth day after filing. Evidence of any sale of, or offer or agreement to sell such fluid milk, fluid cream or dairy products by a distributor, made as a part of, or in connection with the sale of, or offer or agreement to sell fluid milk

and fluid cream, or both, in a marketing area where an order establishing minimum wholesale and minimum retail prices is in effect, at less than the prices theretofore filed with the director by such distributor pursuant to the provisions of this section, shall constitute prima facie proof of a violation of this section. Offers and agreements to sell, as used herein, shall include offers and agreements which are conditional, or which shall become effective, upon the filing thereafter of amended prices by the distributor making such offer. Upon receipt of such amendments, the director shall forthwith date, file and index the same in such manner that the information therein contained shall at all times be kept current and be readily available to any interested person desiring to inspect the same. Any other distributor in the marketing area may meet any such prices so filed; provided, that such distributor shall file with the director a schedule of prices not exceeding the prices so met by him within 24 hours after meeting the same. In the event that any distributor shall elect to make a bid for the sale of fluid milk, fluid cream or other dairy products, excluding butter, cheese other than cottage cheese, canned milk, powdered milk, casein and ice cream, to any city, county, state or federal institution, installation, or facility within the jurisdiction of this State at prices less than the prices applicable to sales to such institutions previously filed with the director by such distributor, then such distributor at its election, in lieu of filing a schedule of amended prices with the director, as hereinabove provided, may deliver to the director, not less than five days before the day scheduled for the opening of bids, a schedule showing the prices contained in such bid, which schedule shall be contained in a sealed envelope with information written or typed on such envelope showing the name of the distributor, the name of the city, county, state, or federal institution, installation, or facility to which fluid milk, fluid cream or such other dairy products are proposed to be supplied as shown in such bid and the date, time and place scheduled for the opening of bids. The envelope containing such schedule shall be stamped by the director showing the time and date received and shall not be opened by the director until after the date and time scheduled for the opening of bids and shall then be opened and such schedule shall be filed and indexed by the director and shall constitute such distributor's amended schedule of prices covering sales to city, county, state, and federal institutions, installation, or facility and shall be available to any interested person desiring to inspect the same.

CHAPTER 170

An act to amend Section 9740 of the Government Code, relating to compilation of legislative manual.

In effect September 18, 1959

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.]

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

SECTION 1. Section 9740 of the Government Code is amended to read:

9740. The Secretary of the Senate and the Chief Clerk of the Assembly shall compile, as soon as practical after the convening of each general session, and publish and distribute a legislative manual, in such manner as they may determine.

CHAPTER 171

An act to amend Section 9020 of the Government Code, relating to the Legislature; the members, officers, and employees thereof.

In effect September 18, 1959

[Approved by Governor April 20, 1959. Filed with Secretary of State April 21, 1959.]

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

SECTION 1. Section 9020 of the Government Code is amended to read:

9020. The Legislature shall assemble at the City of Sacramento at 12 o'clock m., on the first Monday after the first day of January in every odd-numbered year, and at 12 o'clock m., on the first Monday in February in every even-numbered year.

CHAPTER 172

An act to amend Section 71083 of the Government Code, relating to municipal and justice courts and judges thereof, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 23, 1959. Filed with Secretary of State April 23, 1959.]

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

SECTION 1. Section 71083 of the Goverment Code is amended to read:

71083. Whenever the territory of a judicial district (herein called the annexed district) is annexed to a judicial district theretofore having a municipal court (herein called the annexing district), a judge of a court partly or wholly superseded

thereby shall, if eligible, succeed to the first vacant judgeship on such municipal court, whether such vacancy then exists or occurs within two years thereafter through the creation of a new judgeship or otherwise, if any one of the following subdivisions apply:

(a) All of the territory of the annexed district is annexed to the annexing district.

(b) A part of the territory of the annexed district is annexed to the annexing district and in such part more than 10 percent of the residents of the annexed district reside, as determined prior to the annexation.

(c) The annexed district is a judicial district with a justice court, and a part of its territory is annexed to the annexing district, and the justice court is discontinued by the board of supervisors under Section 71097.

Whenever part of an annexed district is annexed to an annexing district and because of the application of subdivisions (b) or (c), above, a judge of the annexed district becomes entitled to succeed to a vacant judgeship as above provided, no subsequent annexation of all or part of the remainder of the annexed district to the same annexing district shall entitle any judge of the annexed district to succeed to a vacant judgeship in the annexing district.

Whenever all of the territory of a judicial district is annexed to two or more judicial districts both or all of which theretofore have a municipal court, a judge of the court wholly superseded thereby shall, if eligible, succeed to the first vacant judgeship on any such municipal court, whether such vacancy then exists or occurs within two years thereafter through the creation of a new judgeship or otherwise.

Whenever the number of judges entitled to succeed as above provided exceeds the number of vacant judgeships on such municipal court, the order of their succession shall be determined as follows: by seniority as a judge within the territory annexed, and, in the case of successive annexations, within the territory annexed at the earlier date; and, in any remaining case, by lot between them.

Any judge entitled to succeed as above provided shall declare his acceptance of the judgeship for which a vacancy exists or occurs within 30 days of the date of annexation if the vacancy exists upon the date of annexation or, if no such vacancy then exists, within 30 days of the occurrence of the vacancy later occurring.

This section, as amended at the 1959 Regular Session of the Legislature, applies to annexations occurring before or after the effective date of the amendment to this section enacted at the 1959 Regular Session of the Legislature and no judge who, before the effective date of such amendment, became entitled to succeed to a vacancy on a municipal court and who has not succeeded to such vacancy before such effective date shall be entitled to so succeed unless he would be so entitled under this section as amended at the 1959 Regular Session.

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

The multitude of annexations to cities in recent years has affected judicial districts because (1) under the existing law when territory is annexed to a city the territory is also automatically annexed to the judicial district including the city, and (2) the existing law (Section 71083 of the Government Code) is susceptible of the interpretation that in all such cases the judge of any judicial district which is annexed to a judicial district which has a municipal court has the right, if he is otherwise eligible, to succeed to the first vacancy occurring in the district with the municipal court. Normally the Governor appoints judges to fill vacancies in municipal courts.

The legal problems arising from the present provisions of Section 71083 are so involved that, in at least one instance two persons claim the right to the same judgeship, with one claiming under Section 71083 and the other under an appointment of the Governor, and court actions have resulted in order to determine which person is entitled to be judge.

The problem is further aggravated by the fact that when, as is often the case, not only is the basic annexation of territory to the city an annexation of a small uninhabited parcel of land no more than a few acres in area but also by the fact that there is a continuous succession of such annexations to a particular city. In a city such as Los Angeles there are five pending annexations and the prospect of scores more within the next two years.

Where there is a succession of small annexations, the procedure by which a judge in the annexed territory becomes eligible for the first municipal court vacancy in the city district to which the territory is annexed, in effect, limits the choice appointments to the city district to those attorneys residing in the unincorporated territory surrounding the city district. In effect the board of supervisors, is making appointments to the municipal court of the city district by appointing attorneys to justice courts in the surrounding unincorporated territory which will in all likelihood be annexed to the city in a short time thereafter and who under Section 71083 may be eligible to succeed to the first vacancy in the municipal court of the city district. The net result is that the board of supervisors rather than the Governor is appointing judges to municipal courts.

Under this bill the possibility of abuses under Section 71083 is prevented but the main purpose of the section is preserved. This bill gives the judge of a judicial district which is annexed to a district with a municipal court the right to succeed to a vacancy on such municipal court only if all or a large part of his original judicial district is annexed. This cures the evils which arise under successive annexations of undeveloped ter-

ritory to the judicial district of a large city with a municipal court. The bill preserves, in an equitable fashion the rights of a judge whose district is completely annexed so that the district in which he was elected no longer exists. The rights of such a judge to succeed to a vacancy are preserved.

In order to insure the orderly and uninterrupted administration of justice and to avoid conflicts arising under the existing law by which two persons claim one judgeship resulting in the interruption of the administration of justice, which is the basic foundation of our system of government it is necessary that this act take effect immediately.

CHAPTER 173

An act to amend Section 73 of the Vehicle Code, and to amend Section 285 of the Vehicle Code as proposed by Assembly Bill No. 5, relating to the definition of a vehicle dealer.

[Approved by Governor April 24, 1959. Filed with Secretary of State April 24, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 73 of the Vehicle Code is amended to read:

"Dealer"

73. "Dealer." (a) "Dealer" is a person not otherwise expressly excluded by this section, who:

(1) For commission, money, or other thing of value, sells, exchanges, buys, or offers for sale, negotiates, or attempts to negotiate, a sale or exchange of an interest in, a vehicle subject to registration hereunder, or induces or attempts to induce any person to buy or exchange an interest in a vehicle and, who receives or expects to receive a commission, money, brokerage fees, profit, or any other thing of value, from either the seller or purchaser of said vehicle, or

(2) Is engaged wholly or in part in the business of selling vehicles or buying or taking in trade, vehicles for the purpose of resale, selling, or offering for sale, or consigned to be sold, or otherwise dealing in vehicles, whether or not such vehicles are owned by such person.

(b) The term "dealer" does not include:

(1) Insurance companies, finance companies, public officials, or any other person coming into possession of vehicles in the regular course of business, who shall sell such vehicles under a contractual right or obligation, or in performance of an official duty, or in authority of any court of law; provided, such sale is for the purpose of saving the seller from loss or pursuant to the authority of a court of competent jurisdiction.

(2) Persons who sell or distribute vehicles of a type subject to registration for a manufacturer to vehicle dealers licensed under the provisions hereof, or who are employed by

manufacturers or distributors to promote the sale of vehicles dealt in by such manufacturers or distributors; provided, however, that if any such persons also sell vehicles at retail, they shall be deemed to be vehicle dealers and are subject to the provisions of this code.

(3) Persons regularly employed as a salesman by vehicle dealers licensed under the provisions hereof while acting within the scope of such employment.

(4) Persons exclusively engaged in the bona fide business of exporting vehicles or of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States; provided, no federal excise tax is legally payable on any of such transactions, or such tax is legally refundable on such transactions.

(5) Persons not engaged in the purchase or sale of vehicles as a business, disposing of vehicles acquired for their own use, or for use in their business when the same shall have been so acquired and used in good faith, and not for the purpose of avoiding the provisions of this code.

(6) Persons who are engaged in a business involving the purchase, sale or exchange of boat trailers.

(7) Persons who are engaged in a business activity which does not involve the purchase, sale or exchange of vehicles except incidentally in connection with the purchase, sale or exchange of vehicles of a type not subject to registration under this code, boat trailers or midget autos or racers advertised as being built exclusively for use by children.

SEC. 2. Section 285 of the Vehicle Code as proposed by Assembly Bill No. 5 is amended to read:

Same

285. (a) "Dealer" is a person not otherwise expressly excluded by this section, who:

(1) For commission, money, or other thing of value, sells, exchanges, buys, or offers for sale, negotiates, or attempts to negotiate, a sale or exchange of an interest in, a vehicle subject to registration under this code, or induces or attempts to induce any person to buy or exchange an interest in a vehicle and, who receives or expects to receive a commission, money, brokerage fees, profit, or any other thing of value, from either the seller or purchaser of said vehicle, or

(2) Is engaged wholly or in part in the business of selling vehicles or buying or taking in trade, vehicles for the purpose of resale, selling, or offering for sale, or consigned to be sold, or otherwise dealing in vehicles, whether or not such vehicles are owned by such person.

(b) The term "dealer" does not include:

(1) Insurance companies, finance companies, public officials, or any other person coming into possession of vehicles in the regular course of business, who shall sell such vehicles under a contractual right or obligation, or in performance of an official duty, or in authority of any court of law; provided, such sale is for the purpose of saving the seller from loss or pursuant to the authority of a court of competent jurisdiction.

(2) Persons who sell or distribute vehicles of a type subject to registration for a manufacturer to vehicle dealers licensed under this code, or who are employed by manufacturers or distributors to promote the sale of vehicles dealt in by such manufacturers or distributors; provided, however, that if any such persons also sell vehicles at retail, they shall be deemed to be vehicle dealers and are subject to this code.

(3) Persons regularly employed as salesmen by vehicle dealers licensed under this code while acting within the scope of such employment.

(4) Persons exclusively engaged in the bona fide business of exporting vehicles or of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States; provided, no federal excise tax is legally payable on any of such transactions, or such tax is legally refundable on such transactions.

(5) Persons not engaged in the purchase or sale of vehicles as a business, disposing of vehicles acquired for their own use, or for use in their business when the same shall have been so acquired and used in good faith, and not for the purpose of avoiding the provisions of this code.

(6) Persons who are engaged in a business involving the purchase, sale or exchange of boat trailers.

(7) Persons who are engaged in a business activity which does not involve the purchase, sale or exchange of vehicles except incidentally in connection with the purchase, sale or exchange of vehicles of a type not subject to registration under this code, boat trailers or midget autos or racers advertised as being built exclusively for use by children.

SEC. 3. Section 2 of this act becomes operative only if the Vehicle Code as proposed by Assembly Bill No. 5 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said code takes effect, at which time Section 73 of the Vehicle Code adopted in 1935 is repealed.

Effect. Stats 1959, Ch 3

CHAPTER 174

An act to amend Section 8276 of the Fish and Game Code, relating to crabs.

[Approved by Governor April 24, 1959. Filed with Secretary of State April 24, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 8276 of the Fish and Game Code is amended to read:

8276. Notwithstanding any other provisions of this code or any regulations made pursuant to this code:

(a) Crabs may be taken in Districts 6, 7, 8, and 9 only between December 15th and July 15th.

(b) Crabs may be taken in all other districts only between November 15th and May 31st.

(c) Crabs may not be taken for commercial purposes in any district or part of a district lying within the portions of Crescent City Harbor between the south sand barrier and the breakwater.

This section shall remain in effect until the ninety-first day after the final adjournment of the 1961 Regular Session of the Legislature.

CHAPTER 175

An act to add Sections 10109, 10110, and 10111 to the Streets and Highways Code, relating to domestic water supply improvements under the Municipal Improvement Act of 1913.

In effect September 18, 1959

[Approved by Governor April 24, 1959. Filed with Secretary of State April 24, 1959.]

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

SECTION 1. Section 10109 is added to the Streets and Highways Code, to read:

Acquisition of water supply works

10109. Whenever the improvement or acquisition includes the acquiring or the installation of works or appliances for the supplying or distributing of a domestic water supply, and the distribution of such domestic water supply in the territory in which the work or acquisition is contemplated is, or may be, under the management and control of a municipal water district, a municipal utility district, a public utility district, or any public agency other than the city making the acquisition or ordering the work done, the works or appliances may be acquired or installed under the proceedings specified in this division.

SEC. 2. Section 10110 is added to said code, to read:

Agreement

10110. Before the adoption of the resolution of intention, the legislative body shall enter into an agreement with the public agency which has, or may have, charge of the supplying and distribution of the domestic water supply in the district to be improved. Among other things such agreement may provide for any or all of the following:

(a) For the supplying by the public agency of plans and specifications in accordance with the provisions of Chapter 5 (commencing at Section 5170) of Part 3 of Division 7 of this code.

(b) For the performance of work or service by the public agency, and the payment to the public agency out of the improvement fund for such work, service, or charges.

(c) For the acquisition by the legislative body of works or appliances already installed and for the conveyance of said

works to the public agency. The owner of such works or appliances may be a party to the agreement.

(d) That the agreement shall become effective after proceedings have been taken pursuant to this division and the funds are available to carry out all the terms thereof. Whenever it is proposed to annex to the public agency the territory in which the installation or acquisition is contemplated, proceedings may be taken up to and including the confirmation of the assessment as provided for in Section 10312 prior to the commencement of the annexation proceedings. If the annexation is successful, the assessment shall be recorded and such other proceedings taken as may enable the parties to comply with the terms of the agreement. If the annexation proceedings fail, further proceedings under the resolution of intention are barred.

SEC. 3. Section 10111 is added to said code, to read:

Title

10111. After the work has been completed and accepted, or conveyed to the public agency, title to the works or appliances so installed or conveyed shall vest in the public agency and constitute a part of its system supplying water, and shall at all times thereafter be used, operated, maintained, and managed by it as a part of such system.

CHAPTER 176

An act to add Section 25844 to the Government Code, relating to weather data.

[Approved by Governor April 24, 1959. Filed with Secretary of State April 24, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 25844 is added to the Government Code, to read:

25844. The board of supervisors of any county may appropriate and expend money from the general fund of the county, either within or without the county, for the purpose of providing weather data and may co-operate with the United States, the State, other counties, municipal corporations or any other public agency for such purpose, when such data are for the benefit of the county.

CHAPTER 177

An act to amend Sections 29370, 29371, 29372, 29373, 29374, 29375, 29376, 29377, 29378, and 29379 of the Government Code, relating to county funds.

In effect September 18, 1959

[Approved by Governor April 24, 1959. Filed with Secretary of State April 24, 1959.]

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

SECTION 1. Section 29370 of the Government Code is amended to read:

Cash difference fund

29370. The board of supervisors may establish a county officers cash difference fund for the use of any county officer or administrative head of any county department or judicial district handling county funds by adopting a resolution setting forth the amount of the fund. Certified copies of the resolution shall be transmitted to the county auditor and to each county officer or administrative head of a county department or judicial district who has such fund.

SEC. 2. Section 29371 of said code is amended to read:

Overage fund

29371. If the board elects to establish a cash difference fund, it shall by the same resolution also establish an overage fund for the use of each county officer or administrative head of a county department or judicial district affected.

SEC. 3. Section 29372 of said code is amended to read:

Payment

29372. Upon the adoption of the resolution, the auditor shall draw his warrant in favor of the county officer or administrative head of a county department or judicial district in the amount set forth in the resolution, and the treasurer shall pay the warrant. The county officer or administrative head of a county department or judicial district shall use this fund only for cash deficits pursuant to this article.

SEC. 4. Section 29373 of said code is amended to read:

Report

29373. Any person in any county office, department, or judicial district in which a cash difference fund has been established who receives and disburses money placed in his custody as directed by law or by official authority, shall render a written report to the county officer or administrative head of a county department or judicial district at the close of each business day, setting forth the exact sum of any cash deficit or overage in his account for that day. Failure to report any cash deficit or overage at the close of the business day in which it occurred is a violation of this article.

SEC. 5. Section 29374 of said code is amended to read:

Reimbursement of deficits

29374. If a cash deficit is reported to the county officer or administrative head of a county department or judicial district, he shall immediately reimburse the cash charged to the person in the amount of the cash deficit. The reimbursement shall not exceed the amount in the cash difference fund unless that fund is replenished by the board of supervisors, and in any event not to exceed the sum appropriated by the board.

SEC. 6. Section 29375 of said code is amended to read:

29375. If an overage is reported to the county officer or administrative head of a county department or judicial district involved, he shall immediately deposit the overage in the overage fund in the county treasury. Deposit of overages

SEC. 7. Section 29376 of said code is amended to read:

29376. Each county officer or administrative head of a county department or judicial district having a cash difference fund shall upon demand of the auditor or the board of supervisors give an account of the cash difference fund. Accounting

SEC. 8. Section 29377 of said code is amended to read:

29377. If the cash difference fund becomes exhausted, the county officer or administrative head of a county department or judicial district involved may make a written application to the board of supervisors to have it replenished. In his application he shall itemize each cash deficit as to amount, date of occurrence and the name of the person whose account was reimbursed from the fund. Application for replenishment

SEC. 9. Section 29378 of said code is amended to read:

29378. Upon application the board may replenish the cash difference fund by resolution directing the county auditor to draw his special warrant for that purpose upon the general fund The treasurer shall pay the warrant to the person designated in the resolution. Replenishment

SEC. 10. Section 29379 of said code is amended to read:

29379. The board may at any time discontinue the cash difference fund. If the cash difference fund is discontinued, the county officer or administrative head of a county department or judicial district shall immediately give an account thereof and deposit any balance in that fund in the county general fund. Discontinuance

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CHAPTER 178

An act to amend Sections 1711, 1712, 1722, and 1771 of the Elections Code, relating to municipal initiative and referendum measures.

[Approved by Governor April 24, 1959. Filed with Secretary of State April 24, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1711 of the Elections Code is amended to read:

1711. If the initiative petition is signed by not less than 15 percent of the voters of the city on the day the original petition is filed with the clerk and contains a request that the ordinance be submitted immediately to a vote of the people at a special election, then the legislative body shall either: Initiative petition 15 percent of voters

(a) Introduce the ordinance without alteration at the regular meeting at which it is presented and adopt said ordinance within 10 days after it is presented.

(b) Immediately call a special election at which the ordinance, without alteration, shall be submitted to a vote of the voters of the city.

SEC. 2. Section 1712 of said code is amended to read:

10 percent of voters

1712. If the initiative petition is signed by not less than 10 percent of the voters of the city on the day the original petition is filed with the clerk, and the ordinance petitioned for is not required to be, or for any reason is not, submitted to the voters at a special election, and is not passed without change by the legislative body, then the ordinance without alteration, shall be submitted by the legislative body to the voters at the next regular municipal election.

SEC. 3. Section 1722 of said code is amended to read:

Special election

1722. Except as hereinafter provided, when a special election is to be called under this chapter, it shall be held not less than 60 nor more than 75 days after the date of the presentation of the proposed ordinance to the legislative body, and shall be held in accordance with the provisions of this code. To avoid holding more than one special election within any six months, the date for holding the special election may be fixed later than 75 days, but at as early a date as practicable after the expiration of six months from the last special election. When it is legally possible to hold a special election under this chapter within six months prior to a regular municipal election, the legislative body may in its discretion, submit the proposed ordinance at the regular election instead of at a special election.

SEC. 4. Section 1771 of said code is amended to read:

Petition for reconsideration

1771. If a petition, signed by not less than 10 percent of the voters of the city on the day the petition is filed with the clerk, protesting against the adoption of an ordinance is filed with the clerk of the legislative body of the city within 30 days of its adoption, the effective date of the ordinance shall be suspended, and the legislative body shall reconsider the same. In order to be acceptable for filing the petition must on its face purport to have appended to it signatures of voters in the required number.

CHAPTER 179

An act to amend Sections 9750, 9754.1, 9755, 9756, 9760, 9801, 9850, 9912, 11101, 11119 and 11120 of, the Elections Code, relating to municipal elections.

In effect September 18, 1959

[Approved by Governor April 24, 1959. Filed with Secretary of State April 24, 1959.]

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

SECTION 1. Section 9750 of the Elections Code is amended to read:

Notice of election

9750. Not earlier than the seventy-fifth nor later than the fifty-fourth day before any municipal election to fill offices,

the city clerk shall publish a notice of the election pursuant to Section 6061 of the Government Code in the city. The notice shall be headed "Notice of Election," and shall contain a statement of:

(a) The time of the election;

(b) The offices to be filled, specifying full term or short term, as the case may be.

If there is no newspaper of general circulation published and circulated in the city, the notice shall be typewritten and copies shall be posted conspicuously within that time in at least three public places in the city.

SEC. 2. Section 9754.1 of said code is amended to read:

Election officers and polling places

9754.1. Not later than 20 days prior to any municipal election, the city clerk shall publish the list of names of the election officers appointed and the polling places designated for each election precinct. Publication shall be in the city and pursuant to Section 6061 of the Government Code. If there is no newspaper of general circulation published and circulated in the city, the list shall be typewritten and copies shall be posted conspicuously within that time in at least three public places in the city. The list shall be headed "Election Officers and Polling Places" in conspicuous type and shall be substantially in the following form:

ELECTION OFFICERS AND POLLING PLACES

Notice is hereby given that at the _____ (general or special) municipal election to be held in the City of _____ on Tuesday, the _____ day of _____ 19___, there shall be _____ (_____) voting precincts consisting (of consolidations) of the regular election precincts in the City of _____ established for the holding of state and county elections; that the polling places for the respective precincts shall be the places hereinafter designated; and that the persons hereinafter named have been appointed officers of election for their respective voting precincts.

Voting Precinct 1, comprising regular election precinct number (or numbers).

_____ Polling Place: (state place)

Inspector:	(name)
Judge:	(name)
Clerk:	(name)
Clerk:	(name)

The polls will be open between the hours of _____ o'clock a.m. and _____ o'clock p.m.

Dated: _____

_____

City Clerk of the City of _____

SEC. 3. Section 9755 of said code is amended to read:

Notice of proposed measure

9755. In case of a municipal election on any measure, the city clerk shall publish a synopsis of the measure in the city pursuant to Section 6066 of the Government Code. If there is no newspaper of general circulation published and circulated

in the city, the notice shall be typewritten and copies shall be posted conspicuously within that time in at least three public places in the city. The notice shall be headed "Measure to Be Voted On" in conspicuous type and be substantially in the following form:

MEASURE TO BE VOTED ON

Notice is hereby given that the following Measure is to be voted on at the _____ (general or special) municipal election to be held in the City of _____, on Tuesday, the _____ day of _____, 19____.

(Synopsis of measure or measures)

Dated _____

_____

City Clerk of the City of_____

In case of a municipal election in which both offices are to be filled and a measure is to be voted on, the city clerk shall consolidate the notice of nominees and of the measure to be voted on into one notice.

SEC. 4. Section 9756 of said code is amended to read:

Nomination of candidates

9756. Candidates may be nominated for any of the elective offices of the city in the manner following:

Not earlier than the seventy-fifth day nor later than 12 o'clock noon on the fifty-fourth day before a municipal election, the voters may nominate candidates for election by signing a nomination paper. Each candidate shall be proposed by not less than five nor more than 10 voters, but only one candidate may be named in any one nomination paper. No voter may sign more than one nomination paper for the same office and in the event he does so his signature shall count only on the first nomination paper filed which contains his signature. Nomination papers subsequently filed and containing his signature shall be considered as though his signature does not appear thereon. Each seat on the governing body is a separate office. Any person registered to vote at the election may circulate a nomination paper. Where there are full terms and short terms to be filled, the term shall be specified.

SEC. 5. Section 9760 of said code is amended to read:

Filing

9760. All nomination papers shall be filed with the city clerk not later than 12 o'clock noon on the fifty-fourth day before the election. No candidate shall withdraw his nomination paper after it is filed with the city clerk as provided for in this section.

SEC. 6. Section 9801 of said code is amended to read:

Instructions to voters

9801. On the top of the face of the ballot the following directions shall be printed:

INSTRUCTIONS TO VOTERS

To vote for a candidate of your selection, stamp a cross (+) in the voting square next to the right of the name of that candidate. Where two or more candidates for the same

office are to be elected, stamp a cross (+) after the names of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected. To vote for a person not on the ballot, write his name under the title of the office in the blank space left for that purpose.

To vote on any measure, stamp a cross (+) in the voting square after the word "Yes" or after the word "No." All marks, except the cross (+) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void.

If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another.

On absent voter ballots mark a cross (+) with pen or pencil.

SEC. 7. Section 9850 of said code is amended to read:

Ballots, rosters, etc

9850. The city clerk shall have the necessary ballots printed and shall procure and furnish to the election officers the necessary roster, tally sheets, challenge list, assisted voter's list, affidavits of election officers assisting voters, declarations, instructions, envelopes in which to enclose returns, affidavits of registration and three copies of the index thereto, voting booths, ballot box and all other necessary supplies, and see that they are properly distributed to each voting precinct prior to the opening of the polls on the day of election.

SEC. 8. Section 9912 of said code is amended to read:

Certificates of registration

9912. Before it adjourns, the precinct board shall send in a sealed cover to the city clerk, the register, all certificates of registration received by it, the lists of the persons challenged, one copy of the list of voters, and the tally sheets.

SEC. 9. Section 11101 of said code is amended to read:

Recall petition

11101. A petition demanding the recall of the officer sought to be recalled shall be filed with the clerk of the legislative body of the city. The petition shall be signed by not less than 25 percent of the voters of the city on the day the petition is filed with the clerk.

SEC. 10. Section 11119 of said code is amended to read:

Results

11119. The governing body of the city shall meet at their usual place of meeting on the first Tuesday after the election to canvass the returns and declare the results as in a regular election. If a majority of those voting at the election voted in favor of the recall of any incumbent from office, the incumbent shall be deemed removed from office upon the qualification of his successor.

SEC. 11. Section 11120 of said code is amended to read:

Election of successor

11120. If the vote recalls the officer, the candidate who has received the highest number of votes for the office shall be declared elected for the unexpired term of the former incumbent. If the person who received the highest number of votes fails to qualify within 10 days after receiving the certificate of election, the office shall become vacant and shall be filled according to law.

CHAPTER 180

An act to amend Section 9900 of, and to repeal Sections 9912, 9913, 9914, 9916, and 9917 of, the Elections Code, relating to municipal elections.

In effect September 18, 1959

[Approved by Governor April 24, 1959. Filed with Secretary of State April 24, 1959.]

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

SECTION 1. Section 9900 of the Elections Code is amended to read:

Postelection procedure

9900. The votes shall be canvassed at the precincts, the result of the votes cast shall be posted, the supplies and records of the election shall be returned to the city clerk and such supplies and records shall be disposed of by the city clerk in accordance with the provisions of this code governing elections generally, so far as they may be applicable.

Repeal

SEC. 2. Sections 9912, 9913, 9914, 9916 and 9917 of said code are repealed.

CHAPTER 181

An act to amend Section 26802 of the Government Code, relating to the duties of a registrar of voters.

In effect September 18, 1959

[Approved by Governor April 24, 1959. Filed with Secretary of State April 24, 1959.]

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

SECTION 1. Section 26802 of the Government Code is amended to read as follows:

26802. Except as provided by law, he shall register as voters such electors as apply for registration and perform such other duties as are required of him by the Elections Code. In those counties in which a registrar of voters office has been established, the registrar of voters shall discharge all such duties vested by law in the county clerk which duties relate to and are a part of election procedure.

CHAPTER 182

An act to amend Section 5081.5 of the Education Code, and Section 19472 of the Education Code as proposed by Senate Bill No. 2, relating to changes in school districts.

In effect September 18, 1959

[Approved by Governor April 27, 1959. Filed with Secretary of State April 27, 1959.]

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

SECTION 1. Section 5081.5 of the Education Code is amended to read:

5081.5. When a district has received conditional apportionments which have become final under this chapter, and there is a unification of said district prior to December 31, 1952, within the meaning of Section 4931 of the Education Code, with another district having the same boundaries, the effective date of said unification for the purpose of the first district receiving additional apportionments pursuant to the terms of Section 5048.1 of the Education Code shall be July 1, 1953. Effective date of unification

SEC. 2. Section 19472 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

19472. When a district has received conditional apportionments which have become final under this chapter (Sections 19401 to 19486, inclusive), and there is a unification of said district prior to December 31, 1952, within the meaning of Section 3201 of the Education Code, with another district having the same boundaries, the effective date of said unification for the purpose of the first district receiving additional apportionments pursuant to the terms of Section 19415 of the Education Code shall be July 1, 1953. Same

SEC. 3. The amendment of these sections made by the 1959 Regular Session of the Legislature does not constitute a change in, but is a restatement of, the pre-existing law without substantive change. Declaratory of existing law

SEC. 4. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 5081.5 of the Education Code as amended by Section 1 of this act is repealed. Effect. Stats 1959, Ch 2

CHAPTER 183

An act to add Section 117n to the Code of Civil Procedure, relating to appeals from judgments of small claims courts.

[Approved by Governor April 27, 1959. Filed with Secretary of State April 27, 1959.] In effect September 18, 1959

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

SECTION 1. Section 117n is added to the Code of Civil Procedure, to read:

117n. When an appeal from a judgment of a small claims court is taken to the superior court, pursuant to this chapter, the clerk of the superior court, under supervision of the presiding judge, shall set the time and place of trial, and shall mail written notice thereof to appellant and appellee, at least 14 days prior to the time of trial.

CHAPTER 184

An act to amend Section 10508 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to tuition fees for foreign students.

In effect September 18, 1959

[Approved by Governor April 27, 1959. Filed with Secretary of State April 27, 1959.]

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

SECTION 1. Section 10508 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

10508. The governing board of the district may, as a condition precedent to the admission of any person, under Section 10507, require the parent or guardian of such person to pay to the district an amount not more than sufficient to reimburse the district for the total cost of educating the person, including the total of the amounts expended per pupil for the current expenses of education, the use of buildings and equipment, the repayment of local bonds and interest payments and state building loan funds, capital outlay, and transportation to and from school. The per pupil cost attributable to capital outlay shall be on the basis of an average expenditure for the preceding five years. The cost of transportation shall not exceed ten dollars ($10) per month. Tuition payments shall be made in advance for each month or semester during the period of attendance. If the amount paid is more or less than the total cost of education and transportation, adjustment shall be made for the following semester or school year. The attendance of the pupils shall not be included in computing the average daily attendance of the class or school for the purpose of obtaining apportionment of state funds.

CHAPTER 185

An act to amend Section 2137.1 of the Business and Professions Code, relating to persons authorized to practice medicine in state institutions.

In effect September 18, 1959

[Approved by Governor April 27, 1959. Filed with Secretary of State April 27, 1959.]

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

SECTION 1. Section 2137.1 of the Business and Professions Code is amended to read:

2137.1. Subject to the provisions of the State Civil Service Act, any person who is licensed to practice medicine in any other state and who complies with each and all of the requirements of Section 2147.5 with respect to registration with the

board and graduation from a school approved by the board, may be appointed to a medical staff within a state institution and, under supervision of a licensed physician and surgeon, may treat persons under the jurisdiction of any such state institution for a period not exceeding one year or until October 1, 1961, whichever is later; provided, that qualified physicians and surgeons cannot be recruited in the State of California. At the end of such time he must have secured a physician's and surgeon's certificate in order to continue as a member of such medical staff. Until such person has obtained a physician's and surgeon's certificate he shall not engage in the practice of medicine and surgery in this State except to the extent expressly herein permitted. No person appointed pursuant to this section shall be employed in any state institution or institutions for a period in excess of two years from the date such person was first employed. The provisions of this section shall terminate in October 1, 1961.

CHAPTER 186

An act to amend Section 6651 of the Welfare and Institutions Code, relating to state hospitals and institutions.

[Approved by Governor April 27, 1959. Filed with Secretary of State April 27, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 6651 of the Welfare and Institutions Code is amended to read:

6651. The monthly rate for the care, support, and maintenance of all mentally ill or insane persons and inebriates at the state hospitals for the mentally ill where there is liability to pay for such care, support, and maintenance, shall be reviewed once each fiscal year and fixed at the statewide average per capita cost of maintaining patients in all state hospitals for the preceding fiscal year, as determined by the Director of Mental Hygiene. The monthly rate thus fixed shall continue in effect until a new rate is fixed as aforesaid. The Director of Mental Hygiene may reduce, cancel or remit the amount to to be paid by the estate or the relatives, as the case may be, liable for the care, support, and maintenance of any mentally ill or insane person or inebriate who is a patient of a state hospital for the mentally ill, on satisfactory proof that the estate or relatives, as the case may be, are unable to pay the cost of such care, support, and maintenance. In any case where there has been a payment under this section, and such payment or any part thereof should be refunded because of the death, leave of absence, parole, or discharge of any inmate of

such institution, such amount shall be paid by the institution or the Department of Mental Hygiene to the person who made the payment upon demand, and in the statement to the Controller the amounts refunded shall be itemized and the aggregate deducted from the amount to be paid into the State Treasury, as provided by law. If any mentally ill or insane person or inebriate dies at any time while his estate is liable for his care, support, and maintenance and other expenses at a state hospital, the claim for the amount due may be presented to the executor or administrator of his estate, and paid as a preferred claim, with the same rank in order of preference, as claims for expenses of last illness.

CHAPTER 187

An act to add Section 6920 to the Health and Safety Code, relating to sanitary districts.

In effect September 18, 1959

[Approved by Governor April 27, 1959. Filed with Secretary of State April 27, 1959.]

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

SECTION 1. Section 6920 is added to the Health and Safety Code, to read:

6920. Notice of the hearing on the petition shall be given in the manner prescribed in Section 6912.

CHAPTER 188

An act to amend Section 7009 of the Welfare and Institutions Code, relating to liability for payment.

In effect September 18, 1959

[Approved by Governor April 27, 1959. Filed with Secretary of State April 27, 1959.]

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

SECTION 1. Section 7009 of the Welfare and Institutions Code is amended to read:

7009. The county from which each mentally deficient person is committed shall pay the State the cost of the care of such person, for the time the person committed remains an inmate of a state hospital for the mentally deficient or mentally ill or on parole or on leave of absence to a licensed boarding home for the care of such persons, at the monthly rate therefor fixed as provided in Section 7010.

CHAPTER 189

An act to amend Section 11496 of the Insurance Code, relating to incorporation of nonprofit hospitals.

[Approved by Governor April 27, 1959. Filed with Secretary of State April 27, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 11496 of the Insurance Code is amended to read:

11496. Persons desiring to form a nonprofit hospital service corporation shall incorporate pursuant to the provisions of this chapter and the provisions of Part 1 (commencing at Section 9000), Division 2, Title 1 of the Corporations Code, so far as the provisions of said Corporations Code are applicable and not inconsistent with this chapter.

CHAPTER 190

An act to amend Section 2732.1 of the Business and Professions Code, relating to the practice of nursing.

[Approved by Governor April 27, 1959. Filed with Secretary of State April 27, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2732.1 of the Business and Professions Code is amended to read:

2732.1. An applicant for license by examination shall submit a written application in the form prescribed by the board, accompanied by the fee prescribed by this chapter.

Upon approval of the application, the board may issue an interim permit authorizing the applicant to practice nursing pending the results of the first licensing examination following completion of his nursing course.

If the applicant passes the examination, the interim permit shall remain in effect until a license is issued by the board. If the applicant fails the examination, the interim permit shall terminate upon notice thereof by certified mail, return receipt requested, or if the applicant fails to receive the notice, upon the date specified in the interim permit.

CHAPTER 191

An act to amend Section 10493 of the Insurance Code, relating to insurance for participants in municipal playground activities.

In effect September 18, 1959

[Approved by Governor April 27, 1959. Filed with Secretary of State April 27, 1959.]

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

SECTION 1. Section 10493 of the Insurance Code is amended to read:

10493. Any incorporated or unincorporated benefit and relief association organized before January 15, 1951, may procure a certificate of exemption from the commissioner if it complies with all of the following:

(a) All of the other requirements of this article.

(b) As respects life or disability or life and disability insurance transacted by it, it is of an entirely nonprofit nature.

(c) Any one of the following requirements as to membership and purpose:

(1) It is composed of and its membership limited to the appointive officers and employees of a public school district or districts and/or the pupils of any such district or districts, or of any private school or schools.

(2) It is composed of and its membership limited to the appointive officers and employees of a municipal playground system, or the systems of two or more municipalities united in a league, federation or other association for the purpose of promoting intercity competitions or other activities, and/or the participants in dancing, recreational, sporting, educational, social and/or theatrical activities sponsored and/or directed by such system or systems and carried on through the use of any of the facilities of such system or systems.

(3) Its membership in this State is 1,000 or more and it is either an organization of a purely religious or benevolent character or its membership is limited to the members of such an organization.

(4) It is composed of and its membership is limited to the members of another organization which other organization is of a purely religious or benevolent character and has a total membership in this State of not less than 1,000.

(5) It is a domestic organization, lodge, society or order which prior to September 19, 1947, provided life or disability benefits or both such benefits to its members and

(A) Is of a charitable, benevolent or beneficent character or becomes such within one year from September 4, 1951, and in both instances is thereafter of such character, and

(B) Operates in such a manner that the payment of such benefits even though it be one of the express purposes of such organization, lodge or order, is as a matter of fact incidental to its charitable, benevolent or beneficent purposes or

within one year from September 4, 1951, operates in such a manner and in both instances thereafter operates in such a manner.

(6) Officers and employees of a common employer, and related dependents of such officers and employees, comprising wives, husbands and unmarried dependent children under 19 years of age, and living in the same household.

CHAPTER 192

An act to amend Section 352 of the Code of Civil Procedure, relating to the statute of limitations.

[Approved by Governor April 27, 1959. Filed with Secretary of State April 27, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 352 of the Code of Civil Procedure is amended to read:

352. If a person entitled to bring an action, mentioned in chapter three of this title, be, at the time the cause of action accrued, either:

1. Under the age of majority; or,
2. Insane; or,
3. Imprisoned on a criminal charge, or in execution under the sentence of a criminal court for a term less than for life; or,
4. A married woman, and her husband be a necessary party with her in commencing such action;

the time of such disability is not a part of the time limited for the commencement of the action.

CHAPTER 193

An act to add Sections 13001.6 and 13831.2 to, and to repeal Sections 13831.2, 13831.3, 13831.4 and 13831.5 of, the Education Code and to add Sections 13254.5 and 13513 to, and to repeal Sections 13513, 13514, 13515 and 13516 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to the employment of teachers by school districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 27, 1959. Filed with Secretary of State April 27, 1959.]

In effect immediately

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

SECTION 1. Section 13001.6 is added to the Education Code, to read:

13001.6. The employment of all persons in positions requiring certification qualifications by governing boards of school districts prior to the effective date of this section and

Positions requiring certification qualifications

the payment of compensation by school districts for all services heretofore rendered by such persons is hereby authorized, ratified, confirmed and validated; provided, all of the following conditions have been met.

(a) Each such person has heretofore filed or registered with the appropriate agency not later than 95 days after the date fixed by the governing board of the district for the commencement of his services, a valid certification document authorizing him to serve in the position in which he was employed.

(b) The application for such certification document was made to the issuing authority not later than 95 days after the date fixed by the governing board of the district for the commencement of his services.

Repeals

SEC. 2. Sections 13831.2, 13831.3, 13831.4 and 13831.5 of said code are repealed.

SEC. 3. Section 13831.2 is added to said code, to read:

Payment of salary withheld

13831.2. Notwithstanding any other provision of law, if, prior to the effective date of this section, payment of the salary of any person employed in a position requiring certification qualification has been withheld because the certification document of such person was not in force for the period such salary was earned and the credentials of such person have been renewed or properly approved for issuance within 95 days after the end of such period, the district may pay the person the amount of salary withheld.

SEC. 4. Section 13254.5 is added to the Education Code as enacted by the Legislature at the 1959 Regular Session, to read:

Positions requiring certification qualifications

13254.5. The employment of all persons in positions requiring certification qualifications by governing boards of school districts prior to the effective date of this section and the payment of compensation by school districts for all services heretofore rendered by such persons is hereby authorized, ratified, confirmed and validated; provided, all of the following conditions have been met:

(a) Each such person has heretofore filed or registered with the appropriate agency not later than 95 days after the date fixed by the governing board of the district for the commencement of his services, a valid certification document authorizing him to serve in the position in which he was employed.

(b) The application for such certification document was made to the issuing authority not later than 95 days after the date fixed by the governing board of the district for the commencement of his services.

Repeals

SEC. 5. Sections 13513, 13514, 13515 and 13516 of said code are repealed.

SEC. 6. Section 13513 is added to said code, to read:

Payment of salary withheld

13513. Notwithstanding any other provision of law, if, prior to the effective date of this section, payment of the salary of any person employed in a position requiring certification qualification has been withheld because the certification

document of such person was not in force for the period such salary was earned and the credentials of such person have been renewed or properly approved for issuance within 95 days after the end of such period, the district may pay the person the amount of salary withheld.

SEC. 7. Sections 4 to 6, inclusive, of this act shall become operative at the same time as the Education Code, as enacted by the Legislature at its 1959 Regular Session, at which time Sections 13001.6 and 13831.2 of the Education Code as added by Sections 1 and 3 of this act are repealed.

Operative date re Stats 1959, Ch 2

SEC. 8. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Urgency

There are many teachers who through inadvertence or misunderstanding failed to make application for the issuance or renewal of their teaching credentials at the proper time although fully qualified to teach in the public schools. As a result, such teachers have been deprived of their salary for periods of varying length, during which they rendered service and were fully qualified to teach.

In order to restore the confidence of the teachers in the Public School System and to encourage them to remain in the teaching profession, rather than seeking employment in other fields, it is necessary that this act take effect immediately.

CHAPTER 194

An act to add Section 25699 to the Government Code, relating to county water resources committees and boards.

[Approved by Governor April 27, 1959. Filed with Secretary of State April 27, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 25699 is added to the Government Code, to read:

25699. The board of supervisors may establish a committee or board to advise and make recommendations to the board of supervisors with respect to the water resources of the county. The members appointed to the committee or board so established shall receive no compensation but shall be reimbursed for their necessary and actual expenses incurred while traveling on behalf of the county either within or without the county.

CHAPTER 195

An act to amend Section 630 of the Probate Code, relating to summary probate proceedings.

In effect September 18, 1959

[Approved by Governor April 27, 1959. Filed with Secretary of State April 27, 1959.]

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

SECTION 1. Section 630 of the Probate Code is amended to read:

630. When a decedent leaves no real property, nor interest therein nor lien thereon, in this State, and the total value of the decedent's property in this State, over and above any amounts due to the decedent for services in the Armed Forces of the United States, does not exceed one thousand dollars ($1,000), the surviving spouse, the children, lawful issue of deceased children, the parent, the brother or sister of the decedent, the lawful issue of a deceased brother or sister, or the guardian of the estate of any minor or insane or incompetent person bearing such relationship to the decedent, if such person has a right to succeed to the property of the decedent, or is the sole beneficiary under the last will and testament of the decedent, may, without procuring letters of administration, or awaiting the probate of the will, collect any money due the decedent, receive the property of the decedent, and have any evidences of interest, indebtedness or right transferred to him upon furnishing the person, representative, corporation, officer or body owing the money, having custody of such property or acting as registrar or transfer agent of such evidences of interest, indebtedness or right, with an affidavit showing the right of the affiant or affiants to receive such money or property, or to have such evidences transferred.

CHAPTER 196

An act to amend Section 717.1 of the Code of Civil Procedure, relating to proceedings supplemental to execution.

In effect September 18, 1959

[Approved by Governor April 27, 1959. Filed with Secretary of State April 27, 1959.]

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

SECTION 1. Section 717.1 of the Code of Civil Procedure is amended to read:

717.1. Neither a judgment debtor nor a debtor of a judgment debtor shall be required to attend before a judge or referee outside of the county in which he resides or in which he has a place of business unless the distance is less than 100 miles from his place of residence or his place of business to the place of trial.

No process to require the attendance, pursuant to this chapter, of a debtor of a judgment debtor, shall be effective unless, at the time of service of process, the person serving same tenders to such person mileage fees in the amount of fifteen cents ($0.15) per mile necessary to be traveled, one way, from such person's residence to the court or other place where attendance is sought. Such mileage fees shall be an item of costs chargeable to the judgment debtor, and the court may, pursuant to Section 719, order the application of any property of the judgment debtor to the satisfaction of such costs.

CHAPTER 197

An act to amend Sections 3051a and 3068 of the Civil Code, relating to liens.

[Approved by Governor April 27, 1959. Filed with Secretary of State April 27, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 3051a of the Civil Code is amended to read:

3051a. That portion of any lien, as provided for in the next preceding section, in excess of two hundred dollars ($200), for any work, services, care, parking, or safekeeping rendered or performed at the request of any person other than the holder of the legal title, shall be invalid, unless prior to commencing any such work, service, care, parking, or safekeeping, the person claiming such lien shall give actual notice in writing either by personal service or by registered letter addressed to the holder of the legal title to such property, if known. In the case of automobiles and trailers, the person named as legal owner in the registration certificate, shall be deemed for the purpose of this section, as the holder of the legal title and if any portion of a lien includes storage or parking charges upon automobiles or trailers for a period in excess of 60 days, the portion of the lien which accrued after the expiration of such period is invalid unless the provisions of Sections 10650 and 10652 of the Vehicle Code have been complied with by the holder of said lien

Lien

SEC. 2. Section 3068 of said code is amended to read:

3068. (a) Every person has a lien dependent upon possession for the compensation to which he is legally entitled for making repairs or performing labor upon, and furnishing supplies or materials for, and for the storage, repair or safekeeping of, and for the rental of trailer parking space for, any vehicle of a type subject to registration under the Vehicle Code, subject to the limitations set forth in this chapter.

Same

(b) That portion of the lien in excess of two hundred dollars ($200), for any work or services rendered or performed at the

request of any person other than the holder of the legal title, is invalid, unless prior to commencing any such work or service the person claiming the lien gives actual notice in writing either by personal service or by registered letter addressed to the legal owner named in the registration certificate, and the consent of the holder of the legal title is obtained before any such work or services are performed. If any portion of a lien includes charges for the care, storage or safekeeping of, or for the rental of trailer parking space for, a vehicle for a period in excess of 60 days, the portion of the lien which accrued after the expiration of such period is invalid unless the provisions of Sections 10650, 10651, and 10652 of the Vehicle Code have been complied with by the holder of the lien.

CHAPTER 198

An act to add Section 23394.5 to the Business and Professions Code, relating to alcoholic beverages.

In effect September 18, 1959

[Approved by Governor April 27, 1959. Filed with Secretary of State April 27, 1959.]

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

SECTION 1. Section 23394.5 is added to the Business and Professions Code, to read:

Exercise of license privileges

23394.5. No privileges under an off-sale general license, except as provided in Section 23106, shall be exercised by the licensee in more than one room or building unless the rooms or buildings are contiguous and the access between such rooms or buildings is adequate and available for general public use without the necessity of using any public or private street, alley or sidewalk.

No retroactive application

SEC. 2. The provisions of this act shall not be retroactive in their application.

CHAPTER 199

An act to add Section 24209 to the Business and Professions Code, relating to alcoholic beverages.

In effect September 18, 1959

[Approved by Governor April 27, 1959. Filed with Secretary of State April 27, 1959.]

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

SECTION 1. Section 24209 is added to the Business and Professions Code, to read:

24209. When an arrest is made of any person, for a violation of this division, the arresting officer may release such person without taking such person before a magistrate upon such person's signing an agreement to appear in court or

before a magistrate at a place and time designated by the arresting officer; provided, that when an arrest is made of a licensee or employee of a licensee the arresting officer shall release such licensee or employee without taking such licensee or employee before a magistrate upon such licensee or employee signing an agreement to appear in court or before a magistrate at a place and time designated by an arresting officer.

CHAPTER 200

An act to add Section 426.5 to the Health and Safety Code, relating to air pollution, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 28, 1959. Filed with Secretary of State April 28, 1959.] In effect immediately

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

SECTION 1. Section 426.5 is added to the Health and Safety Code, to read:

426.5. It shall be the duty of the State Director of Public Health to determine by February 1, 1960, the maximum allowable standards of emissions of exhaust contaminants from motor vehicles which are compatible with the preservation of the public health including the prevention of irritation to the senses.

The standards shall be developed after the department has held public hearings and afforded an opportunity for all interested persons to appear and file statements or be heard. The department shall publish such notice of the hearings as it determines to be reasonably necessary.

The department after notice and hearing may revise the standards, and shall publish the revised standards, from time to time.

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

The pollution of the air by the discharge of air pollutants from the exhausts of motor vehicles constitutes one of the most serious threats to the health of the people of this State. It is imperative that standards for the discharge of such pollutants be developed without delay. It is, therefore, necessary that this act take effect immediately.

SEC. 3. This act shall be known and may be cited as the Rees-Richards Act.

CHAPTER 201

An act to add Title 2 (commencing with Section 1801) to Part 4, Division 3, of the Civil Code, relating to credit and installment sales of goods and services.

In effect September 18, 1959

[Approved by Governor April 29, 1959. Filed with Secretary of State April 29, 1959.]

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

SECTION 1. Title 2 is added to Part 4, Division 3, of the Civil Code, to read:

TITLE 2. CREDIT SALES

CHAPTER 1. RETAIL INSTALLMENT SALES

Article 1. General Provisions

Short title

1801. This chapter may be cited as the "Unruh Act."

No waiver

1801.1. Any waiver of the buyer of the provisions of this chapter shall be deemed contrary to public policy and shall be unenforceable and void.

Severability clause

1801.2. If any provision of this chapter or the application thereof to any person or circumstances is held unconstitutional, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

Limitations

1801.3. Except as provided in Section 1805.1, the provisions of this chapter shall not apply to any retail installment sale which is made for a cash sale price of fifty dollars ($50) or less where no title, lien or other security interest is retained or taken by the seller. This section shall not apply to sales made pursuant to the provisions of Article 10 of this chapter.

Article 2. Definitions

Definitions

1802. Unless the context or subject matter otherwise requires, the definitions given in this article govern the construction of this chapter.

"Goods"

1802.1. "Goods" means tangible chattels bought for use primarily for personal, family or household purposes, including certificates or coupons exchangeable for such goods, and including goods which, at the time of the sale or subsequently are to be so affixed to real property as to become a part of such real property whether or not severable therefrom, but does not include any vehicle required to be registered under the Vehicle Code, nor any goods sold with such a vehicle if sold under a contract governed by Section 2982 of the Civil Code.

"Services"

1802.2. "Services" means work, labor and services, for other than a commercial or business use, including services

furnished in connection with the sale or repair of goods as defined in Section 1802.1 or furnished in connection with the repair of motor vehicles or in connection with the improvement of real property or the providing of insurance, but does not include the services of physicians or dentists, nor services for which the tariffs, rates, charges, costs or expenses, including in each instance the time sale price, is required by law to be filed with and approved by the Federal Government or any official, department, division, commission or agency of the United States.

"Seller," etc.

1802.3. "Retail seller" or "seller" means a person engaged in the business of selling goods or furnishing services to retail buyers.

"Buyer," etc

1802.4. "Retail buyer" or "buyer" means a person who buys goods or obtains services from a retail seller in a retail installment sale and not principally for the purpose of resale.

"Sale," etc

1802.5. "Retail installment sale" or "sale" means the sale of goods or the furnishing of services by a retail seller to a retail buyer for a time sale price payable in installments.

"Contract," etc

1802.6. "Retail installment contract" or "contract" means any contract for a retail installment sale between a buyer and seller, entered into or performed in this State, which provides for repayment in installments, whether or not such contract contains a title retention provision, and in which a time price differential is computed upon and added to the unpaid balance at the time of sale or where no time price differential is added but the goods or services are available at a lesser price if paid by cash. When taken or given in connection with a retail installment sale, the term includes but is not limited to a chattel mortgage, a conditional sales contract and a contract for the bailment or leasing of goods by which the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of their value and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of the goods upon full compliance with the terms of the contract.

"Installment account," etc

1802.7. "Retail installment account" or "installment account" or "revolving account" means an account established by an agreement entered into in this State, pursuant to which the buyer promises to pay, in installments, to a retail seller, his outstanding balance incurred in retail installment sales, whether or not a security interest in the goods sold is retained by the seller, and which provides for a service charge which is expressed as a percent of the periodic balances to accrue thereafter providing such charge is not capitalized or stated as a dollar amount in such agreement.

"Cash sale price"

1802.8. "Cash sale price" means the cash sale price stated in a retail installment contract for which the seller would sell or furnish to the buyer and the buyer would buy or obtain from the seller the goods or services which are the subject matter of a retail installment contract if the sale were a sale for cash instead of a retail installment sale. The cash sale price

may include any taxes and cash sale prices for accessories and services, if any, included in a retail installment sale.

"Time sale price"

1802.9. "Time sale price" means the total of the cash sale price of the goods or services and the amounts, if any, included for insurance, official fees and service charge.

"Service charge," etc.

1802.10. "Time price differential" or "service charge" means the amount however denominated or expressed which the retail buyer contracts to pay or pays for the privilege of purchasing goods or services to be paid for by the buyer in installments; it does not include the amounts, if any, charged for insurance premiums, delinquency charges, attorney's fees, court costs, collection expenses or official fees. Wherever either of such terms is required to be used under the provisions of this chapter the other may be used interchangeably.

"Unpaid balance"

1802.11. "Unpaid balance" means the cash sale price of the goods or services which are the subject matter of the retail installment sale, plus the amounts, if any, included in a retail installment sale for insurance and official fees, minus the amount of the buyer's downpayment in money or goods.

"Time balance"

1802.12. "Time balance" means the total of the unpaid balance and the amount of the service charge, if any.

"Holder"

1802.13. "Holder" means the retail seller who acquires a retail installment contract or installment account executed, incurred or entered into by a retail buyer, or if the contract or installment account is purchased by a financing agency or other assignee, the financing agency or other assignee. The term does not include the pledgee of or the holder of a security interest in an aggregate number of such contracts or installment accounts to secure a bona fide loan thereon.

"Official fees"

1802.14. "Official fees" means the fees required by law and actually to be paid to the appropriate public officer to perfect a lien or other security interest, on or in goods, retained or taken by a seller under a retail installment contract or installment account.

"Person"

1802.15. "Person" means an individual, partnership, corporation, association or other group, however organized.

"Financing agency"

1802.16. "Financing agency" means a person engaged in this State in whole or in part in the business of purchasing retail installment contracts, or installment accounts from one or more retail sellers. The term includes but is not limited to a bank, trust company, private banker, or investment company, if so engaged.

Article 3. Provisions of Retail Installment Contracts

Installment contracts: Date

1803.1. A retail installment contract shall be dated and in writing; the printed portion thereof shall be in at least eight-point type.

Contents

1803.2. Except as provided in Section 1808.3, every retail installment contract shall be contained in a single document which shall contain:

(a) The entire agreement of the parties with respect to the cost and terms of payment for the goods and services, includ-

ing any promissory notes or any other evidences of indebtedness between the parties relating to the transaction.

(b) Either at the top of the contract or directly above the space reserved for the signature of the buyer, the words "Conditional Sale Contract" or "Lien Contract," as the case may be, shall appear in at least 10-point bold type where a security interest in the goods is retained or a lien on other goods or realty is obtained by the seller as security for the goods or services purchased. Either at the top of the contract or directly above the space reserved for the signature of the buyer, the words "Retail Installment Contract" shall appear in at least 10-point bold type where security is not obtained by the seller for the goods or services purchased. The requirements of this subdivision shall be in addition to any applicable designation required of a chattel mortgage by Civil Code Sections 2956 and 2957.

(c) A notice in at least eight-point bold type reading as follows: "Notice to the buyer: (1) Do not sign this agreement before you read it or if it contains any blank space. (2) You are entitled to a completely filled-in copy of this agreement. (3) Under the law, you have the right to pay off in advance the full amount due and under certain conditions to obtain a partial refund of the service charge."

Same

1803.3. Except as provided in Article 8 of this chapter, a contract shall contain the following:

(a) The names of the seller and the buyer, the place of business of the seller, the residence or place of business of the buyer as specified by the buyer and a description of the goods or services sufficient to identify them. Services or multiple items of goods may be described in general terms and may be described in detail sufficient to identify them in a separate writing.

(b) The cash sale price of the goods, services and accessories which are the subject matter of the retail installment sale.

(c) The amount of the buyer's down payment, itemizing the amounts paid in money and in goods and containing a brief description of the goods, if any, traded in.

(d) The difference between item (b) and item (c).

(e) The amount, if any, included for insurance, specifying the coverages and the cost of each type of coverage.

(f) The amount, if any, of official fees.

(g) The unpaid balance, which is the sum of items (d), (e), and (f).

(h) The amount of the service charge, if any.

(i) The time balance, which is the sum of items (g) and (h), payable by the buyer to the seller, the number of installments required, the amount of each installment expressed in dollars and the due date or period thereof.

(j) The time sale price.

The items need not be stated in the sequence or order set forth above; additional items may be included to explain the

computations made in determining the amount to be paid by the buyer.

Signature

1803.4. The seller shall not obtain the signature of the buyer to a contract when it contains blank spaces to be filled in after it has been signed.

Insurance

1803.5. If the cost of any insurance is included in the contract and a separate charge is made to the buyer for such insurance:

(a) The contract shall state whether the insurance is to be procured by the buyer or the seller.

(b) The amount, included for such insurance, shall not exceed the premiums chargeable in accordance with rate fixed for such insurance by the insurer.

(c) If the insurance is to be procured by the seller or holder, he shall, within 45 days after delivery of the goods or furnishing of the services under the contract, deliver, mail or cause to be mailed to the buyer, at his address as specified in the contract, a notice thereof or a copy of the policy or policies of insurance or a certificate or certificates of the insurance so procured.

(d) The provisions of Insurance Code Section 1668 shall apply to any violation of this section.

Delinquency charge

1803.6. A contract may provide for the payment by the buyer of a delinquency charge on each installment in default for a period of not less than 10 days in an amount not in excess of 5 percent of such installment or five dollars ($5), whichever is less, but a minimum charge of one dollar ($1) may be made. Only one such delinquency charge may be collected on any such installment regardless of the period during which it remains in default. The contract may also provide for payment of any actual and reasonable costs of collection occasioned by removal of the goods from the State without written permission of the holder, or by the failure of the buyer to notify the holder of any change of residence, or by the failure of the buyer to communicate with the holder for a period of 45 days after any default in making payments due under the contract.

Copy

1803.7. The seller shall deliver to the buyer, or mail to him, at his address shown on the contract, a legible copy thereof completed in accordance with the provisions of this chapter. Until the seller does so, the buyer shall be obligated to pay only the cash sale price. Any acknowledgment by the buyer of delivery of a copy of the contract shall be printed or written in a size equal to at least 10-point bold type and, if contained in the contract shall also appear directly above the space reserved for the buyer's signature. The buyer's written acknowledgment, conforming to the requirements of this section of delivery of a copy of a contract shall be a conclusive presumption of such delivery and of compliance with this section and Section 1803.4, in any action or proceeding by or against an assignee of the contract without knowledge to the contrary when he purchases the contract.

1803.8. Retail installment sales negotiated and entered into by mail or telephone without personal solicitation by a salesman or other representative of the seller, where the seller's cash and deferred payment prices and other terms are clearly set forth in a catalog or other printed solicitation of business which is generally available to the public, may be made as hereinafter provided. All of the provisions of this chapter shall apply to such sales except that the seller shall not be required to deliver a copy of the contract to the buyer as provided in Section 1803.7, and if, when the proposed retail installment sale contract is received by the seller from the buyer, there are blank spaces to be filled in, the seller may insert in the appropriate blank spaces the amounts of money and other terms which are set forth in the seller's catalog which is then in effect. In lieu of the copy of the contract provided for in Section 1803.7 the seller shall, within 15 days from the date of shipment of goods, furnish to the buyer a written statement of the items inserted in such blank spaces. Catalog sales

Article 4. Restrictions on Retail Installment Contracts

1804.1. No contract or obligation shall contain any provision by which: Limitation of contract's content

(a) The buyer agrees not to assert against a seller a claim or defense arising out of the sale or agrees not to assert against an assignee such a claim or defense other than as provided in Section 1804.2.

(b) In the absence of the buyer's default in the performance of any of his obligations, the holder may, arbitrarily and without reasonable cause, accelerate the maturity of any part or all of the amount owing thereunder.

(c) A power of attorney is given to confess judgment in this State, or an assignment of wages is given; provided, that nothing herein contained shall prohibit the giving of an assignment of wages contained in a separate instrument, executed pursuant to Section 300 of the Labor Code.

(d) The seller or holder of the contract or other person acting on his behalf is given authority to enter upon the buyer's premises unlawfully or to commit any breach of the peace in the repossession of goods.

(e) The buyer waives any right of action against the seller or holder of the contract or other person acting on his behalf, for any illegal act committed in the collection of payments under the contract or in the repossession of goods.

(f) The buyer executes a power of attorney appointing the seller or holder of the contract, or other person acting on his behalf, as the buyer's agent in collection of payments under the contract or in the repossession of goods.

(g) The buyer relieves the seller from liability for any legal remedies which the buyer may have against the seller under the contract or any separate instrument executed in connection therewith.

Assignment

1804.2. No right of action or defense arising out of a retail installment sale which the buyer has against the seller, and which would be cut off by assignment, shall be cut off by assignment of the contract to any third party whether or not he acquires the contract in good faith and for value unless the assignee gives notice of the assignment to the buyer as provided in this section and within 15 days of the mailing of such notice receives no written notice of the facts giving rise to the claim or defense of the buyer. A notice of assignment shall be in writing addressed to the buyer at the address shown on the contract and shall identify the contract and inform the buyer that he must, within 15 days of the date of mailing of such notice, notify the assignee in writing of any facts giving rise to a claim or defense which he may have. The notice of assignment shall state the name of the seller and buyer, a description of the goods and services, the time balance and the number and amounts of the installments.

Lien limitations

1804.3. No contract other than one for services shall provide for a lien on any goods theretofore fully paid for or which have not been sold by the seller.

Void provisions

1804.4. Any provision in a contract which is prohibited by this chapter shall be void but shall not otherwise affect the validity of the contract.

Article 5. Service Charge Limitation

Service charge limitation

1805.1. A seller may, in a retail installment contract, contract for and, if so contracted for, the holder thereof may charge, receive and collect a service charge which shall not exceed the following rates multiplied by the number of months, including any fraction in excess of more than 15 days as one month, elapsing between the date of such contract and the due date of the last installment:

(a) On so much of the unpaid balance as does not exceed one thousand dollars ($1,000), five-sixths of 1 percent.

(b) If the unpaid balance exceeds one thousand dollars ($1,000), on so much of the unpaid balance as exceeds one thousand dollars ($1,000), two-thirds of 1 percent.

(c) If the service charge so computed is less than twelve dollars ($12), twelve dollars ($12), but if the due date of the last installment of the contract is eight months or less after its effective date, ten dollars ($10).

Installment periods

1805.2. Contracts may be payable in successive monthly, semimonthly or weekly installments.

Unequal or irregular installments

1805.3. When a retail installment contract provides for unequal or irregular installments, the service charge shall be at the effective rate provided for in Section 1805.1, having due regard for the schedule of installments.

Service charge

1805.4. The service charge shall be inclusive of all charges incident to investigating and making the contract and for the extension of the credit provided for in the contract, and no fee, expense or other charge whatsoever shall be taken,

received, reserved or contracted for except as otherwise provided in this chapter.

1805.5. No seller shall induce or permit any buyer to split up or divide any sales transaction for the purpose of contracting for or receiving a higher rate of time price differential than would otherwise be permitted by this article or to obtain the exemption permitted by Section 1801.3 of this chapter. Division of sales transactions

Article 6. Payments

1806.1. Unless the buyer has notice of actual or intended assignment of a contract or installment account, payment thereunder made by the buyer to the last known holder of such contract or installment account, shall to the extent of the payment, discharge the buyer's obligation. Discharge

1806.2. At any time after its execution, but not later than one year after the last payment thereunder, the holder of a contract shall, upon written request of the buyer made in good faith, promptly give or forward to the buyer a detailed written statement which will state with accuracy the total amount, if any, unpaid thereunder. Such a statement shall be supplied by the holder once each year without charge; if any additional statement is requested by the buyer, the holder shall supply such statement to the buyer at a charge not exceeding one dollar ($1) for each additional statement supplied to the buyer. The provisions of this section shall not apply to those transactions wherein, instead of periodic statements of account, the buyer is provided with a passbook or payment book in which all payments, credits, charges and the unpaid balance is entered. Statement

1806.3. Notwithstanding the provisions of any contract to the contrary, any buyer may pay the contract in full at any time before maturity and in so paying it shall receive a refund credit thereon for such anticipation. The amount of any such refund credit shall represent at least as great a proportion of the service charge or, if the contract has been extended, deferred or refinanced, of the additional charge therefor, as the sum of the periodic monthly time balances not yet due bears to the sum of all the periodic monthly time balances under the schedule of installments in the contract or, if the contract has been extended, deferred or refinanced, as so extended, deferred or refinanced. Where the amount of the credit for anticipation of payment is less than one dollar ($1) no refund need be made. Where the earned service charge amounts to less than the minimum service charge, there may be retained an amount equal to the minimum service charge applicable. Payment before maturity

1806.4. After the payment of all sums for which the buyer is obligated under a contract and upon demand made by the buyer, the holder shall deliver, or mail to the buyer at his last known address, such one or more good and sufficient in- Release

struments as may be necessary to acknowledge payment in full and to release all security in the goods under such contract.

Article 7. Refinancing and Consolidation

Extension and deferment

1807.1. The holder of a retail installment contract may, upon agreement with the buyer, extend the scheduled due date or defer the scheduled payment of all or of any part of any installment or installments payable thereunder. No charge shall be made for any such extension or deferment unless the agreement for such extension or deferment is in writing and signed by the parties thereto. The holder may charge and contract for the payment of an extension or deferral charge by the buyer and collect and receive the same, but such charge may not exceed an amount equal to 1 percent per month simple interest on the amount of the installment or installments, or part thereof, extended or deferred for the period of extension or deferral. Such period shall not exceed the period from the date when such extended or deferred installment or installments, or part thereof, would have been payable in the absence of such extension or deferral, to the date when such installment or installments, or part thereof, are made payable under the agreement of extension or deferment; except that a minimum charge of one dollar ($1) for the period of extension or deferral may be made in any case where the extension or deferral charge, when computed at such rate, amounts to less than one dollar ($1). Such agreement may also provide for the payment by the buyer of the additional cost to the holder of the contract of premiums for continuing in force, until the end of such period of extension or deferral, any insurance coverages provided for in the contract, subject to the provisions of Section 1803.5.

Refinance

1807.2. The holder of a retail installment contract or contracts may, upon agreement in writing with the buyer, refinance the payment of the unpaid time balance or balances of the contract or contracts by providing for a new schedule of installment payments. The holder may charge and contract for the payment of a refinance charge by the buyer and collect and receive the same, but such refinance charge (1) shall be based upon the amount refinanced, plus any additional cost of insurance and of official fees incident to such refinancing, after the deduction of a refund credit in an amount equal to that to which the buyer would have been entitled under Section 1806.3 if he had prepaid in full his obligations under the contract or contracts, but in computing such refund credit there shall not be allowed the minimum earned service charge as authorized by such section, and (2) may not exceed the rate of service charge provided under Article 5 of this chapter. Such agreement for refinancing may also provide for the payment by the buyer of the additional cost to the holder of the contract or contracts of premiums for continuing in force, until the maturity of the

contract or contracts as refinanced, any insurance coverages provided for therein, subject to the provisions of Section 1803.5. The refinancing agreement shall set forth the amount of the unpaid time balance or balances to be refinanced, the amount of any refund credit, the amount to be refinanced after the deduction of the refund credit, the amount of the service charge under the refinancing agreement, any additional cost of insurance and of official fees to the buyer, the new unpaid time balance and the new schedule of installment payments. Where there is a consolidation of two or more contracts then the provisions of Section 1808.1 and 1808 2 shall apply.

Refinancing agreement

1807.3. In the event a contract provides for the payment of any installment which is more than double the amount of the average of the preceding installments the buyer, upon default of this installment, shall be given an absolute right to obtain a new payment schedule. Unless agreed to by the buyer, the periodic payments under the new schedule shall not be substantially greater than the average of the preceding installments

New payment schedule

Article 8 Add-on Sales

1808.1. A retail installment contract which otherwise conforms to the requirements of this chapter, may contain the provision that the seller may at his option add subsequent purchases made by the buyer to the contract, and that the total price of the goods or services covered by the contract shall be increased by the price of such additional goods or services, and that all service charges and installment payments may at the seller's option be increased proportionately, and that all terms and conditions of the contract shall apply equally to such additional goods or services. The contract may also provide that the goods purchased under the previous contract or contracts shall be security for the goods purchased under the subsequent contract but only until such time as the time sale price under the previous contract or contracts is fully paid.

Add-on sales

1808.2. When a subsequent purchase is made, the entire amount of all payments made previous thereto shall be deemed to have been applied toward the payment of the previous time sale price or time sale prices. Each payment thereafter received shall be deemed to be allocated to all of the various time sale prices in the same proportion or ratio as the original cash sale prices of the various purchases bear to one another; where the amount of each installment payment is increased in connection with the subsequent purchase, the subsequent payments (at the seller's election) may be deemed to be allocated as follows: an amount equal to the original rate, to the previous time sale price, and an amount equal to the increase, to the subsequent time sale price. However, the amount of any initial or down payment on the subsequent purchase shall be deemed to be allocated in its entirety to such purchase.

Allocation of payments

Memorandum

1808.3. When a subsequent purchase is made the seller shall deliver to the buyer, prior to the due date of the first installment, a memorandum which shall set forth the following:

(a) The names of the seller and the buyer, the place of business of the seller, the residence or place of business of the buyer as specified by the buyer and a description of the goods and services sufficient to identify them. Services or multiple items of goods may be described in general terms and may be described in detail in a separate writing.

(b) The cash sale price of the goods, services and accessories which are the subject matter of the new retail installment sale.

(c) The amount of the buyer's down payment, itemizing the amounts paid in money and in goods and containing a brief description of the goods, if any, traded in.

(d) The difference between item (b) and item (c).

(e) The amount, if any, included for insurance, specifying the coverages and the cost of each type of coverage.

(f) The amount, if any, of official fees.

(g) The unpaid balance, which is the sum of items (d), (e) and (f).

(h) The unpaid time balance of the prior contract or contracts.

(i) The new unpaid balance, which is the sum of items (g) and (h).

(j) The amount of the service charge computed in conformity with Section 1808.5.

(k) The consolidated time balance, which is the sum of items (i) and (j), payable by the buyer to the seller, the number of installments required, the amount of each installment expressed in dollars and the due date or period thereof.

The items need not be stated in the sequence or order set forth above; additional items may be included to explain the computations made in determining the amount to be paid by the buyer.

This memorandum shall contain the statement that the seller is adding the subsequent purchase to the buyer's existing contract in accordance with the provisions thereof.

Obligation

1808.4. Until the seller delivers to the buyer the memorandum as provided in Section 1808 3 the buyer shall be obligated to pay only the cash sale price of the subsequent purchase.

Service charge

1808.5. Subject to the other provisions of Article 5, the service charge to be included in a consolidated time balance shall be determined by applying the service charge at the applicable rate specified in that article to either:

(a) The total of the unpaid balance of the subsequent contract and the unpaid balance of any previous contract included in the consolidated total determined by deducting from the then unpaid time balance thereof any then unearned service charge in an amount not less than the refund credit for anticipation provided for in Article 6 of this chapter (computed,

however, without the allowance of any minimum earned service charge), for the period from the date thereof to and including the date when the final installment of such consolidated total is payable; or

(b) The principal balance of the subsequent contract for the period from the date thereof to and including the date when the final installment of such consolidated total is payable and, if the due date of the final installment of such consolidated total is later than the due date of the final installment of any previous contract included in the consolidated total, on the time balance then unpaid on such previous contract from the date when the final installment thereof was payable to the date when the final installment of such consolidated total is payable.

Limitation

1808.6. The minimum service charge as provided in subsection (c) of Section 1805.1 may be used but once in any series of add-on transactions.

Article 9. Terms of Purchase by Financing Agency

Purchase of installment obligations

1809.1. Notwithstanding any contrary provision of this title a financing agency may purchase a retail installment contract or installment account from a seller on such terms and conditions and for such price as may be mutually agreed upon. No filing of notice or of the assignment, no notice to the buyer of the assignment, and no requirement that the seller be deprived of dominion over payments upon the contract or installment account or over the goods if repossessed by the seller, shall be necessary to the validity of a written assignment of a contract or installment account as against creditors, subsequent purchasers, pledgees, mortgagees or encumbrancers of the seller, except as may otherwise be required by law.

Article 10. Retail Installment Accounts

Installment account

1810.1. A retail installment account may be established by the seller upon the request of a buyer or prospective buyer. The statement that "service charges not in excess of those permitted by law will be charged on the outstanding balances from month to month," shall be printed in type no smaller than eight point in every application form used by the seller and shall be stated to the applicant when such installment accounts are negotiated by telephone.

Confirmation

1810.2. At the time a seller accepts the credit of the buyer and establishes a retail installment account for his use, the seller shall confirm this fact to the buyer in writing. Such confirmation shall contain a clear and understandable statement of the rates of service charge, without regard to the variations contained in Section 1810.4, which will be collected from the buyer, but may contain the clause that such rates are subject to change if permitted by law. This confirmation shall

also contain a legend that the buyer may at any time pay his entire balance.

(a) The confirmation shall be in type no smaller than elite typewriter characters.

(b) If no copy of the confirmation is retained by the seller, a notation in his permanent record showing that such confirmation was mailed, and the date of the mailing, shall serve as prima facie evidence of such mailing.

Service charge Statement

1810.3. Each retail seller, before he can avail himself of the service charges permitted by this article, shall display prominently in his main place of business and in each branch thereof, a statement outlining the service charge rates which will conform to Section 1810.4 of this article.

Rates

1810.4. Subject to the other provisions of this article the seller or holder of a retail installment account may charge, receive and collect the service charge authorized by this chapter The service charge shall not exceed the following rates computed on the outstanding balances from month to month:

(a) On so much of the outstanding balance as does not exceed one thousand dollars ($1,000), 1½ percent per month.

(b) If the outstanding balance is more than one thousand dollars ($1,000), 1 percent per month on the excess over one thousand dollars ($1,000) of the outstanding balance.

(c) If the service charge so computed is less than one dollar ($1) for any month, one dollar ($1).

(d) The service charge may be computed on a schedule of fixed amounts if as so computed it is applied to all amounts of outstanding balances equal to the fixed amount minus a differential of not more than five dollars ($5), provided that it is also applied to all amounts of outstanding balances equal to the fixed amount plus at least the same differential.

Statement

1810.5. The seller or holder of a retail installment account shall promptly provide the buyer with a statement as of the end of each monthly period (which need not be a calendar month) setting forth the following:

(a) The balance due to the seller or holder from the buyer at the beginning of the monthly period.

(b) The dollar amount of each purchase by the buyer during the monthly period and, (unless a sales slip or memorandum of each purchase has previously been furnished the buyer or is attached to the statement) the purchase or posting date, a brief description and the cash price of each purchase.

(c) The payments made by the buyer to the seller or holder and any other credits to the buyer during the monthly period.

(d) The amount of the service charge.

(e) The total balance in the account at the end of the monthly period.

(f) A legend to the effect that the buyer may at any time pay his total balance.

The items need not be stated in the sequence or order set forth above; additional items may be included to explain the

computations made in determining the amount to be paid by the buyer.

1810.6. The service charge shall include all charges incident to investigating and making the retail installment account. No fee, expense, delinquency, collection or other charge whatsoever shall be taken, received, reserved or contracted by the seller or holder of a retail installment account except as provided in this section. A seller may, however, in an agreement which is signed by the buyer and of which a copy is given or furnished to the buyer provide for the payment of attorney's fees and costs in conformity with Article 11 of this chapter. Included charges

1810.7. If the cost of any insurance is to be separately charged to the buyer, there shall be an agreement to this effect, signed by both the buyer and the seller, a copy of which shall be given or furnished to the buyer. Such agreement shall state whether the insurance is to be procured by the buyer or the seller or holder. If the insurance is to be procured by the seller or holder, the seller or holder shall comply with the provisions of Section 1803.5. Insurance

1810.8. Nothing in this article prohibits the execution of an agreement between a buyer and seller whereby the seller retains a security interest in goods sold to the buyer until full payment therefor has been made. The provisions of Section 1808.2 are applicable to goods sold under such an agreement Security interest

1810.9. No retail installment account shall require or entail the execution of any note or series of notes by the buyer which when separately negotiated will cut off as to third parties any right of action or defense which the buyer may have against the seller. Notes

1810.10. The provisions of Sections 1806.1 and 1806.4 shall be applicable to retail installment accounts. Sections applicable

1810.11. Nothing in this article shall be construed to affect the validity of any agreement or contractual relationship entered into prior to January 1, 1960, except that any rate in excess of that allowed by this article shall be reduced to the permissible rate on or before January 1, 1960. Agreements affected

Article 11. Attorney's Fees and Court Costs

1811.1. A contract or installment account may provide for the payment of reasonable attorney's fees and actual court costs if it is referred to an attorney for collection. Reasonable attorney's fees and costs shall be awarded to the prevailing party in any action on a contract or installment account subject to the provisions of this chapter regardless of whether such action is instituted by the seller, holder or buyer Where the defendant alleges in his answer that he tendered to the plaintiff the full amount to which he was entitled, and thereupon deposits in court, for the plaintiff, the amount so tendered, and the allegation is found to be true, then the Attorney's fees and court costs

defendant is deemed to be a prevailing party within the meaning of this article.

Article 12. Attachment

Attachment

1812.1. In addition to any existing exemption under any other provisions of law, the salary or wages of a defendant are exempt from attachment for a period of 60 days from the date of default of the contract or installment account for any claim arising out of a contract or installment account subject to the provisions of this chapter.

Article 12.1. Repossession and Resale

Repossession and resale

1812.2. In the event of any default by the buyer in the performance of his obligations under a contract or installment account, the holder, pursuant to any rights granted therein, may proceed to recover judgment for the balance due without retaking the goods, or he may retake the goods and proceed as hereinafter provided. If he retakes the goods, he shall give notice to the buyer of his intention to sell the goods at public sale or give notice to the buyer of his intention to retain the goods in satisfaction of the balance due. In either case the buyer shall have an absolute right to redeem the goods within 10 days after the notice is given by paying or tendering the amount owing under the contract and any expense of taking, keeping and storage. If the holder gives notice of election to sell the goods the buyer shall also have the absolute right to redeem the goods at any time before sale by paying or tendering the amounts specified above and also any expense reasonably incurred by the seller or holder in good faith in repairing, reconditioning the goods or preparing them for sale. If the holder gives notice of his intention to retain the goods in satisfaction of the indebtedness he shall be deemed to have done so at the end of the 10-day period if the goods are not redeemed. Upon written demand of the buyer, the holder shall furnish the buyer a written statement of the sum due under the contract and the expenses provided for in this section. For failure to render such a statement within a reasonable time, the holder shall forfeit to the buyer ten dollars ($10) and also be liable to him for all damages suffered because of such failure.

Notice

1812.3. The notice provided for in Section 1812.2 shall be given to the buyer and any other person liable by causing it to be delivered personally or to be deposited in the United States mail addressed to the buyer or to such other person at his last known address and shall advise the buyer or such other person of his right to redeem as provided for in Section 1812.2. If the holder determines to sell the goods at public sale he shall give notice of the time and place of sale at least 10 days before the date of sale by delivering a copy of the notice personally to the buyer or other person liable or depositing the same in the United States mail addressed to the buyer or such other person at his last known address, and by publication at least once in a

newspaper of general circulation in the county in which the sale is to be held.

1812.4. The proceeds of a resale shall be applied (1) to the payment of the expenses thereof, (2) to the payment of any expenses of retaking, including reasonable attorney's fees actually incurred, and of any expenses of keeping, storing, repairing, reconditioning or preparing the goods for sale to which the holder may be entitled, (3) to the satisfaction of the balance due under the contract. Any sum remaining after the satisfaction of such claims shall be paid to the buyer. Proceeds of resale

1812.5. If the proceeds of the sale are not sufficient to cover items (1), (2) and (3) of Section 1812.4, the holder may recover the deficiency from the buyer or from anyone who has succeeded to the obligations of the buyer. The buyer may have the reasonable value of the goods at the time of resale determined in any action brought by the holder to recover the deficiency, the resale price being prima facie but not conclusive evidence of such reasonable value, and in such case the reasonable value as determined or the resale price, whichever shall be higher, shall be credited to the buyer on account of his indebtedness. Deficiency

If the holder does not sell the goods within a reasonable time after the goods are retaken, he shall be deemed to have waived any claim for a deficiency, but any sale made within three months of the retaking shall be deemed to have been made within a reasonable time.

If the buyer has paid an amount equal to 80 percent or more of the total time sale price at the time of his default under the contract or installment account, then the holder may elect either (a) to repossess the goods and release the buyer from further obligation under the contract or installment account, or (b) be limited to an action to recover the balance of the indebtedness.

Article 12.2. Penalties

1812.6. Any person who shall willfully violate any provision of this chapter shall be guilty of a misdemeanor. Penalty

1812.7. In case of failure by any person to comply with the provisions of this chapter, such person or any person who acquires a contract or installment account with knowledge of such noncompliance is barred from recovery of any time price differential or service charge or of any delinquency, collection, extension, deferral or refinance charge imposed in connection with such contract or installment account and the buyer shall have the right to recover from such person an amount equal to any of such charges paid by the buyer. Same

1812.8. Notwithstanding the provisions of this article, any failure to comply with any provision of this chapter may be corrected within 10 days after the holder notices such failure or is notified thereof in writing by the buyer and, if so corrected, neither the seller nor the holder shall be subject to any penalty under this article. Correction of noncompliance

Limitation

1812.9. Section 1812.8 shall not apply to any person who willfully violates any provision of this chapter in connection with the imposition, computation or disclosures of or relating to a time price differential or service charge on a consolidated total of two or more contracts under the provisions of Article 8 of this chapter, and the buyer may recover from such person an amount equal to three times the total of the time price differentials or service charges and any delinquency, collection, extension, deferral or refinance charges imposed, contracted for or received on all contracts included in the consolidated total and the seller shall be barred from the recovery of any such charges.

Operative date

SEC. 2. This act shall become operative January 1, 1960. This title shall not affect the validity of any agreement made prior to the effective date of this act.

CHAPTER 202

An act to add Sections 12713, 12714, and 12715 to the Water Code, relating to flood control.

In effect September 18, 1959

[Approved by Governor April 30, 1959. Filed with Secretary of State April 30, 1959.]

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

SECTION 1. Section 12713 is added to the Water Code, to read:

Sandy Prairie project

12713. The project for flood protection on the Eel River, in the Sandy Prairie region, is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 80, Eighty-fifth Congress, as authorized by act of Congress approved July 3, 1958 (Public Law 85-500, 72 Stat. 297, Title II, the "Flood Control Act of 1958"), at such estimated cost to the State as may be appropriated for state co-operation by the Legislature upon the recommendation and advice of the department.

SEC. 2. Section 12714 is added to said code, to read:

Assurances of co-operation

12714. The County of Humboldt shall give assurances satisfactory to the Secretary of the Army that the local co-operation, required by Section 201 of the act of Congress approved July 3, 1958 (Public Law 85-500, 72 Stat. 297, Title II, the "Flood Control Act of 1958"), will be furnished by the county in connection with the project for flood protection adopted and authorized in Section 12713

SEC. 3. Section 12715 is added to said code, to read:

Execution of plans and projects

12715. The County of Humboldt, in conjunction with the Department of the Army, shall execute the plans and projects referred to in Section 12713, and may make modifications and amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 (commencing at Section 12570) and 2 (commencing at Section 12639) of this part.

CHAPTER 203

An act to amend Sections 2804, 2808 and 2810 of the Streets and Highways Code, relating to the Special Assessment Investigation, Limitation and Majority Protest Act of 1931.

[Approved by Governor April 30, 1959. Filed with Secretary of State April 30, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2804 of the Streets and Highways Code is amended to read:

Exceptions

2804. This division shall not apply to irrigation districts, irrigation district improvement districts, fire districts, fire protection districts or to public cemetery districts, or to any proceeding otherwise subject hereto when one or more of the following situations exist: (1) when the proceedings are undertaken by a district or public corporation within one year of its incorporation, and the proposed improvements are substantially described in an investigation proceeding had under the District Investigation Act of 1933 for the incorporation of said district or public corporation; or (2) when said improvement proceedings are by a charter city, or charter county, and said city or county has complied with the provisions of Section 17 of Article XIII of the Constitution; or (3) when all of the owners of more than 60 percent in area of the property subject to assessment for said proposed improvement have signed and filed with the clerk or secretary of the legislative body undertaking said proceedings a written petition for said improvements and waiver of said investigation proceedings. The words "substantially described" as used herein shall be deemed to mean that additional improvements of the same or similar nature may not be provided unless the estimated cost thereof shall not exceed 10 percent of the estimated cost of the improvements provided in said former report. Owners of land within the meaning of this section are those, and those only, who appear to be such upon the assessor's roll at the time that said petition is filed with the clerk or secretary of said legislative body. If any person signing said petition appears on said roll as an owner of property as a joint tenant or tenant in common, said property shall be counted as if all such tenants had duly signed.

SEC. 2. Section 2808 of said code is amended to read:

Sanitary sewers

2808. None of the provisions of this division shall apply to proceedings heretofore or hereafter commenced for the construction of sanitary sewers and sewage disposal works including the acquisition of sewer rights-of-way and easements necessary in connection with such improvement when such proceedings have been recommended by the health officer of the city or county in which such proceedings are instituted as necessary as a health measure, if such recommendation is given in writing and spread upon the minutes of the legislative body

conducting said proceedings, and such necessity is found to exist by resolution adopted by the affirmative vote of four-fifths of the members thereof. The findings and determinations made by the legislative body pursuant to this section shall be final and conclusive upon all persons in the absence of actual fraud.

SEC. 3. Section 2810 of said code is amended to read:

Sidewalks

2810. None of the provisions of this division shall apply to proceedings hereafter commenced for the construction of sidewalks when required for the safety of pupils attending the schools within a city or county and the necessity for such requirement is found to exist by the legislative body of such city or county conducting said proceedings, expressed by resolution adopted by the affirmative vote of four-fifths of the members thereof. The findings and determinations made by the legislative body pursuant to this section shall be final and conclusive upon all persons in the absence of actual fraud.

CHAPTER 204

An act to amend Section 9535 of the Education Code, and amend Section 8801 of the Education Code as proposed by Senate Bill No. 2, relating to county school service fund library services.

In effect September 18, 1959

[Approved by Governor April 30, 1959. Filed with Secretary of State April 30, 1959.]

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

SECTION 1. Section 9535 of the Education Code is amended to read:

Library services

9535. (a) The county superintendent of schools may, with the approval of the board of supervisors and the county board of education, agree with the county librarian to take over all existing contracts for supplementary books and other material adopted for the course of study between the school districts and the county librarian entered into pursuant to the provisions of Article 4 of Chapter 7 of Division 9 of this code. Thereafter the county superintendent of schools shall generally perform such library services for the school districts as were theretofore performed by the county library.

(b) After the above agreement has been entered into, the governing board of any school district which had not yet joined the county library may enter into an agreement with the county superintendent of schools for the performance of supplementary book services for the school library upon such terms and conditions as are fixed in the contracts or agreements.

(c) Whenever the county superintendent of schools performs supplementary book services for the school library of any district, the provisions of Article 4 of Chapter 7 of Divi-

sion 9 of this code, so far as applicable, shall control. The county superintendent shall employ a librarian holding a valid credential authorizing services as a librarian issued by the State Board of Education or having possession of a certificate showing completion of a year's work in an accredited library school. He shall also employ such assistants as may be necessary to carry on this service. The cost of the salaries of such librarian and assistants, and the other necessary expenses of maintenance of the library, including necessary supplies, equipment, and books, may be paid from the county school service fund.

SEC. 2. Section 8801 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

8801. (a) The county superintendent of schools may, with the approval of the board of supervisors and the county board of education, agree with the county librarian to take over all existing contracts for supplementary books and other material adopted for the course of study between the school districts and the county librarian entered into pursuant to the provisions of Sections 7201 to 7211, inclusive, of this code. Thereafter the county superintendent of schools shall generally perform such library services for the school districts as were theretofore performed by the county library. Same

(b) After the above agreement has been entered into, the governing board of any school district which had not yet joined the county library may enter into an agreement with the county superintendent of schools for the performance of supplementary book services for the school library upon such terms and conditions as are fixed in the contracts or agreements.

(c) Whenever the county superintendent of schools performs supplementary book services for the school library of any district, the provisions of Sections 7201 to 7211, inclusive, of this code, so far as applicable, shall control. The county superintendent shall employ a librarian holding a valid credential authorizing services as a librarian issued by the State Board of Education or having possession of a certificate showing completion of a year's work in an accredited library school. He shall also employ such assistants as may be necessary to carry on this service. The cost of the salaries of such librarian and assistants, and the other necessary expenses of maintenance of the library, including necessary supplies, equipment, and books, may be paid from the county school service fund.

SEC. 3. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 9535 of the Education Code as amended by Section 1 of this act is repealed. Effect Stats 1959, Ch 2

CHAPTER 205

An act to amend Section 4902.05 of, and to repeal Section 4902.1 of, the Education Code; and amend Section 3113 of, and to repeal Section 3117 of, the Education Code as proposed by Senate Bill No. 2, relating to the reorganization of school districts.

In effect September 18, 1959

[Approved by Governor April 30, 1959. Filed with Secretary of State April 30, 1959.]

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

SECTION 1. Section 4902.05 of the Education Code is amended to read:

Committee membership and notice

4902.05. (a) When the county committee has selected all or any portion of the county for possible recommendation for reorganization other than for the formation of a junior college district, or when the county committee has changed the territory so selected as provided in subparagraph (c), each member of the governing board of each school district included in whole or in part within the territory to be considered shall be included in the membership of the committee and shall be so notified by letter sent by the county superintendent of schools.

(b) When the county committee has selected all or any portion of the county for possible recommendation for the organization of a junior college district, or when the county committee has changed the territory so selected as provided in subparagraph (c), each member of the governing board of each high school district and unified district included in whole or in part within the territory to be considered shall be included in the membership of the committee and shall be so notified by letter sent by the county superintendent of schools.

(c) At any time, and from time to time, after the county committee has selected all or any part of the county for possible recommendation for reorganization and prior to the adoption by the augmented county committee of plans and recommendations for unification or other reorganization, a majority of the county committee as established in Section 4901 may change the territory selected for possible recommendation for reorganization. For purposes of membership on the augmented county committee, the change shall be effective immediately thereafter. Each member of the governing board of each school district, if the action is pursuant to subparagraph (a), or of each high school district and each unified district, if the action is pursuant to subparagraph (b), which, as a result of the change, is included in whole or in part within the area to be considered, shall be included in the membership of the committee and shall be so notified by letter sent by the county superintendent of schools. Members of the governing board of any school district which, as a result of the change, is no longer included in whole or in part within the territory as so changed, shall cease to be members of the committee,

and shall be notified of the termination of membership by letter sent by the county superintendent of schools.

(d) For the purposes of constituting a quorum at the committee meetings, all of the members of the governing board of one school district attending the meeting shall count only as one member of the committee. For the purposes of voting upon a recommendation, each school district so represented on the committee shall have only one vote and shall be entitled to vote only if the recommendation would affect that district. The district vote shall represent the decision of a majority of the members of the governing board of that district.

(e) The augmented county committee shall adopt a tentative recommendation following which action it shall hold one (1) or more public hearings in the area proposed for reorganization at least thirty (30) days prior to submission of a final recommendation for unification or other reorganization to the State Board of Education.

No final recommendation for reorganization pursuant to Section 4902 shall be made until the augmented county committee established by this section has adopted the recommendation by a majority of all entitled to vote and no such action shall be taken prior to the third meeting following the date when the members of the governing board of all districts included in the recommendation have been members of the augmented committee nor prior to the public hearing specified in this section.

Repeal

SEC. 2. Section 4902.1 of said code is repealed.

SEC. 3. Section 3113 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

Committee membership and notice

3113. (a) When the county committee has selected all or any portion of the county for possible recommendation for reorganization other than for the formation of a junior college district, or when the county committee has changed the territory so selected as provided in subparagraph (c), each member of the governing board of each school district included in whole or in part within the territory to be considered shall be included in the membership of the committee and shall be so notified by letter sent by the county superintendent of schools.

(b) When the county committee has selected all or any portion of the county for possible recommendation for the organization of a junior college district, or when the county committee has changed the territory so selected as provided in subparagraph (c), each member of the governing board of each high school district and unified district included in whole or in part within the territory to be considered shall be included in the membership of the committee and shall be so notified by letter sent by the county superintendent of schools.

(c) At any time, and from time to time, after the county committee has selected all or any part of the county for possible recommendation for reorganization and prior to the adoption by the augmented county committee of plans and

recommendations for unification or other reorganization, a majority of the county committee as established in Section 3101 may change the territory selected for possible recommendation for reorganization. For purposes of membership on the augmented county committee, the change shall be effective immediately thereafter. Each member of the governing board of each school district, if the action is pursuant to subparagraph (a), or of each high school district and each unified district, if the action is pursuant to subparagraph (b), which, as a result of the change, is included in whole or in part within the area to be considered, shall be included in the membership of the committee and shall be so notified by letter sent by the county superintendent of schools. Members of the governing board of any school district which, as a result of the change, is no longer included in whole or in part within the territory as so changed, shall cease to be members of the committee, and shall be notified of the termination of membership by letter sent by the county superintendent of schools.

(d) For the purposes of constituting a quorum at the committee meetings, all of the members of the governing board of one school district attending the meeting shall count only as one member of the committee. For the purposes of voting upon a recommendation, each school district so represented on the committee shall have only one vote and shall be entitled to vote only if the recommendation would affect that district. The district vote shall represent the decision of a majority of the members of the governing board of that district.

(e) The augmented county committee shall adopt a tentative recommendation following which action it shall hold one (1) or more public hearings in the area proposed for reorganization at least thirty (30) days prior to submission of a final recommendation for unification or other reorganization to the State Board of Education.

No final recommendation for reorganization pursuant to Section 3108 shall be made until the augmented county committee established by this section has adopted the recommendation by a majority of all entitled to vote and no such action shall be taken prior to the third meeting following the date when the members of the governing boards of all districts included in the recommendation have been members of the augmented committee nor prior to the public hearing specified in this section.

Repeal

SEC. 4. Section 3117 of said proposed code is repealed.

Effect Stats 1959, Ch 2

SEC. 5. Sections 3 and 4 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 4902.05 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 206

An act to amend Sections 3632 and 3672 of the Corporations Code, relating to amendments to articles of incorporation.

[Approved by Governor April 30, 1959. Filed with Secretary of State April 30, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 3632 of the Corporations Code is amended to read:

Amendment of articles after issue of shares, etc.

3632. After any shares have been issued or subscriptions for shares have been accepted, or members other than the incorporators have been admitted by a nonstock corporation, amendments may be adopted by resolution of the board of directors and the vote or written consent of shareholders holding at least a majority of the voting power, or by two-thirds of a quorum of the members of a nonstock corporation, given either before or after the adoption of the resolution of the board of directors, except that in the case of nonstock corporations where the members have unequal voting power the amendment shall be approved by the vote or written consent of members holding not less than a majority of the voting power.

The articles of incorporation may require the vote or written consent of the holders of any greater percentage or fraction of the outstanding shares of any one or more classes or series for the approval of any amendment of the articles or of amendments of particular kinds or for particular purposes, or may require for such approval the vote or written consent of the holders of a greater percentage or fraction of the voting power or outstanding shares, than would otherwise be required under this article, but in no case may the articles or bylaws prohibit any amendment authorized by this chapter.

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

Same: Certificate and verification

3672. In the case of amendments adopted after the issuance of shares or while any subscription to shares is outstanding prior to the issuance of any shares or after members other than the incorporators have been admitted by a nonstock corporation, the certificate shall be signed by the president or a vice president and the secretary or an assistant secretary, and shall be verified by their affidavit stating, in effect, that the matters set forth in the certificate are true of their own knowledge.

The certificate shall set forth the following:

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

(b) If the amendment is one for the adoption or approval of which the vote or consent of the shareholders or members alone is required, a copy of the resolution adopting the amendment; the time and place of the meeting at which the resolution was adopted, and the number of shares or members voting in favor of the resolution; or if approval was by written con-

sent, a copy of the form of written consent; the number of shares or members consenting; and in either case, the total number of shares entitled to vote on or consent to the amendment, or, in the case of a nonstock corporation, the number of members constituting a quorum, except that in the case of nonstock corporations having members with unequal voting power the certificate shall state that fact and shall state the total number of votes entitled to be voted for or to consent to the amendment and the number of votes cast for or consenting to the amendment.

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

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

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

The copy of the resolution or form of written consent of shareholders included in the certificate need not set forth the amendment or amended articles; provided, such copy contains a statement that the amendment or amended articles as set forth in the directors' resolution was set forth in the shareholders' resolution or form of written consent at the place indicated in such copy. The certificate need not contain a copy of the shareholders' resolution if it was identical in form to the directors' resolution and the certificate so states.

CHAPTER 207

An act to amend Sections 28156 and 28156.1 of the Government Code, relating to compensation for public service in counties of the fifty-sixth class.

In effect September 18, 1959

[Approved by Governor April 30, 1959. Filed with Secretary of State April 30, 1959.]

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

SECTION 1. Section 28156 of the Government Code is amended to read:

Compensation for services

28156. In a county of the fifty-sixth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, one thousand sixty dollars ($1,060) a year.

(b) The district attorney three thousand six hundred dollars ($3,600) a year and his necessary traveling expenses, to be allowed by the board of supervisors.

(c) Each supervisor, one thousand five hundred dollars ($1,500) a year, for all services rendered as supervisor and member of the board of equalization. He shall also receive ten cents ($0.10) for each mile traveled on county business and his actual and necessary traveling expenses when traveling by order of the board of supervisors on county business outside of the county.

(d) For each day's attendance as a grand juror or a trial juror in the superior court, six dollars ($6), and thirty-five cents ($0.35) for each mile actually traveled one way as grand juror or trial juror. The county clerk shall certify to the auditor the number of days' attendance, and the number of miles traveled by each juror. The auditor shall draw his warrant therefor and the treasurer shall pay the warrant.

SEC. 2. Section 28156.1 of said code is amended to read:

Same

28156.1. Notwithstanding the provisions of Section 28156, in a county of the fifty-sixth class, each supervisor shall receive two thousand four hundred dollars ($2,400) a year for all services rendered as supervisor and member of the board of equalization. He shall also receive ten cents ($0.10) for each mile traveled on county business and his actual and necessary traveling expenses when traveling by order of the board of supervisors on county business outside of the county.

CHAPTER 208

An act to add Section 1744.1 to the Code of Civil Procedure, relating to children's courts of conciliation.

[Approved by Governor April 30, 1959. Filed with Secretary of State April 30, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1744.1 is added to the Code of Civil Procedure, to read:

1744.1. In each county having a population of 64,000 or less, the superior court may appoint, with the consent and approval of the board of supervisors, the following persons to assist the conciliation court in disposing of its business and carrying out its functions:

(a) One counselor of conciliation who shall have the power to:

(1) Hold conciliation conferences with parties to, and hearings in, proceedings under this chapter, and make recommendations concerning such proceedings to the judge of the conciliation court.

(2) Provide such supervision in connection with the exercise of its jurisdiction as the judge of the conciliation court may direct.

(3) Cause such reports to be made, such statistics to be compiled and such records to be kept as the judge of the conciliation court may direct.

(4) Hold such hearings in all conciliation court cases as may be required by the judge of the conciliation court, and make all investigations as may be required by the court, and in general perform all such duties as may be required by the court to carry out the intent of this chapter.

(b) One assistant commissioner of conciliation.

(c) One secretary.

(d) Such office assistants as may be required to properly handle the clerical work of the court.

The salaries of persons appointed under this section shall be fixed by the board of supervisors of the county. All persons appointed under this section may be dismissed for any reason by a majority vote of the judges of the superior court of the county.

The superior court or board of supervisors may, at any time, abolish any or all positions created pursuant to this section.

CHAPTER 209

An act to amend Sections 16771 and 16772 of the Government Code, relating to state bonds.

In effect September 18, 1959

[Approved by Governor April 30, 1959. Filed with Secretary of State April 30, 1959.]

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

SECTION 1. Section 16771 of the Government Code is amended to read:

Bonds and coupons: Cancellation

16771. Upon the payment of any such bond or coupon, the State Treasurer, or such state fiscal agent, or other duly authorized agent, shall perforate the same with a suitable device in a manner to indicate such payment. The State Treasurer, or state fiscal agents, or other duly authorized agents, shall also on the respective dates of maturity of any such bonds which have been executed but which remain unsold, cancel the same by perforation with a suitable device in a manner to indicate such cancellation and on the respective due dates of all coupons attached to any such bond remaining unsold, shall detach all such coupons the due date of which has been reached, and cancel them in the same manner as provided for the cancellation of bonds remaining unsold.

SEC. 2. Section 16772 of said code is amended to read:

Destruction

16772. The State Treasurer, or state fiscal agents, or other duly authorized agents, may destroy or cremate any or all bonds and any or all coupons pertaining thereto which have been previously paid or canceled as provided herein.

CHAPTER 210

An act to amend Labor Code Section 101, relating to payment of court costs by the Division of Labor Law Enforcement.

[Approved by Governor April 30, 1959. Filed with Secretary of State April 30, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 101 of the Labor Code is amended to read:

101. No court costs of any nature shall be payable by the division, in any civil action to which the division is a party. Any sheriff, marshal, or constable requested by the Labor Commissioner or his deputy or representative shall serve the summons in the action upon any person within his jurisdiction or levy an attachment, garnishment, or execution in the action upon the property of any defendant without cost to the division except for keeper's fees, mileage fees, and storage charges.

CHAPTER 211

An act to amend Section 14736 of the Education Code, and amend Section 14674 of the Education Code as proposed by Senate Bill No. 2, relating to district retirement boards.

[Approved by Governor April 30, 1959. Filed with Secretary of State April 30, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 14736 of the Education Code is amended to read:

"District retirement board"

14736. The governing board of a district establishing the retirement plan, shall provide for the administration of the funds and the payment of retirement salaries by a "district retirement board" to be composed of not less than three nor more than seven members. The governing board of the district shall be represented upon the retirement board, and the teachers and any other employees of the district subject to the plan shall be represented in proportion, as nearly as is practicable, to the respective number of teachers and other employees covered by the plan, by representatives chosen by the teachers and other employees by secret ballot. The county treasurer of the county in which the district establishing the plan is located, shall be ex officio a member of the district retirement board. The representatives of the governing board on the "district retirement board," if not members of the plan, shall be paid thirty-five dollars ($35) per meeting not to exceed one meeting per month. The compensation shall be a charge against the district retirement fund. All members of

the retirement board shall serve for such terms as may be specified by the governing board in establishing the plan. The district retirement board shall have such further powers and duties as may be prescribed by the governing board of the district.

SEC. 2. Section 14674 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

Same

14674. The governing board of a district establishing the retirement plan, shall provide for the administration of the funds and the payment of retirement salaries by a "district retirement board" to be composed of not less than three nor more than seven members. The governing board of the district shall be represented upon the retirement board, and the teachers and any other employees of the district subject to the plan shall be represented in proportion, as nearly as is practicable, to the respective number of teachers and other employees covered by the plan, by representatives chosen by the teachers and other employees by secret ballot. The county treasurer of the county in which the district establishing the plan is located, shall be ex officio a member of the district retirement board. The representatives of the governing board on the "district retirement board," if not members of the plan, shall be paid thirty-five dollars ($35) per meeting not to exceed one meeting per month. The compensation shall be a charge against the district retirement fund. All members of the retirement board shall serve for such terms as may be specified by the governing board in establishing the plan. The district retirement board shall have such further powers and duties as may be prescribed by the governing board of the district.

Effect. Stats 1959, Ch. 2

SEC. 3. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 14736 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 212

An act to amend Section 1592 of the Insurance Code, relating to alien insurers.

In effect September 18, 1959

[Approved by Governor April 30, 1959. Filed with Secretary of State April 30, 1959.]

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

SECTION 1. Section 1592 of the Insurance Code is amended to read:

1592. The statement required by Section 1591 shall be verified in the manner prescribed in Sections 903 and 903.5 and there shall be filed therewith the certificate of each trustee in

the United States holding trusteed assets of such alien insurer, showing the description and amount of such trusteed assets, and the purpose for which they are held. Said statement shall be filed in triplicate by such alien insurer with the office of the department in San Francisco. Of said triplicate copies, one shall be filed by the commissioner in the office of the department in Los Angeles, and one in the office of the department in Sacramento.

The commissioner may at other times require any admitted alien insurer to file with him similar statements, showing the information specified in Section 1591 with respect to such other date as he may prescribe.

CHAPTER 213

An act to amend Section 11624 of, and to add Section 11624.5 to, the Insurance Code, relating to commissions on insurance placed with the California Automobile Assigned Risk Plan, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 30, 1959. Filed with Secretary of State April 30, 1959.] In effect immediately

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

SECTION 1. Section 11624 of the Insurance Code is amended to read:

11624. Such plan shall contain: Contents of plan

(a) Standards for determining eligibility of applicants for insurance, and in establishing such standards the following may be taken into consideration in respect to the applicant or any other person who may reasonably be expected to operate the applicant's automobile with his permission:

(1) His criminal conviction record;

(2) His record of suspension or revocation of a license to operate an automobile;

(3) His automobile accident records;

(4) His age and mental, physical and moral characteristics which pertain to his ability to safely and lawfully operate an automobile;

(5) The condition or use of the automobile.

(b) Procedures for making application for insurance, for apportionment of eligible applicants among the subscribing insurers and for appeal to the commissioner by persons who believe themselves aggrieved by the operation of the plan.

(c) A provision that the organization administering such plan shall notify the Department of Motor Vehicles regarding the name of each applicant for insurance who is rejected by the assigned risk plan and the statutory grounds for such rejection. The information contained in such notification shall be for the confidential use of the Department of Motor Vehicles.

(d) Rules and regulations governing the administration and operation of the plan,

(e) Provisions showing the basis upon which premium charges shall be made, and

(f) Such other provisions as may be necessary to carry out the purpose of this article.

SEC. 2. Section 11624.5 is added to said code, to read:

Charges for application

11624.5. No insurance agent, broker or solicitor shall make any charge to the applicant, directly or indirectly, for furnishing any person the necessary application forms, technical assistance and services necessary to perfect an application through the plan other than such commission as is paid by the insurer pursuant to the provisions of such plan.

Urgency

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There exists a condition whereby insurance agents and brokers are charging members of the insuring public for handling placements in the California Automobile Assigned Risk Plan which are in addition to the commission such agents and brokers receive from the insurer. The Assigned Risk Plan currently contains provisions establishing commission rates and such provisions do not authorize a charge being made upon the insuring public. It is essential in order to protect the public that such additional charges be prohibited.

CHAPTER 214

An act to amend Section 1053 of the Fish and Game Code, relating to duplicate licenses.

In effect September 18, 1959

[Approved by Governor April 30, 1959. Filed with Secretary of State April 30, 1959.]

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

SECTION 1. Section 1053 of the Fish and Game Code is amended to read:

1053. Not more than one license or license tag of the same class shall be issued to or purchased by a person for the same license year, except upon:

1. The expiration of the license.

2. The filing of an affidavit showing the loss or destruction of an unexpired license or license tag previously issued and payment of the full fee.

3. The filing of an affidavit showing the loss or destruction of an unexpired commercial fishing license or packing and processing license and payment of a fee of three dollars ($3).

4. The filing of an affidavit showing the loss or destruction of an unexpired sport fishing or hunting license together with

a certification from the license agent who issued the original license stating the number of the original license and the date issued, and payment of a fee of one dollar ($1). Duplicate sport fishing or hunting licenses issued pursuant to this subdivision shall be issued only by the department.

Any person authorized by the department to issue licenses may administer the oath for purposes of the affidavit without any fee.

CHAPTER 215

An act to amend Section 16731 of the Government Code, relating to the registration of state bonds.

[Approved by Governor April 30, 1959. Filed with Secretary of State April 30, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 16731 of the Government Code is amended to read:

16731. Whenever the committee determines that the sale of all or any part of the bonds authorized to be issued is necessary or desirable, it shall adopt a resolution to that effect. The resolution shall authorize and direct the State Treasurer to arrange for the preparation of the requisite number of suitable bonds and shall specify as to such bonds then to be sold:

(a) The aggregate number, aggregate par value, denominations and the date of the bonds to be then sold. Such denominations shall be in the sum of one thousand dollars ($1,000), or multiples thereof. The date appearing on said bonds shall be deemed to be the date of issuance for all purposes of this chapter, irrespective of the actual date of delivery of such bonds and the payment of the purchase price thereof.

(b) The dates of maturity, and the amount and numerical sequence of the bonds maturing at each date of maturity, which amounts need not be equal, but which dates shall be at annual or semiannual intervals, and the first of which dates of maturity shall be not more than five years, and the last of which dates of maturity shall be not more than 45 years, after the date of the bonds

(c) Whether or not the bonds are to be subject to redemption at the option of the board prior to maturity, and, if so, the provisions for such redemption, the manner of the call thereof, and the price or prices at which the bonds shall be subject to redemption.

(d) The annual rate, or rates, of interest which the bonds to be issued shall bear, to be in multiples of one-fourth of 1 percent, which rate, or rates, at the discretion of the committee, may be determined by the bidder at the time of sale of said bonds, not exceed 5 percent per annum, payable semiannually.

(e) The number, numerical sequence, and due dates of the interest coupons to be attached to the bonds.

(f) The technical form and language of the bonds and interest coupons.

(g) Whether or not the right is reserved to make delivery in the form of temporary or interim bonds, certificates, or receipts, exchangeable for definitive bonds when executed and available for delivery, and if such right is reserved the denominations and form of such temporary securities.

(h) Whether or not the bonds are to be subject to registration, and if so, whether such registration is to be as to principal only, or as to both principal and interest, or in either of such forms at the option of the holder, and the form and all of the terms and conditions of such registration. If such registration is provided for, coupon bonds may be interchanged for registered bonds and registered bonds for coupon bonds, and all of the provisions of this chapter with reference to the payment of bonds and interest coupons shall be subject to the terms and conditions of such registration with respect to the payment of registered bonds and the interest thereon.

(i) All other terms and conditions of the bonds and of the execution, issuance and sale thereof, which shall be consistent with all of the provisions of this chapter.

(j) The date and hour fixed for the sale of the bonds, but such date may be changed by the Governor, in his discretion, by his directions given to the State Treasurer under Section 16750.

SEC. 2. This act shall be applicable to all bonds outstanding on the effective date of this act which were issued subject to registration as well as to all such bonds hereafter issued.

CHAPTER 216

An act to amend Section 5252 of the Financial Code, relating to actions by the Savings and Loan Commissioner on applications filed with him, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 30, 1959. Filed with Secretary of State April 30, 1959.]

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

SECTION 1. Section 5252 of the Financial Code is amended to read:

5252. The commissioner shall grant or deny each application filed with him pursuant to this division not later than 60 days after the date of filing, unless the applicant requests, or the commissioner requires, an additional period of not to exceed 60 days, in which case the commissioner shall grant or

deny such application not later than the end of such additional period.

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

The large number of applications for certificates to form savings and loan associations which are being filed with the commissioner make it imperative that he immediately be given additional time to consider such applications.

CHAPTER 217

An act to add Sections 12713, 12714, and 12715 to the Water Code, relating to flood control, declaring the urgency thereof, to take effect immediately

[Approved by Governor April 30, 1959. Filed with Secretary of State April 30, 1959.] In effect immediately

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

SECTION 1. Section 12713 is added to the Water Code, to read:

12713. The project for flood protection on the Eel River, in the Sandy Prairie region, is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 80, 85th Congress, as authorized by act of Congress approved July 3, 1958 (Public Law 85-500, 72 Stat. 297, Title II, the "Flood Control Act of 1958"), at such estimated cost to the State as may be appropriated for state co-operation by the Legislature upon the recommendation and advice of the department. Sandy Prairie project

SEC. 2. Section 12714 is added to said code, to read:

12714. The County of Humboldt shall give assurances satisfactory to the Secretary of the Army that the local co-operation, required by Section 201 of the Act of Congress approved July 3, 1958 (Public Law 85-500, 72 Stat. 297, Title II, the "Flood Control Act of 1958"), will be furnished by the county in connection with the project for flood protection adopted and authorized in Section 12713. Assurances of co-operation

SEC. 3. Section 12715 is added to said code, to read:

12715. The County of Humboldt, in conjunction with the Department of the Army, shall execute the plans and projects referred to in Section 12713, and may make modifications and amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 (commencing at Section 12570) and 2 (commencing at Section 12639) of this part. Execution of plans and projects

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety Urgency

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Sandy Prairie Project is a project urgently needed to protect the City of Fortuna, lines of communication, and public and private property. State authorization of the project must be obtained immediately to secure available federal funds at the earliest possible date.

CHAPTER 218

An act to amend Section 1225 of the Government Code, relating to the authority of legislators to administer and certify oaths.

In effect September 18, 1959

[Approved by Governor May 1, 1959. Filed with Secretary of State May 1, 1959.]

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

SECTION 1. Section 1225 of the Government Code is amended to read:

1225. Every executive and judicial officer and every Member of the Legislature may administer and certify oaths.

CHAPTER 219

An act to amend Section 11567 of, and to add Sections 11594 and 11618 to, the Business and Professions Code, relating to subdivision maps.

In effect September 18, 1959

[Approved by Governor May 1, 1959. Filed with Secretary of State May 1, 1959.]

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

SECTION 1. Section 11567 of the Business and Professions Code is amended to read:

Final map

11567. The final map shall conform to all of the following provisions:

(a) It shall be clearly and legibly drawn in black waterproof India ink upon good tracing cloth, including affidavits, certificates and acknowledgments, except that such certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque ink when recommended by the county recorder and authorized by the local governing body by ordinance.

(b) The size of each sheet shall be 18 by 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and

enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

(c) It shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves, and such information as may be necessary to determine the location of the centers of curves.

(d) Each lot shall be numbered and each block may be numbered or lettered. Each street shall be named.

(e) The exterior boundary of the land included within the subdivision shall be indicated by colored border. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

(f) It shall also satisfy any additional survey and map requirements of the local ordinance.

SEC. 2. Section 11594 is added to said code, to read:

Amended map

11594. An amended map, made for the purpose of correcting a filed subdivision map, shall comply with all the provisions of Section 11567 and shall be certified by the county surveyor prior to recordation.

SEC. 3. Section 11618 is added to said code, to read:

Same

11618. An amended map, made for the purpose of correcting a filed subdivision map, shall be filed by the county surveyor after certification as required by Section 11594.

CHAPTER 220

An act to amend Sections 9107, 9108, 9109, 9134 and 10246, and to repeal Sections 9131, 9132 and 9133 of the Government Code, relating to legislative organizations and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 1, 1959. Filed with Secretary of State May 1, 1959.]

In effect immediately

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

SECTION 1. Section 9107 of the Government Code is amended to read:

Joint Committee on Legislative Organization

9107. There is hereby created the Joint Committee on Legislative Organization which shall have the membership specified in the Joint Rules of the Senate and the Assembly. The committee herein created has a continuing existence and may meet and act during sessions of the Legislature or any recess thereof and in the interim periods between sessions. The provisions of the Joint Rules of the Senate and Assembly relating to investigating committees shall apply to the committee

herein created and it shall have all the powers and authority provided in said rules, in Section 37 of Article IV of the Constitution of California, and in this article. Any action of the committee shall require an affirmative vote of not less than a majority of the Senate Members and a majority of the Assembly Members of the committee.

SEC. 2. Section 9108 of said code is amended to read:

Excepted space

9108. The following space in the State Capitol and in the annex is excepted from the provisions of this article:

(a) The first floor of the annex; and

(b) The fifth floor of the annex east of the west side of the west cross-corridor running north and south across said annex. Such excepted space shall continue under the control of the Department of Finance. All other space in the State Capitol Building and all annexes and additions thereto shall be allocated from time to time by the Joint Committee on Legislative Organization in accordance with its determination of the needs of the Legislature and the two houses thereof. Said committee shall allocate such space as it determines to be necessary for facilities and agencies dealing with the Legislature as a whole, including but not limited to press quarters, bill rooms, telephone rooms, and offices for the Legislative Counsel and for committees created by the two houses jointly. Said committee shall allocate to the Senate and Assembly, respectively, the space it determines to be needed by such houses and their committees and the officers, employees, and attaches thereof. The space thus allocated to the Senate and to the Assembly shall be allotted from time to time by the Senate Rules Committee and the Assembly Rules Committee, respectively.

SEC. 3. Section 9109 of said code is amended to read:

Change of committee determination, etc

9109 The determination of the Joint Committee on Legislative Organization as to the needs of the Legislature shall be subject to change only by action of said committee or by concurrent resolution. If, at any time, said committee determines that there is space in the State Capitol Building in excess of the needs of the legislative branch of the State Government it may release such space for use by the executive branch of the State Government until such time as such space is needed by the legislative branch. Such release shall be effected by notifying the Director of Finance that certain described space is not necessary for the use by the Legislature for the time being. Thereafter the Department of Finance, until such time as the Director of Finance is notified that the space has become needed by the legislative branch, shall have the same jurisdiction over such excess space as if this article had not been enacted.

SEC. 4. Section 9134 of said code is amended to read:

Citizens Legislative Advisory Commission

9134. In order to provide the Legislature and the Joint Committee on Legislative Organization with needed advice and information regarding proposed changes in Legislature's

procedure and staff, there is created in the State Government the Citizens Legislative Advisory Commission. The commission shall consist of such number of citizens, but not less than 25 persons, as the Joint Committee on Legislative Organization appoints thereto. The commission membership shall be selected in such fashion that the interests of various groups throughout the State, including management, labor, women's clubs, the press, and the universities are represented to the fullest extent possible. The commission shall select its own chairman, who may appoint an executive committee and such other committees as the commission determines.

The commission shall assist and advise the Joint Committee on Legislative Organization in its deliberations on possible improvements in the procedures and staffing of the Legislature and shall report its recommendations to the Legislature from time to time.

The members of the commission shall serve without compensation but each member shall be allowed actual expenses incurred in the discharge of his duties, including travel expenses. Such expenses will be paid from the Senate Contingent Fund and the Assembly Contingent Fund.

The existence of the commission shall terminate 90 days after the adjournment of the 1961 Regular Session of the Legislature.

SEC. 5. Section 10246 of said code is amended to read:

Litigation by Legislative Counsel

10246. The Legislative Counsel shall not appear in any action or proceeding in the courts of this State or of the United States without the prior approval of the Joint Committee on Legislative Organization. If the existence of said committee terminates such approval may be given in writing by the Speaker of the Assembly and the President pro Tempore of the Senate. Nothing in this section shall prevent the Legislature from giving its approval for such appearance by concurrent resolution.

Repeals

SEC. 6. Sections 9131, 9132 and 9133, of said code are repealed.

Urgency

SEC. 7. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Efficient operation of the Legislature requires the consolidation of various joint committees created by statute, resolution, or both. In order that this may be accomplished in an orderly fashion and without interruption of the legislative process it is necessary that this statute and a concurrent resolution which complements it take effect at the same time and at the earliest possible date.

Effect Stats 1959 Res Ch 131

SEC. 8. Sections 1 to 6 of this act become operative only if the Assembly Concurrent Resolution No. 50 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time said resolution takes effect.

CHAPTER 221

An act to amend Section 74641 of the Government Code, relating to municipal courts.

In effect September 18, 1959

[Approved by Governor May 1, 1959. Filed with Secretary of State May 1, 1959.]

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

SECTION 1. Section 74641 of the Government Code is amended to read:

74641. There shall be two judges.

CHAPTER 222

An act to add Section 1631 to the Civil Code and to add 653d to the Penal Code, relating to sales of mining equipment.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 1631 is added to the Civil Code, to read:

Sale of mining equipment

1631. Every person in this State who sells machinery used or to be used for mining purposes shall, at the time of sale, give to the buyer a bill of sale for the machinery. The seller shall keep a written record of the sale, giving the date thereof, describing the machinery, and showing the name and address of the buyer, and the buyer, if in this State, shall keep a record of his purchase, giving the name and address of the seller, describing the machinery, and showing the date of the purchase.

SEC. 2. Section 653d is added to the Penal Code, to read:

Same: Penalty

653d. Every person who sells machinery used or to be used for mining purposes who fails to give to the buyer, at the time of sale, a bill of sale for the machinery, or who fails to keep a written record of the sale, giving the date thereof, describing the machinery, and showing the name and address of the buyer, and every buyer of such machinery, if in this State, who fails to keep a record of his purchase of such machinery, giving the name and address of the seller, describing the machinery, and showing the date of the purchase, is guilty of a misdemeanor.

CHAPTER 223

An act to amend Sections 5053, 5600, 5613, 6006, 6561, 7150, and 8702 of, to add Sections 6413 and 7603.5 to, and to repeal Section 7407 of, the Financial Code, relating to savings and loan associations.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 5053 of the Financial Code is amended to read:

"Agent"

5053. "Agent" means any person doing any of the following:

(a) Soliciting or receiving applications for loans to be made by an association, where such services are rendered for compensation and as a whole or partial vocation and not casually or intermittently in connection with a general loan brokerage business.

(b) Disbursing funds on behalf of an association on loans, where such services are rendered for compensation and as a whole or partial vocation and not casually or intermittently in connection with a general loan brokerage business.

(c) Representing himself as authorized by an association to solicit or receive applications for loans.

No funds or money shall be collected or received on account of shares, stock or investment certificates by an agent or at any agency.

SEC. 2. Section 5600 of said code is amended to read:

Eligibility as director

5600. No person shall be eligible as director of an association unless he is an investor in such association, owning, in his own right or in a representative capacity as an executor, administrator, guardian or trustee, stock in the association of the par value of at least five hundred dollars ($500), shares in the association of the value of at least one thousand dollars ($1,000) or investment certificates in the association of the value of at least one thousand dollars ($1,000).

For the purpose of this section a person who owns stock, shares or investment certificates as a joint tenant with one other person shall be deemed to own, in his own right, one-half of such stock, shares or investment certificates.

SEC. 3. Section 5613 of said code is amended to read:

Transactions re real property

5613. Except with the consent of the commissioner, no association, directly or indirectly, shall buy or lease any real property from, or sell or lease any real property to, its majority stockholder or any officer or director of such association, either for himself or as agent or partner of another, or from or to any corporation of which a majority of the stock is owned or controlled individually or collectively by any one or more of the directors, officers, or majority stockholder of such association. "Buy" and "sell," as used in this section, mean any

acquisition or transfer, respectively, for a valuable consideration, except that "buy" does not include purchases or acquisitions pursuant to Section 6707.

SEC. 4. Section 6006 of said code is amended to read:

Branch licenses

6006. The applicant for a branch license shall pay a license fee of fifty dollars ($50). Branch licenses continue in force and effect until canceled by the commissioner for cause except that the license for any branch shall expire automatically if such branch is closed for twelve consecutive months, or for such longer period, not exceeding 36 months in the aggregate, as the commissioner, upon application of the association, may have prescribed before the expiration of such original 12 month period.

SEC. 5. Section 6561 of said code is amended to read:

Partial withdrawal

6561. If only a part of the sum evidenced by an investment certificate is withdrawn, the sum withdrawn is deemed to be that first received by the association unless otherwise agreed between the certificate holder and the association at or prior to the time of such withdrawal.

SEC. 6. Section 7150 of said code is amended to read:

Amortized loan

7150. An amortized loan is a loan which provides for payments to be made on the principal in installments at regular intervals at least semiannually commencing not later than one year after the date of the loan. The installments may include interest and either as to principal alone or as to combined principal and interest shall be at least of a sufficient amount so that the smallest installment provided in the note evidencing the loan, other than the last installment, if continued at such regular intervals would result in paying the entire principal in not more than 20 years from the due date of the first installment or, not more than 25 years for loans secured by residential property or, in the case of loans pursuant to Article 3 of this chapter, within the maximum term applicable to such loan pursuant to the provisions of the National Housing Act or any act of Congress supplementary or amendatory thereof or of the Servicemen's Readjustment Act of 1944 or any act of Congress supplementary or amendatory thereof or of the Veterans' Readjustment Assistance Act of 1952 or any act of Congress supplementary or amendatory thereof, which maximum term shall not exceed 25 years in the case of a loan guaranteed by the Administrator of Veterans' Affairs unless at least 30 percent of such loan is so guaranteed.

SEC 7. Section 8702 of said code is amended to read:

Books

8702. Each association shall keep its books in such form as to show accurately in detail its assets, liabilities, receipts, and expenditures. No association shall enter or carry on its books any of its assets at a valuation exceeding the actual cost of such asset to the association without the consent of the commissioner.

SEC. 8. Section 6413 is added to said code, to read:

Receipt of payment

6413. Sums received by or mailed to an association on account of shares or investment certificates within the first

10 days of any calendar month (including, if the tenth day of any calendar month is Sunday or a holiday, the first day thereafter which is not a holiday) may, at the option of the association, be deemed to have been received by such association on the first day of such month.

SEC. 9. Section 7603.5 is added to said code, to read:

Assignment or pledge by joint tenant

7603.5. Shares or investment certificates owned in joint tenancy and any dividends and interest thereon may be assigned or pledged to the association by any one of the joint tenants during their lifetime or by the survivor or any one of the survivors of them after the death of one or more of the joint tenants, and such assignment or pledge may secure a loan from the association to any one or more of the joint tenants or to any one or more of the survivors of them after the death of one or more of them. By written instructions of all joint tenants given to the association, they may require the signatures of more than one of such persons during their lifetime or of more than one of the survivors after the death of any one of them for any assignment or pledge, but no such instructions shall limit the right of the sole survivor or of all of the survivors to assign or pledge to the association the shares or investment certificates and any dividends and interest thereon.

SEC. 10. Section 7407 of said code is repealed. Repeal

CHAPTER 224

An act to add Article 2.5 (commencing with Section 977) to Chapter 1, Division 4 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to governing boards of school districts.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.] In effect September 18, 1959

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

SECTION 1. Article 2.5 is added to Chapter 1, Division 4 of the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

Article 2.5. Trustee Areas

977. This article does not apply to unified districts formed pursuant to Chapter 9 (commencing with Section 3001) of Division 5. This article does not apply to a school district governed by a board of education provided for in the charter of a city or city and county. Application

977.01. "County committee" means the county committee on school district organization of the county in which is located all or the greater part of the land of the school district concerned. "County committee"

Trustee areas

977.02. A school district may be divided into trustee areas and members of the governing board of the district may be elected from such trustee areas pursuant to this article.

Same: Election of governing board

977.03. When trustee areas are established in a district, a member of the governing board of the district shall be elected from among the registered voters of each trustee area, but each member shall be elected by the registered voters of the entire school district.

Proposal to establish

977.04. A proposal to establish trustee areas in a school district may be initiated by the county committee on its own motion, by a petition to the county committee signed by two members of the governing board of the school district concerned if a three-member board, four members if a five-member board, five members if a seven-member board and three-fourths (¾) of the members of any other governing board of the school district concerned, or by a petition to the county committee signed by at least two percent (2%) of the qualified electors residing in such school district.

When any such proposal is made the county committee shall conduct a hearing in the district on the matter, and such committee shall be augmented, pursuant to Section 3113, for the purpose of the hearing. At the conclusion of the hearing, the committee shall approve or disapprove the proposal. If the committee approves the proposal it shall forthwith divide the district into trustee areas equal in number to the number of members of the governing board of the district. In so doing, the county committee shall provide for representation in accordance with population and geographic factors of the entire area of the district.

Election

977.05. After such division is made, the proposal shall be presented to the electors of the district at the next succeeding election for members of the governing board.

Proposal to rearrange or abolish

977.06. A proposal for the rearrangement or abolishment of trustee areas may be initiated and shall be acted upon in the same manner as a proposal for the establishment of trustee areas.

Conduct of election, etc.

977.07. (a) The election on trustee areas provided for in this article shall be called by the county superintendent of schools having jurisdiction over the district and shall be held and conducted in as nearly the same manner as may be practical as are elections for members of boards of school trustees. The words to appear on the ballot shall be:

"For the establishment of trustee areas in_____
(insert name)
School District—Yes" and "For the establishment of trustee areas in_____School District—No."
(insert name)

(b) In the event the election is called for the purpose of rearranging the boundaries of trustee areas, then there shall appear upon the ballot the words "rearranging the boundaries" in lieu of the word "establishment."

(c) In the event the election is called for the purpose of abolishing trustee areas, then there shall appear upon the ballot the word "abolishment" in lieu of the word "establishment."

977.08. (a) If a proposal for the establishment of trustee areas is approved by a majority of the electors voting at such election, any affected incumbent board member shall serve out his term of office and succeeding board members shall be nominated and elected in accordance with Section 977.03. In the event two or more trustee areas are established at such election which are not represented in the membership of the governing board of the school district, the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made. Board membership

(b) If a proposal for rearrangement of boundaries is approved by a majority of the electors voting at the election, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his term of office and succeeding board members shall be nominated and elected in accordance with Section 977.03.

(c) If a proposal for abolishing trustee areas is approved by a majority of the electors voting at the election, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

977.09. The county superintendent of schools shall prepare and keep in his office a map showing the boundaries of the trustee areas of all school districts under his jurisdiction. Map

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CHAPTER 225

An act to amend Sections 1672 and 1673 of, and to add Section 1670.1 to, the Elections Code, relating to county ballot measures.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1672 of the Elections Code is amended to read:

1672. The board of supervisors or any member or members thereof authorized by such board, or any individual voter or bona fide association of citizens, or any combination of such voters and associations, may file a written argument for or against any county measure. No argument shall exceed 300 words in length. The county clerk shall cause an argument for and an argument against the measure, and an analysis of the measure, to be printed and shall enclose a copy of both arguments preceded by the analysis in an envelope with each sam- Argument

ple ballot. Such printed arguments and the analysis are "official matter" within the meaning of those words as used in Section 3711.

SEC. 2. Section 1673 of said code is amended to read:

Same Limitation on submission

1673. Based on the time reasonably necessary to prepare and print the arguments, analysis, and sample ballots for that particular election, the county clerk shall fix and determine a reasonable date prior to such election after which no arguments for or against any county measure may be submitted to him for printing and distribution to the voters as provided in this article. Notice of the date so fixed shall be published by the county clerk pursuant to Section 6061 of the Government Code. Arguments may be changed until and including the date fixed by the county clerk.

SEC. 3. Section 1670.1 is added to said code, to read:

Analysis

1670.1. Whenever any county measure qualifies for a place on the ballot, the county clerk shall transmit a copy of the measure to the county counsel or to the district attorney in any county which has no county counsel. The county counsel or district attorney shall prepare an impartial analysis of the measure showing the effect thereof on the existing law and the operation of the measure. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

CHAPTER 226

An act to amend Section 205.5 of the Agricultural Code, relating to the State Livestock Health Committee.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 205.5 of the Agricultural Code is amended to read:

205.5. For the purpose of protecting the agricultural industry of this State and to co-ordinate livestock health activities within this State and among the several states having common or similar problems in the field of livestock disease prevention, quarantine, eradication or control, there is hereby created a State Livestock Health Committee.

Said committee shall be comprised of three members who shall be appointed by the Governor and who shall serve for a term of two years and until their successors are appointed after the expiration of said term. One such member shall be recommended by the director to represent the official livestock health services of the State and the other members shall be representatives of the livestock industry of the State. Any member who is not in the employ of the State shall be compensated at the rate of twelve dollars and fifty cents ($12.50) per

diem for each day of official service rendered in behalf of the committee. Each member of the committee shall be allowed necessary traveling and incidental expenses incurred in the discharge of any of his duties under this section.

The State Livestock Health Committee shall meet periodically with the livestock health officials and/or duly authorized agricultural representatives of the several states and of the Federal Government and with members of any like committee from other states. The members of the State Livestock Health Committee shall co-operate with the director and shall keep both the Governor and the director advised of important and significant developments in phases of work in connection with which the committee is appointed. All matters pertaining to budgetary allotments and fiscal procedures in connection with the work of the committee shall be handled by the department.

The provisions of this section shall be effective until the ninety-first day after final adjournment of the 1963 Regular Session of the Legislature.

CHAPTER 227

An act to amend Section 4655.2 of the Revenue and Taxation Code, relating to the distribution of unsecured taxes.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 4655.2 of the Revenue and Taxation Code is amended to read:

4655.2. Taxes shall be distributed to each fund on the basis of the tax rate established for the fiscal year preceding that in which distribution is made and in the same proportion that the tax rate for each fund bears to the total tax rate applicable.

CHAPTER 228

An act to amend Section 1370 of the Penal Code, relating to verdict as to insanity of defendant.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1370 of the Penal Code is amended to read:

1370. If the jury finds the defendant sane, the trial must proceed, or judgment be pronounced, as the case may be. If

the jury finds the defendant insane, the trial or judgment must be suspended until he becomes sane, and the court must order that he be in the meantime committed by the sheriff to a state hospital for the care and treatment of the insane, and that upon his becoming sane he be redelivered to the sheriff. In event of dismissal of the criminal charges before the defendant becomes sane the commitment shall remain in effect with the same force and effect as a commitment of the defendant as a mentally ill person under the provisions of the Welfare and Institutions Code.

CHAPTER 229

An act to amend Section 1744 of the Harbors and Navigation Code, relating to the San Francisco Port Authority.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 1744 of the Harbors and Navigation Code is amended to read:

1744. A person who is not a citizen of the United States shall not be employed either as contractor or laborer on any work done under this part.

This section does not apply to trade representatives performing personal services for the authority outside the State under personal service agreements pursuant to Section 1915.

CHAPTER 230

An act to amend Section 1219.5 of the Agricultural Code, to amend Section 6062 of the Harbors and Navigation Code, to amend Sections 5740.19 and 5790.26 of the Health and Safety Code, and to amend Section 2354.1 of the Welfare and Institutions Code, relating to the keeping of business records by public accountants.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 1219.5 of the Agricultural Code is amended to read:

Annual report

1219.5. The board of directors of every association organized hereunder shall cause to be sent to the members thereof not later than one hundred twenty (120) days after the close of the fiscal or calendar year an annual report of the opera-

tions of the association, unless such report be expressly dispensed with in the bylaws. Such annual report shall include a balance sheet as of such closing date. Such financial statement shall be prepared from the books and shall be in accordance therewith and shall be prepared in a form sanctioned by sound accounting practice for the association or approved by a duly certified public accountant or a public accountant.

SEC. 2. Section 6062 of the Harbors and Navigation Code is amended to read:

Annual audit

6062. The board shall provide for a yearly audit of its books by a certified public accountant or a public accountant and compile a statement of its finances. The statement shall be open to the inspection of any qualified electors of the district.

SEC. 3. Section 5740.19 of the Health and Safety Code is amended to read:

Annual examination and report

5740.19. Annually the district shall employ an expert who is a certified public accountant or public accountant who shall with due diligence examine and report upon:

(a) The system of accounts kept by the district.

(b) All the contracts entered into by the district within the year immediately preceding.

(c) The properties and investments of the district.

SEC. 4. Section 5790.26 of said code is amended to read:

Audit

5790.26. Upon the request of the holders of 20 percent or more of the principal of outstanding revenue bonds of any issue, the district shall cause all records, accounts, and affairs relating to the sewage system constructed from the proceeds of that issue to be audited by a competent certified public accountant or public accountant

SEC. 5. Section 2354.1 of the Welfare and Institutions Code is amended to read:

Same

2354.1. In lieu of making a detailed financial investigation, the State Department of Social Welfare may accept an annual audit of the records of the organization or person made by a certified public accountant or public accountant, which shall include a certification, if such is the case, that the organization or person is maintaining reserves in accordance with the requirements of Section 2351.

Each organization or person specified in Section 2350 shall have an annual audit made of its financial affairs by a certified public accountant or a public accountant, which audit shall include full details on per capita costs of operation and on the matter of reserves. A copy of the audit shall be filed with the State Department of Social Welfare. Funds and property received as advance payments for maintenance of the transferors shall be reported separately from membership fees, donations or other funds available for capital expansion.

CHAPTER 231

An act to amend Sections 206, 207, 208, 209, 210, and 217 of the Fish and Game Code, relating to the Fish and Game Commission.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 206 of the Fish and Game Code is amended to read:

Meetings

206. In addition to any other regular or special meetings, the commission shall hold four meetings, one in October, one in December, one in April, and one in May of each year.

The October and December meetings shall be devoted to determining what, if any, regulations should be made pursuant to this article in relation to fish, amphibia, and reptiles and to the making of such regulations.

The April and May meetings shall be devoted to determining what, if any, regulations should be made pursuant to this article in relation to birds and mammals and to the making of such regulations.

The commission shall give notice of the time and place of the meetings by publishing a notice thereof in one newspaper of general circulation printed and published in each of the counties of the State, or if no newspaper of general circulation is printed and published in a county, then in a newspaper of general circulation circulated in such county, in at least one issue of such newspaper published not less than 15 days prior to the meeting; and shall also publish notice of such meetings in any publication issued by the department after determining the time and place of such meetings and prior to the dates thereof. All meetings required by this section shall be open to the public.

SEC. 2. Section 207 of said code is amended to read:

Same: Time and location

207. The October, December and April meetings shall be in the first 10 days of the month. The May meeting shall be in the last 10 days of the month The commission shall determine and announce the date set for the respective meetings at least 60 days in advance of the meeting.

In even-numbered years the October and April meetings shall be held in Sacramento and the December and May meetings in Los Angeles. In odd-numbered years the October and April meetings shall be in Los Angeles and the December and May meetings in Sacramento.

All meetings specified in this section shall be held in state buildings.

SEC. 3. Section 208 of said code is amended to read:

Recommendations re fish, etc

208. At the meeting in October the commission shall receive recommendations from its own officers and employees, from the department and other public agencies, from organiza-

tions of private citizens, and from any interested person as to what, if any, regulations should be made relating to fish, amphibia, and reptiles, or any species or subspecies thereof.

The minutes of the October meeting relating to the legislative district of each Member of the Legislature shall be mailed by first-class mail to that Member of the Legislature.

SEC. 4. Section 209 of said code is amended to read:

209. Not later than the fifteenth day prior to its meeting in December, the commission shall publicly announce its determinations and the regulations which it intends to make relating to fish, amphibia, and reptiles. At the December meeting the commission may hear and consider any objections to its determinations or proposed regulations. Proposals

SEC. 5. Section 210 of said code is amended to read:

210. At, or within 10 days after, the meeting in December the commission may make such regulations in relation to fish, amphibia, or reptiles, or any species or subspecies thereof, as it deems necessary to preserve, properly utilize, or maintain the best relative number of each species or subspecies. Regulations

SEC. 6. Section 217 of said code is amended to read:

217. Within 45 days after the meeting in December of each year, the commission shall publish and distribute in booklet form such regulations as shall be adopted at such meeting. Within 45 days after the meeting in May of each year, the commission shall publish and distribute in booklet form such regulations as shall be adopted at such meeting. Publication and distribution

Copies of all such publications shall be mailed to each county clerk, district attorney and judge of a municipal court or justice court throughout the State.

CHAPTER 232

An act to amend Section 5516 of the Welfare and Institutions Code, relating to cost of care.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.] In effect September 18, 1959

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

SECTION 1. Section 5516 of the Welfare and Institutions Code is amended to read:

5516. The provisions of Article 5 of Chapter 1 of Part 4 of Division 6 relative to the property and support of mentally ill persons and inebriates in state hospitals, the liability for such support, and the powers and duties of the Department of Mental Hygiene and all officers and employees thereof in connection therewith shall apply to persons committed to state hospitals pursuant to this chapter the same as if such persons were expressly referred to in said Article 5.

CHAPTER 233

An act to amend Sections 571.5 and 571.6 of the Elections Code, relating to election precincts.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 571.5 of the Elections Code is amended to read:

Division of precinct

571.5. When more than 250 voters are registered in a precinct the voters of said precinct may be divided into two or more groups and one precinct board appointed to serve each group. The board or officer charged with the duty of conducting the election shall divide the voters into two or more groups as nearly equal in number as possible. When the voters of a precinct are so divided there may be one or more polling places, but there shall be a ballot box for and a set of returns from each group.

The board or officer charged with the duty of conducting the election, in determining whether or not there are 250 voters in the precinct for the purpose of this section, shall not base its determination on an estimate of how many voters in the precinct will vote. The determination shall be made solely on registrations within the precinct.

SEC. 2. Section 571.6 of said code is amended to read:

Same

571.6. If, through unforeseen circumstances, it has not been determined until less than 30 days before the election that there are more than 250 voters to a precinct, then the board or officer charged with conducting the election may divide the precinct as provided in Section 571.5 of this code, in which event no further publications are required as to the additional board members appointed nor polling places designated as required by this code.

CHAPTER 234

An act to amend Sections 2054 and 2073 of the Harbors and Navigation Code, relating to the San Francisco Harbor.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 2054 of the Harbors and Navigation Code is amended to read:

Construction or alteration of wharves, etc.

2054. When the authority finds it necessary to construct or alter a wharf, bulkhead, breakwater, or appurtenances thereto, and if the authority finds it to be to the best interests

of the State, it may lease the wharf, bulkhead, breakwater, or appurtenances thereto, or may enter into a lease prior to or during construction or alteration; providing, that the lessee may make such construction or alteration itself or pay a portion of the costs of construction and alteration and amortize the costs so paid under the terms of the lease, or may enter into a lease; providing, that the rents derived from the lease may be applied, in whole or in part, in payment of the costs of construction, and the construction contracts may so provide; providing, that no lease made under this section may be made for a period to exceed (60) years.

SEC. 2. Section 2073 of said code is amended to read:

2073. The bids shall set forth the purposes for which the property will be used, and this statement of purposes shall be embodied in every lease given by the board, with the condition that the property or lot shall be used for these purposes only. The board may reject any and all bids, and in no event shall a lease be made for a term exceeding 60 years unless otherwise permitted in this part. Bids

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CHAPTER 235

An act to amend Section 26907 of the Government Code, relating to the destruction of auditors' records.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 26907 of the Government Code is amended to read:

26907. Notwithstanding the provisions of Sections 26201, 26202, and 26205 of this code, the auditor or ex officio auditor may destroy any county, school, or special district claim, warrant or any other paper issued as a warrant voucher which is more than five years old where an index or warrant register is kept or maintained.

The auditor may make a photographic record of the index or warrant register and thereupon may provide for the destruction of such index or warrant register. Any index or warrant register which is over 15 years old may be destroyed without being photographically or microphotographically reproduced.

CHAPTER 236

An act to amend Sections 29010, 29011, 29041 and 29061 of the Government Code, relating to county budget and tax levy procedures.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 29010 of the Government Code is amended to read:

"General reserve"

29010. "General reserve" means a fund or funds, or a reserve within a fund, used to meet cash requirements before the proceeds from taxes are available and to meet emergency expenditures.

SEC. 2. Section 29011 of said code is amended to read:

"Unapportioned reserves"

29011. "Unappropriated reserves" mean a fund or funds, or a reserve within a fund, to cover expenditures that have not been provided for, or that have been insufficiently provided for, or for unforeseen requirements.

SEC. 3. Section 29041 of said code is amended to read:

Estimate

29041. The estimate shall show:

(a) The probable revenues from sources other than taxation that will accrue to the department, office, service, institution, or district during the fiscal year to which the budget is intended to apply.

(b) All expenditures required for the period and a brief explanatory statement of the requested increases over the budget of the current fiscal year.

SEC. 4. Section 29061 of said code is amended to read:

Tabulation

29061. The tabulation shall show the following:

(a) Estimated revenue for the fiscal year to which the budget is intended to apply from:

(1) Sources other than taxation, through each office, department, service, institution, and district, and

(2) Current taxes for the budget year except taxes levied on the secured roll.

(b) Corresponding amounts of revenue of the last completed fiscal year and estimated amounts of the year in progress, for comparison.

(c) Available surplus, after allowing for outstanding orders, contracts, and other commitments, at the close of the current fiscal year.

(d) The amount proposed to be raised by taxation in addition to the taxes mentioned in (a).

(e) The estimated expenditures for each office, department, service, institution, and district for the budget period.

(f) The actual expenditures for the last completed fiscal year.

(g) An estimate of the total expenditures that will accrue for the current fiscal year in progress.

(h) The sums necessary to be provided as unappropriated and general reserves.

CHAPTER 237

An act to amend Section 1642 of the Welfare and Institutions Code, relating to maternity care.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1642 of the Welfare and Institutions Code is amended to read:

1642. Any county maintaining a licensed county adoption agency may enter into an agreement with a licensed physician and surgeon or a licensed hospital other than a county hospital or a hospital operated by the Regents of the University of California to pay all or part of the expense of prenatal care, delivery and postnatal care including hospitalization in connection therewith given to any expectant unmarried mother, when such expectant mother is in the opinion of the licensed county adoption agency financially unable to provide such care.

Nothing in this section shall be construed as to require the execution of any agreement on the part of the county. No agreement to pay shall be entered into, nor shall the expense of such care be paid by any county or licensed county adoption agency unless the mother has requested such county agency to study the child with a view to accepting a relinquishment for adoptive placement.

CHAPTER 238

An act to repeal Articles 3 (commencing at Section 7751), 4 (commencing at Section 7771), and 5 (commencing at Section 7901) of Chapter 4, Part 3, Division 6 of, and Section 7994 of, the Public Resources Code, relating to state lands.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

In effect September 18, 1959

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

SECTION 1. Articles 3 (commencing at Section 7751), 4 (commencing at Section 7771), and 5 (commencing at Section 7901) of Chapter 4, Part 3, Division 6 of the Public Resources Code are repealed.

SEC. 2. Section 7994 of said code is repealed.

CHAPTER 239

An act to repeal Section 6210.6 of the Public Resources Code, relating to the granting of rights-of-way for roads and highways over public lands.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 6210.6 of the Public Resources Code is repealed.

CHAPTER 240

An act to amend Section 6210.4a of the Public Resources Code, relating to conveyances of state lands.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 6210.4a of the Public Resources Code is amended to read:

6210.4a. All conveyances by the State of the sixteenth and thirty-sixth sections, or lands acquired in lieu thereof, or of swamp and overflowed lands shall be made subject to any existing easements or rights-of-way issued by the State prior to the time of conveyance.

CHAPTER 241

An act to amend Section 7705 of, and to repeal Sections 7701, 7702, 7703, 7704, 7720, 7721, and 7722 of the Public Resources Code, relating to state lands.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 7705 of the Public Resources Code is amended to read:

Limitation on applications

7705. No application for the purchase of state lands shall be accepted for filing for land situated in more than one county, or land situated in more than one United States land district or for any section or portion of a section of school land or land obtained in lieu thereof belonging to the State which is situated within the exterior boundaries of a military or Indian reservation created by authority of the United States, except as otherwise specifically permitted by Chapter 1 (commencing at Section 7301) of this part.

Repeals

SEC. 2. Sections 7701, 7702, 7703, 7704, 7720, 7721, and 7722 of said code are repealed.

CHAPTER 242

An act to amend Sections 6505.5 and 6509 of the Public Resources Code, relating to leases of public lands.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 6505.5 of the Public Resources Code is amended to read:

Grazing or recreational lease

6505.5. No grazing or recreational lease shall be for a period longer than 10 years. The lessee shall be notified by mail of the filing of any application to purchase the leased land or any portion thereof. The lease shall terminate as to the whole or the portion of the lands described therein on the date the sale of the whole or of such portion of the leased land is approved by the commission. The lessee shall be notified by registered mail of the termination of the lease as to the whole or portion sold. As to the portion of leased lands not sold, it shall be the option of the lessee to terminate the lease, or to cause the lease to be amended for the unexpired term, at the same annual rental per acre, without the payment of any additional fees.

SEC. 2. Section 6509 of said code is amended to read:

Surrender of lease, refund

6509. If a lease is terminated by reason of the sale of the land, or by the designation of land as a base for indemnity selections, the lessee shall surrender the lease to the commission and receive in exchange therefor from the commission a certificate showing the proportionate amount of the annual payment to be refunded to the lessee, for the tract of land that has been disposed of by the State. If the lease has been amended because of the sale of a portion of the lands described therein, the commission shall, at the option of the lessee, credit the lessee with the amount of the prepaid rental applicable to rental due for the remaining term of the lease or issue a certificate to the lessee showing the proportionate amount of the rental to be refunded to the lessee. The State Controller, upon the surrender to him of the certificate, shall issue to the lessee a warrant for the amount payable out of the State School Fund or, if the rentals received under the lease were deposited in the General Fund, then the warrant shall be payable out of any appropriation available for such purpose, and the State Treasurer shall pay the same.

CHAPTER 243

An act to repeal Sections 7726, 7727, and 7728 of, and to amend Section 7729 of, the Public Resources Code, relating to state lands.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

Repeals

SECTION 1. Sections 7726, 7727, and 7728 of the Public Resources Code are repealed.

SEC. 2. Section 7729 of said code is amended to read:

Patent

7729. Whenever a person becomes entitled to a patent, the commission, upon the surrender of the full-paid certificate of purchase or the submission of an affidavit by a person having an interest in the land or any portion thereof that the certificate of purchase is lost, destroyed or beyond the control of the owner or owners of the land, shall prepare a patent for the land. The patent shall be issued in the name of the original applicant. The commission shall send it to the Governor, together with a certificate that the laws in relation thereto have been complied with, that payment in full has been made, and that the person named in the prepared patent is entitled to it. The patent so issued shall inure to the benefit of the assigns, grantees, or successors in interest of said original applicant. The United States shall not be required to make payment for state land until the patent is delivered.

CHAPTER 244

An act to amend Section 1657 of the Insurance Code as enacted by the Legislature at its 1959 Regular Session, relating to the issuance of certificates of convenience.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 1657 of the Insurance Code is amended to read:

1657. An application for a license as an insurance solicitor shall contain a statement by the employing agent or broker agreeing to employ the applicant upon issuance of the license. Such agent or broker, if a natural person, must be the holder of a permanent license to act in that capacity or a certificate of convenience issued pursuant to either subdivision (a) or (b) of Section 1685. If such agent or broker is an organization, at least one of the natural persons named to transact for such license must be the holder of such a license or certificate.

CHAPTER 245

An act to amend Sections 1718 and 12977 of the Insurance Code as enacted by the Legislature at its 1959 Regular Session, relating to penalty fees for late applications to renew production licenses.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1718 of the Insurance Code is amended to read:

1718. (a) Application for renewal of a license may be filed on or before April 15th prior to the termination of the license year or term upon payment of the fee for filing specified in Section 1750.

Application for renewal

(b) Such application for renewal of a license may be filed between April 15th and July 1st of such year upon payment of the fee specified in subdivision (a) and an additional penalty fee in the amount specified for a one-year period in Section 1750 for such filing.

(c) Upon failure to file application as provided in either (a) or (b) hereof, the license shall expire on July 1st of the applicable year, but the holder may file an application for a new license. Until June 30th of the next succeeding year, the fee shall be the total fee specified in subdivision (b) for such filing. The commissioner shall mail notice of such expiration not later than June 20th of the applicable year to:

(1) The licensee.

(2) The employing insurance agent or broker, if any. Failure to mail such notice shall not continue the right to a license.

(d) The commissioner shall maintain for a reasonable time readily available for inspection of appointing insurers the names and addresses of the insurance agents and life agents to whom notices of expiration of license were mailed pursuant to subsection (c) hereof or may in lieu thereof prepare and mail to all insurers making request for the same a listing of such names and addresses.

SEC. 2. Section 12977 of said code is amended to read:

12977. The commissioner may authorize the refund of money received or collected by the department in payment for the filing of applications for licenses, permits or certificates, or for the rendering of other services:

Refund

(a) Where the receipt or collection has resulted in an overpayment or duplicate payment.

(b) In cases where no payment is required for filing the application for the license, permit or certificate sought, or for rendering the other service.

(c) Where an insufficient fee is paid and for which reason the application for the license, permit or certificate cannot be filed or the other service cannot be rendered.

(d) The penalty fee required by subdivision (b) of Section 1718 upon a written showing, filed within sixty (60) days after the delinquency date, with particularity as to facts that late payment resulted from mistake, inadvertence or excusable neglect.

This section does not exclude the making of refunds under other appropriate provisions of law requiring the approval of the Director of Finance before such refunds may be made.

CHAPTER 246

An act to amend Section 1775 5 of the Insurance Code, relating to taxes paid on gross premiums by surplus line brokers.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 1775.5 of the Insurance Code is amended to read:

1775.5. Every surplus line broker shall annually, on or before the first day of July of each year pay to the Insurance Commissioner for the use of the State of California a tax of 3 percent of the gross premiums upon business done by him under authority of his license during the preceding calendar year, less 3 percent of return premiums paid by him in that year by reason of cancellation or reduction of premium, excluding gross premiums paid and return premiums paid by him upon business governed by the provisions of Section 1760.5. If during any calendar year 3 percent of such return premiums paid by a surplus line broker exceeds 3 percent of the gross premiums upon such business done by him in that year, then he may either carry forward such excess to the next succeeding year and apply it as a credit against 3 percent of gross premiums on such business done by him in such succeeding year, or he may elect to receive, and thereupon be paid a refund equal to the amount of taxes theretofore paid by him on such excess of return premiums paid over gross premiums received.

For the purpose of determining such tax, the total premium charged for all such nonadmitted insurance placed in a single transaction with one underwriter or group of underwriters, whether in one or more policies, shall be allocated to this State in such proportion as the total premium on the insured properties or operations in this State, as computed on the exposure in this State on the basis of any single standard rating method in use in all states or countries where such insurance applies, bears to the total premium so computed in all states or countries in which such nonadmitted insurance

may apply. This provision shall not apply to interstate motor transit operations conducted between this and other states. With respect to such operations surplus line tax shall be payable on the entire premium charged on all nonadmitted insurance, less

A. Such portion of the premium as is determined, as herein provided, to have been charged for operations in other states taxing such premium on operations in such states of an insured maintaining its headquarters office in this State;

B. The premium for any operations outside of this State of an insured who maintains a headquarters operating office outside of this State and a branch office in this State.

A penalty of 1 percent shall be added for each calendar month or fraction thereof after said first day of July during which such tax or any portion thereof remains unpaid, except that the commissioner may remit the penalty in a case where the commissioner finds, as a result of examination or otherwise, that the failure of or delay in payment arose out of excusable mistake or excusable inadvertence.

CHAPTER 247

An act to amend Section 16470 of the Government Code, relating to state funds.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 16470 of the Government Code is amended to read:

16470. The Pooled Money Investment Board shall, at such times as it deems necessary, determine whether any portion of the money then on deposit in the State Treasury to the credit of any fund, exclusive of the General Fund and exclusive of any special funds the investment of which is otherwise provided for by law and which have not elected to come under the provisions of the Surplus Money Investment Fund, is not necessary for immediate use; and if so, it shall determine the amount thereof in each such fund, which amount shall thereupon be designated as "surplus money." This article does not apply to the State Highway Fund, State Employees Retirement Fund, Legislators Retirement Fund and Teachers Retirement Fund.

Any special fund, the investment of which is otherwise provided for by law, may elect, by filing with the Pooled Money Investment Board a notice of election, to come under the provisions of the Surplus Money Investment Fund; which election shall be revocable by such special fund effective as of December 31st or June 30th of any year upon 30 or more days' notice prior to either of said dates.

CHAPTER 248

An act to amend Sections 3031, 3240, 3242, 3245, 4006 and 4751, and to repeal Sections 3243 and 3244 of the Fish and Game Code, relating to licenses.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 3031 of the Fish and Game Code is amended to read:

Hunting license

3031. A hunting license, granting the privilege to take game birds and mammals, shall be issued:

(a) To any resident of this State, over the age of 16 years, upon the payment of four dollars ($4).

(b) To any resident of this State, under the age of 16 years, upon the payment of one dollar ($1).

(c) To any person not a resident of this State, upon the payment of twenty-five dollars ($25).

(d) To the wife of any veteran, as defined in Section 980 of the Military and Veterans Code, upon payment of the fee specified in subdivision (a), even though she be an alien.

SEC. 2. Section 3240 of said code is amended to read:

Club license

3240. Every person in possession of property who imposes or collects a fee for the privilege of taking birds or mammals thereon is maintaining a commercial hunting club, and shall procure a "commercial hunting club license."

This article does not apply to any licensed pheasant club.

SEC. 3. Section 3242 of said code is amended to read:

Fee

3242. A commercial hunting club license shall be issued to any person upon the payment of twenty-five dollars ($25).

Repeals

SEC. 4. Sections 3243 and 3244 of said code are repealed.

SEC. 5. Section 3245 of said code is amended to read:

Validity of club licenses

3245. Commercial hunting club licenses are valid for a term of one year from July 1st, or, if issued after the beginning of such term, for the remainder thereof. A license authorizes the person to whom it is issued to maintain a hunting club in accordance with the provisions of this code and such regulations as the commission may prescribe.

SEC. 6. Section 4006 of said code is amended to read:

Trapping license fee

4006. A trapping license shall be issued to any individual upon the payment of one dollar ($1).

SEC. 7. Section 4751 of said code is amended to read:

Bear license tags

4751. Any person 12 years of age or over who possesses a valid hunting license may, upon payment of one dollar ($1), procure the number of bear license tags corresponding to the number of bear that may legally be taken by one person during the current license year.

Operative date

SEC. 8. This act shall become operative on July 1, 1960.

CHAPTER 249

An act to amend Section 7149 of the Fish and Game Code, relating to sport fishing licenses.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 7149 of the Fish and Game Code is amended to read:

7149. A sport fishing license granting the privilege to take fish from the ocean waters of this State and amphibia anywhere in this State for purposes other than profit shall be issued:

(a) To any citizen of the United States, over the age of 16 years, who is a resident of this State, upon the payment of three dollars ($3) for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof.

(b) To any nonresident or alien, over the age of 16 years, upon the payment of ten dollars ($10) for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof.

(c) To any citizen of the United States, over the age of 16 years, not a resident of this State, upon the payment of three dollars ($3), for a period of 10 days from the date of issue.

On payment of one dollar ($1) a sport fishing licensee may obtain a license stamp which if signed in ink by the licensee and permanently affixed to his license authorizes him to take all fish, other than trout, but including steelhead trout, anywhere in this State for purposes other than profit.

On payment of two dollars ($2) a sport fishing licensee may obtain two license stamps which if signed in ink by the licensee and permanently affixed to his license authorize him to take all fish anywhere in this State for purposes other than profit.

Any person receiving aid to the aged under the provisions of the Old Age Security Law on application to the department shall be issued a sport fishing license free of charge.

Sport fishing license stamps shall be sold by license agents in the same manner as sport fishing licenses except that the compensation provided in Section 1055 shall not be paid to the license agent for sale of such stamps.

Reference in this code or any other law to a sport fishing license to be issued to disabled veterans, blind persons, recipients of aid to the aged, or resident Indians without payment of a license fee means a renewable sport fishing license which authorizes the licensee to take any fish and amphibia anywhere in this State for purposes other than profit. All other references to a sport fishing license mean such a license with or without license stamps as may be appropriate for the type of fishing involved.

CHAPTER 250

An act to amend Section 4750 of the Fish and Game Code, relating to bear.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 4750 of the Fish and Game Code is amended to read:

4750. It is unlawful to take any bear with firearm, trap, or bow and arrow without first procuring a license tag authorizing the taking of such bear in accordance with the provisions of this chapter.

CHAPTER 251

An act to amend Section 3081 and to repeal Sections 4761 and 4762 of the Fish and Game Code, relating to the possession of bear meat after the season.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 3081 of the Fish and Game Code is amended to read:

Deer meat, etc.

3081. It is unlawful to possess deer, elk, bear, or antelope meat except as follows:

(a) During the open season where taken and for 15 days following the last day when such mammals may be legally taken in the area where taken.

(b) At any time if marked pursuant to regulations established by the commission. The commission shall make such regulations, and may fix a fee for marking such meat not to exceed one dollar ($1) per carcass.

Repeals

SEC. 2. Sections 4761 and 4762 of said code are repealed

CHAPTER 252

An act to amend Section 1059 of the Fish and Game Code, relating to licenses.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 1059 of the Fish and Game Code is amended to read:

1059. Failure by any license agent to account for licenses, license tags, license stamps or permits and money received from their sale upon demand by an authorized representative of the department is a misdemeanor.

CHAPTER 253

An act to amend Sections 3083, 3084, 3085, and 3086 of the Fish and Game Code, relating to bonded frozen food locker and cold storage plants, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.] In effect immediately

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

SECTION 1. Section 3083 of the Fish and Game Code is amended to read:

3083. Upon application the department may deliver game meat permits to any cold storage plant or frozen food locker plant without receiving full payment therefor. Cold storage plants

SEC. 2. Section 3084 of said code is amended to read:

3084. The department shall designate and authorize a person or persons in each plant to issue permits for the storage beyond the open season where such game birds or mammals were taken; and to collect lawful fees to be paid in connection with, and stamps or tags to be affixed to, the birds or mammals. Such permit forms, stamps, tags, or other materials as may be required for the enforcement of this section shall be supplied by the department. Storage permits

SEC. 3. Section 3085 of said code is amended to read:

3085. Cold storage plants and frozen food locker plants may retain one-half of all legal fees received for their services in marking game birds or mammals deposited with them for storage in such plants, and shall remit one-half of such fees and all unsold permits to the department at such time or times as the department may determine. Fees

SEC. 4. Section 3086 of said code is amended to read:

3086. Cold storage plants and frozen food locker plants shall make and keep a complete detailed record of all game birds or mammals stored in such plants. A record of each game bird or mammal shall be made at the time it is received at the plant for storage. Records

The record shall be open for inspection at all times by wardens of the department.

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: The bond renewal period commences August 1, 1959. In order to save payment by the State of the bond renewal premium of approximately five hundred dollars ($500) it is necessary for this act to take effect immediately. Urgency

CHAPTER 254

An act to add Section 20258 to the Education Code, and Section 265 to the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to teachers in state college laboratory demonstration elementary schools and in schools under the jurisdiction of the Department of Education, declaring the urgency thereof to take effect immediately.

In effect immediately

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 20258 is added to the Education Code, to read:

Exchange and employment of teachers

20258. Notwithstanding anything to the contrary in Article 2 (commencing at Section 1940) of Chapter 2 of Part 7 of Division 2 of the Labor Code, the Director of Education may enter into an agreement with any political entity mentioned in Section 13009 for the exchange and employment of persons serving as teachers in state college laboratory demonstration elementary schools or as teachers in schools under the jurisdiction of the Department of Education and employees of public schools of the political entity. The exchange and employment shall be made under comparable circumstances, subject to comparable conditions, with comparable effect as to tenure and retirement rights, subject to comparable requirements as to payment of salary and deductions therefrom, and for the same period of time as set forth in Sections 13009, 13010, and 13011 with respect to the exchange of school district employees, except that the circumstances, conditions, rights, and requirements shall be those appropriate to the employment relationship between the teachers and the Department of Education.

SEC. 2. Section 265 is added to the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

Same

265. Notwithstanding anything to the contrary in Article 2 (commencing at Section 1940) of Chapter 2 of Part 7 of Division 2 of the Labor Code, the Director of Education may enter into an agreement with any political entity mentioned in Section 13271 for the exchange and employment of persons serving as teachers in state college laboratory demonstration elementary schools or as teachers in schools under the jurisdiction of the Department of Education and employees of public schools of the political entity. The exchange and employment shall be made under comparable circumstances, subject to comparable conditions, with comparable effect as to tenure and retirement rights, subject to comparable requirements as to payment of salary and deductions therefrom, and for the same period of time as set forth in Sections 13271, 13272, and 13273 with respect to the exchange of school district employees, except that the circumstances, conditions,

rights, and requirements shall be those appropriate to the employment relationship between the teachers and the Department of Education.

SEC. 3. Section 2 of this act shall become operative when the Education Code as enacted by the Legislature at its 1959 Regular Session takes effect; at which time Section 20258 of the Education Code as added by Section 1 of this act is repealed.

Operative date re Stats 1959, Ch 2

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Urgency

In order that the program for the exchange of teachers provided for in this act may begin operating during the 1959-1960 school year negotiations with teachers in foreign countries must be completed by June 1, 1959. Since these negotiations entail approvals and clearances with the State Department of the United States Government and with foreign governments it is necessary that the initial steps in the negotiations be taken immediately. It is therefore necessary that this act take effect immediately in order that the teacher exchange program provided for in this act may become effective for the 1959-1960 school year.

CHAPTER 255

An act to amend Sections 21460 and 21803 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to highway signs and markings.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 21460 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

21460. (a) When double parallel solid white or yellow lines are in place, no person driving a vehicle shall drive to the left thereof, except as permitted in this section.

Double line

A double parallel solid line consists of two parallel solid white or yellow lines, each four inches in width, separated by a black line three inches in width or a corresponding width of pavement.

(b) When the double line described in this subdivision is in place, no person driving a vehicle shall drive to the left thereof, except that the driver on that side of the roadway in which the broken line is in place may cross over the double line or

drive to the left thereof when overtaking or passing other vehicles.

The double line consists of two parallel lines, one of which shall be a solid white or yellow line and one a broken white line, each four inches in width separated by a black line three inches in width or a corresponding width of pavement. The term "broken line" used herein shall mean a line in which the breaks or unpainted portions thereof do not exceed 26 feet in length and the solid or painted portions thereof between the breaks are not less than eight feet in length.

(c) Either of the markings as specified in subdivisions (a) or (b) shall not prevent a driver from turning to the left across any such marking at any intersection or into or out of a driveway, and either of the markings shall be disregarded when authorized signs have been erected designating offcenter traffic lanes as permitted under Section 21655, in which event, no person shall disobey the instructions given by the signs.

SEC. 2. Section 21803 of said code is amended to read:

Yield of right-of-way

21803. (a) The driver of any vehicle upon approaching any yield right-of-way sign shall yield the right-of-way to other vehicles which have entered the intersection from an intersecting street or which are approaching so closely on the intersecting street as to constitute an immediate hazard.

(b) A driver, having so yielded, may then proceed and the drivers of all other vehicles approaching the intersection on the intersecting roadway shall yield the right-of-way to him.

CHAPTER 256

An act to amend Section 5208 of the Education Code, as enacted by the Legislature at the 1959 Regular Session, relating to the maintenance of automobile driver training classes by school districts.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 5208 of the Education Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

5208. The governing board of any school district authorized to maintain automobile driver training classes may maintain such classes on Saturday, and during summer, Christmas, and Easter vacations when schools are not in session.

CHAPTER 257

An act to amend Sections 1261 and 1269, Agricultural Code, relating to produce dealers.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1261 of the Agricultural Code is amended to read:

Definitions

1261. As used in this chapter:

(a) The term "person" includes any individual, firm, association, partnership or corporation.

(b) The term "producer" means any person engaged in the business of growing or producing any farm product.

(c) "Farm products" shall include all agricultural, horticultural, viticultural and vegetable products of the soil, poultry and poultry products, livestock and livestock products, bees and apiary products, hay, dried beans, honey and cut flowers, but shall not include timber and timber products, or milk and milk products subject to the licensing and bonding provisions of Chapter 17 of Division 6.

(d) The term "consignor" includes any person who ships or delivers to any commission merchant or dealer any farm products for handling, sale or resale.

(e) The term "commission merchant" means any person who shall receive on consignment or solicit from the producer thereof any farm product for sale on commission on behalf of such producer, or who shall accept any farm product in trust from the producer thereof for the purpose of sale, or who shall sell or offer for sale on commission any farm product, or who shall in any way handle for the account of or as an agent of the producer thereof any farm product. Any person who shall accept a farm product from the producer thereof for the purpose of sale or resale shall be deemed to be a commission merchant unless he shall have bought, or agreed to buy, the farm product by contract of purchase and sale, designating the price to be paid to the producer.

(f) The term "dealer" means any person other than a cash buyer who solicits, or obtains from the producer thereof title, possession, control, or delivery of any farm product for the purpose of resale or who buys or agrees to buy any farm product from the producer thereof; provided, however, that no dealer shall obtain title, possession, control, or delivery of any farm product except by contract of purchase and sale, or by contract of agreement to purchase, wherein the price to be paid by the dealer to the producer is designated in the contract.

(g) The term "broker" means any person, other than a commission merchant, or dealer, or cash buyer, who negotiates the purchase or sale of any farm product; provided, however,

that no broker may handle either the farm product involved or the proceeds of a sale.

(h) The term "cash buyer" means any person other than a commission merchant, or dealer, or broker who obtains from the producer thereof title, possession or control of any farm products, or who contracts for the title, possession, or control of any farm products, or who buys or agrees to buy any farm products, by paying to the producer at the time of obtaining possession or control, or at the time of contracting for the title, possession, or control of any farm products, the full agreed price of such farm products in coin or currency, lawful money of the United States.

(i) The term "agent" means any person who, on behalf of any commission merchant, or dealer, or broker, or cash buyer, receives, contracts for or solicits any farm products from a producer thereof or who negotiates the consignment or purchase of any farm product on behalf of any commission merchant, dealer, broker, or cash buyer.

(j) The term "established place of business" means any permanent warehouse, building, or structure owned in fee or leased, at which the owner or lessee carries on a legitimate permanent business in good faith, and at which stocks of farm products are stored or kept in quantities usually carried and reasonably adequate to meet the requirements of the business. "Established place of business" does not mean tents, temporary stands, or other temporary structures, or permanent structures occupied pursuant to a temporary arrangement.

SEC. 2. Section 1269 of said code is amended to read:

Refusal, revocation or suspension of license

1269. (1) The director may refuse to grant a license or renewal of license and may revoke or suspend any license, as the case may require, when after a hearing as herein provided, he is satisfied of the existence of any of the following facts, the existence of which is hereby declared to be a violation of this chapter:

(a) That fraudulent charges or returns have been made by the applicant, or licensee, for the handling, sale or storage of, or for rendering of any service in connection with the handling, sale or storage of any farm products.

(b) That the applicant, or licensee, has failed or refused to render a true account of sales, or to make a settlement thereon, or to pay for farm products received, within the time and in the manner required by this chapter.

(c) That the applicant, or licensee, has made any false statement as to the condition, quality or quantity of farm products received, handled, sold or stored by him.

(d) That the applicant, or licensee, directly or indirectly, has purchased for his, or its own account farm products received by him upon consignment without prior authority from consignor together with price fixed by consignor or without promptly notifying the consignor of such purchase. This shall not prevent any commission merchant from taking to account of sales, in order to close the day's business, miscellaneous lots

or parcels of farm products remaining unsold, if such commission merchant shall forthwith enter such transaction on his account of sales.

(e) That the applicant, or licensee, has intentionally made any false or misleading statement as to the conditions of the market for any farm products.

(f) That the applicant, or licensee, has made fictitious sales or has been guilty of collusion to defraud the producer.

(g) That a commission merchant to whom any consignment is made has reconsigned such consignment to another commission merchant and has received, collected, or charged by such means more than one commission for making the sale therefor for the consignor, unless by written consent of such consignor.

(h) That the licensee was intentionally guilty of fraud or deception in the procurement of such license.

(i) That the licensee or applicant has failed or refused to file with the director a schedule of his charges for services in connection with produce handled on account of or as an agent of another; that the applicant, or licensee, has indulged in any unfair practice.

(j) That the licensee has rejected, without reasonable cause, or has failed or refused to accept, without reasonable cause, any farm product bought or contracted to be bought from a producer by such licensee, or failed or refused, without reasonable cause, to furnish or provide boxes or other containers, or hauling, harvesting, or any other service contracted to be done by licensee in connection with the acceptance, harvesting, or other handling of said farm products bought or handled or contracted to be bought or handled, or has used any other device to avoid acceptance or unreasonably to defer acceptance of farm products bought or handled or contracted to be bought or handled.

(k) That the licensee has otherwise violated any provision of this chapter.

(*l*) That the licensee has knowingly employed an agent, as defined in this chapter, without causing said agent to comply with the licensing requirements of this chapter applicable to agents.

(m) That the applicant or licensee has in the handling of any farm products been guilty of fraud, deceit, or willful negligence.

(n) That the licensee has failed or refused, upon demand, to permit the director or his agents to make the investigations, examinations, or audits as provided in this chapter, or that the licensee has removed or sequestered any books, records, or papers necessary to any such investigations, examinations, or audits, or has otherwise obstructed the same.

(o) That the licensee, without reasonable cause, has failed or refused to execute or carry out a lawful contract with a producer.

(p) That the licensee has failed or refused to keep and maintain the records as required by this chapter.

(q) That a dealer has obtained title to or possession, control, or delivery of any farm product from a producer thereof without having, in either case, executed a contract of purchase and sale, or a contract agreeing to purchase the farm product at a designated price to be paid by the dealer.

(2) Previous violation by the applicant or licensee, or by any person connected with him or it, of any of the provisions of this chapter, or Chapter 9 (commencing at Section 1299.18), of Division 6, of this code, shall be good and sufficient ground for denial, suspension or revocation of a license.

(3) The director, after hearing, or investigation may refuse to grant a license or renewal thereof and may revoke or suspend any license as the case may require, when he is satisfied that the licensee has become bankrupt or insolvent, and is thereby unable to pay producer-creditors of the licensee, or producers with whom the licensee has executory or executed contracts for the purchase of farm products, or for the handling of farm products on consignment.

In such cases, if the director is satisfied that to permit the dealer or commission merchant to continue to purchase or to receive further shipments or deliveries of farm products would be likely to cause serious and irreparable loss to said producer-creditors, or to producers with whom the said dealer or commission merchant has said contracts, then the director within his discretion may thereupon and forthwith shorten the time herein provided for hearing upon an order to show cause why the license of said dealer or commission merchant should not be forthwith suspended or revoked; provided, however, that the time of notice of said hearing shall in no event be less than 24 hours, and shall within that period call a hearing, at which the dealer or commission merchant proceeded against shall be ordered to show cause why his or its license should not be suspended, or revoked, or continued under such conditions and provisions, if any, as the director may consider just and proper and for the protection of the best interests of the producer-creditors involved. Said hearing, in the case of such emergency, may be called upon written notice, said notice to be served personally or by mail on the dealer or commission merchant involved, and may be held at the nearest office of the director or at such place as may be most convenient at the discretion of the director, for the attendance of all parties involved.

(4) Any order revoking or suspending a license may, within the discretion of the director, be made conditional upon the settlement, adjustment or satisfaction of the consequence of the violation or violations as specified, and the operation of such an order may be deferred for such purpose. Any such order may contain provisions for modification or dismissal thereof upon presentation to the director of evidence that the matter of complaint has been settled, adjusted or withdrawn at any time before such order becomes final.

CHAPTER 258

An act to amend Sections 12509 and 12512 of the Vehicle Code, as enacted by the Legislature at the 1959 Regular Session, relating to motor vehicle operator's age limits.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 12509 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

Age limits

12509. Any person who is over the age of 15 years and 6 months may apply to the department for an instruction permit. The department for good cause may issue to the applicant an instruction permit which shall entitle the applicant while having the permit in his immediate possession to drive a motor vehicle upon the highways for a period not exceeding six months when accompanied by, and under the immediate supervision of, a licensed driver 18 years of age or over, but the applicant need not be so accompanied when operating a motorcycle. The department may further restrict the permits as it may determine to be appropriate to assure the safe operation of a motor vehicle by the permittee.

SEC. 2. Section 12512 of said code is amended to read:

Same

12512. Except as provided in Sections 12513 and 12514, no operator's license shall be issued to any person under the age of 16 years.

CHAPTER 259

An act to amend Section 502 of the Agricultural Code, relating to approved milk inspection service.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 502 of the Agricultural Code is amended to read:

502. (a) Any producer, distributor, or approved milk inspection service maintained by any county or city or combination thereof may file with the director a written protest pertaining to any designation made in accordance with Section 500 and shall state in such written protest all the reasons therefor. The director may, within 30 days after the receipt of such protest and after at least five days written notice to any approved milk inspection service concerned, hold a hearing on the same. Upon the completion of hearing the director may revoke or amend such designation, or designate another ap-

proved milk inspection service to perform the inspection as provided in Section 500.

(b) The director upon his own motion, after giving at least 10 days written notice to any approved milk inspection service concerned, may hold a hearing on any designation made in accordance with Section 500 whenever it appears that a change in such designation may result in greater uniformity in inspection areas and eliminate duplication of effort and traveling. Upon the completion of the hearing the director may revoke or amend such designation, or designate another approved milk inspection service to perform the inspection as provided in Section 500.

(c) Any distributor may file with the director a written protest as to the reasonableness of any inspection fee levied and collected from said distributor under the provisions of Section 501 of this code. The director may, within 30 days after the receipt of such protest and after at least five days written notice to the approved milk inspection service or services concerned, hold a hearing on the same. Upon the completion of hearing the director may establish a reasonable fee for the inspection which is the subject of the protest, and thereafter until such order of the director is revoked, suspended or amended, such distributor, notwithstanding any other provision of this article, shall not be required to pay to said approved milk inspection service any inspection fee in excess of that designated as reasonable by the director.

CHAPTER 260

An act to amend Section 7970 of, and to repeal Sections 7970.5 and 7971.5 of the Elections Code, relating to primary election returns.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 7970 of the Elections Code is amended to read:

Copies of returns

7970. The county clerk in any county shall forthwith send to the Secretary of State by registered mail or by express one complete copy of all returns as to:

(a) All candidates voted for in more than one county.

(b) All candidates voted for wholly within one county for the following offices:

(1) State Assembly.

(2) State Senate.

(3) Representatives in Congress.

(4) Members of the State Board of Equalization.

(5) Judicial officers, except judges of an inferior court.

(c) All persons voted for at the presidential primary. The returns for all persons voted for at the presidential primary for delegates to national conventions shall be canvassed first and shall be sent separately within 19 days after the day of election.

SEC. 2. Sections 7970.5 and 7971.5 of the Elections Code are repealed. Repeals

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CHAPTER 261

An act to amend Section 1180 of the Military and Veterans Code, relating to law governing elections to establish memorial districts.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.] In effect September 18, 1959

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

SECTION 1. Section 1180 of the Military and Veterans Code is amended to read:

1180. The special election shall be called, noticed, held, and conducted, election officers appointed, voting precincts designated, candidates nominated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, certificates of election issued, oaths of office administered, and all other proceedings incidental to and connected with the election shall be regulated and done, in accordance with the provisions of law regulating municipal elections in general law cities.

CHAPTER 262

An act to amend Sections 3871 and 3925 of the Elections Code, relating to ballot composition.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.] In effect September 18, 1959

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

SECTION 1. Section 3871 of the Elections Code is amended to read:

3871. The names of the candidates for delegate of any political party shall not appear upon the ballot. In lieu thereof the names of the persons preferred for President by each group of candidates shall be arranged upon the ballot of the party in a column 2½ inches wide. The person preferred by that group of candidates which first files its nomination paper with the Secretary of State shall be entitled to the first or top space; the person preferred by the group which next files its nomina- Arrangement of ballot

tion paper shall be entitled to the second space; and similarly for all other persons preferred by other groups.

SEC. 2. Section 3925 of said code is amended to read:

Order of precedence

3925. In the case of a primary election for the nomination of candidates to be voted for at a presidential or general election, the order of precedence shall be as follows: Beginning in the column to the left, under the heading State, shall be printed the groups of names of candidates for state offices, except judicial and school offices, and for members of the State Board of Equalization. Under the heading Congressional shall be printed the groups of names for United States Senator in Congress, if any, and for Representative in Congress. Next, under the heading Legislative shall be printed the groups of names for State Senator, if any, and for Member of Assembly. Finally under the heading County Committee shall be printed the names of the candidates for election to membership in the county central committee of the party. As many columns as needed shall be used to accommodate the offices to be filled.

At a presidential primary, the names of the persons preferred for President by each group of candidates shall appear first in the column to the left, followed by the sequence of offices as prescribed above.

CHAPTER 263

An act to amend Section 11052 of the Elections Code, relating to recall.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 11052 of the Elections Code is amended to read:

11052. A petition demanding the election of a successor to the person sought to be recalled shall be filed with the county clerk. The petition shall be signed by voters equal in number to at least 20 percent of the entire vote last cast within the county for all candidates for the office which the incumbent, sought to be removed, occupies. If the officer is not elected by the county at large, the same percentage is required within those precincts of the county embraced within the district of the county entitled to vote for a successor to the officer named. The petition shall contain a statement, not exceeding 200 words, of the grounds on which the recall is sought, for the information of the voters. Any insufficiency of form or substance in this statement shall not affect the validity of the election and proceedings held thereunder.

CHAPTER 264

An act to amend Section 1609 of the Elections Code, relating to county initiative.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1609 of the Elections Code is amended to read:

1609. To avoid holding more than one election, within any six months, the date for holding a special election may be fixed at as early a date as practicable after the expiration of the six months.

When it is legally possible to hold a special election under this article within six months prior to a regular election, the board of supervisors may, in its discretion, submit the proposed ordinance at that regular election instead of at a special election.

In all other cases the board of supervisors shall call a special election to be held not less than 60 nor more than 120 days after the date of the presentation of the proposed ordinance to it.

CHAPTER 265

An act to repeal Section 13041 of the Education Code and Section 13285 of the Education Code as proposed by Senate Bill No. 2, relating to teachers of beginners.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 13041 of the Education Code is hereby repealed. Repeal

SEC. 2. Section 13285 of the Education Code, as proposed by Senate Bill No. 2, is hereby repealed. Same

SEC. 3. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect. Effect. Stats 1959, Ch 2

CHAPTER 266

An act to amend Sections 5621 and 5627 of the Elections Code, relating to challenges of voters.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 5621 of the Elections Code is amended to read:

Oath

5621. If the challenge is on the ground that he is not the person whose name appears on the register, the inspector shall tender him the following oath: "You do swear (or affirm) that you are the person whose name is entered on the register."

SEC. 2. Section 5627 of said code is amended to read:

Determination of challenges

5627. Challenges upon the grounds either:

(a) That the person challenged is not the person whose name appears on the register;

(b) That the party has voted on that day;

are determined in favor of the party challenged by his taking the oath tendered.

CHAPTER 267

An act to amend Section 2540 of the Elections Code, relating to the qualification of political parties.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 2540 of the Elections Code is amended to read:

2540. A party is qualified to participate in any primary election:

(a) If at the last preceding gubernatorial election there was polled for any one of its candidates who was the candidate of that party only for any office voted on throughout the State, at least 2 percent of the entire vote of the State, or for any one of its candidates who, upon the date of such gubernatorial election, as shown by the affidavits of registration of voters in the county of his residence, was affiliated with that party and who was the joint candidate of that party and any other party for any office voted on throughout the State, at least 6 percent of the entire vote of the State; or

(b) If on or before the 135th day before any primary election it appears to the Secretary of State as a result of examining and totaling the statement of voters and their political affiliations transmitted to him by the county clerks, that voters, equal in number to at least 1 percent of the entire

vote of the State at the last preceding gubernatorial election, have declared their intention to affiliate with that party; or

(c) If on or before the 135th day before any primary election there is filed with the Secretary of State a petition signed by voters, equal in number to at least 10 percent of the entire vote of the State at the last preceding gubernatorial election, declaring that they represent a proposed party, the name of which shall be stated therein, which proposed party those voters desire to have participate in that primary election. This petition shall be circulated, signed, verified and the signatures of the voters thereon shall be certified to and transmitted to the Secretary of State by the county clerks substantially as provided for initiative petitions. Each page of the petition shall bear a caption in 18-point blackface type, which caption shall be the name of the proposed party followed by the words "Petition to participate in the primary election." No voters or organization of voters shall assume a party name or designation which is so similar to the name of an existing party as to mislead voters.

(d) Except that whenever the registration of any party which qualified in the previous direct primary election falls below one-fifteenth of 1 percent of the total state registration, that party shall not be qualified to participate in the primary election but shall be deemed to have been abandoned by the voters, since the expense of printing ballots and holding a primary election would be an unjustifiable expense and burden to the State for so small a group. The Secretary of State shall immediately remove the name of such party from any list, notice, ballot, or other publication containing the names of the parties qualified to participate in the primary election.

CHAPTER 268

An act to amend Section 35550 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to weight of vehicles.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 35550 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

35550. (a) The gross weight imposed upon the highway by the wheels on any one axle of a vehicle shall not exceed 18,000 pounds and the gross weight upon any one wheel, or wheels, supporting one end of an axle, and resting upon the roadway, shall not exceed 9,500 pounds.

(b) The gross weight limit provided for weight bearing upon any one wheel, or wheels, supporting one end of an axle

shall not apply to vehicles the loads of which consist of livestock.

(c) Buses carrying passengers for hire in urban or suburban service may exceed the weight limitation imposed by this section when the excess weight is not more than 2,500 pounds, is on the rear axle only, and is composed solely of standing passengers.

This subdivision shall not be applicable to any highway when it would operate to prevent the State from receiving federal funds for highway purposes.

CHAPTER 269

An act to amend Section 35541 of the Health and Safety Code, and to amend Section 2 of Chapter 1246, Statutes 1955, relating to temporary housing projects.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 35541 of the Health and Safety Code is amended to read:

Demolition of dwelling structures

35541 Dwelling structures in any such temporary housing project shall not be disposed of for use as housing, but such dwelling structures shall be demolished and shall be demolished not later than one year after the ninety-first day after final adjournment of the 1969 General Session of the Legislature.

SEC. 2. Section 2 of Chapter 1246 of the 1955 Statutes is amended to read:

Termination date

Sec. 2 The provisions of this act shall remain in effect until the ninety-first day after final adjournment of the 1969 General Session of the Legislature.

CHAPTER 270

An act to amend Sections 57, 70, 331, 332, 3031, 4006, 4332, 4751, and 7149 of the Fish and Game Code, relating to fish and game.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 57 of the Fish and Game Code is amended to read:

"Nonresident"

57. "Nonresident" means any person who has not resided continuously in the State of California for six months imme-

diately prior to the date of his application for a license or permit.

SEC. 2. Section 70 of said code is amended to read:

70. "Resident" means any person who has resided continuously in the State of California for six months or more immediately prior to the date of his application for a license or permit, or any person on active military duty with the Armed Forces of the United States or auxiliary branch thereof. "Resident"

SEC. 3. Section 331 of said code is amended to read:

331. The commission may determine and fix the area or areas, the seasons and hours, the bag and possession limit, and the sex and total number of antelope (Antilocapra americana) that may be taken under such regulations as the commission may prescribe from time to time. Only a resident of the State of California possessing a valid hunting license and over the age of 16 years, who has not taken an antelope under these provisions during the 10 years immediately preceding, may obtain a license for the taking of antelope. Only one license may be issued to any one individual in any 10-year period. Antelope

The fee for the license is seven dollars ($7). It shall be deposited in the Fish and Game Preservation Fund and shall be expended, in addition to money budgeted for salaries of persons in the department, for the expense of enforcing the provisions of this section.

SEC. 4. Section 332 of said code is amended to read:

332. The commission may determine and fix the area or areas, the seasons and hours, the bag and possession limit, and the total number of elk that may be taken under such rules and regulations as the commission may prescribe from time to time. Only a resident of the State of California over the age of 16 years and possessing a valid hunting license may obtain a license for the taking of elk. Elk

The fee for the license may be determined by the commission but not to exceed twenty-five dollars ($25). The fees shall be deposited in the Fish and Game Preservation Fund and shall be expended in addition to money budgeted for salaries of the department, for the expense of enforcing the provisions of this section and the processing of the applications.

SEC. 5. Section 3031 of said code is amended to read:

3031. A hunting license, granting the privilege to take game birds and mammals, shall be issued: Hunting license

(a) To any resident of this State, over the age of 16 years, upon the payment of four dollars ($4).

(b) To any resident of this State, under the age of 16 years, upon the payment of one dollar ($1).

(c) To any person, not a resident of this State, upon the payment of twenty-five dollars ($25).

(d) To the wife of any veteran, as defined in Section 980 of the Military and Veterans Code, upon payment of the fee specified in subdivision (a), even though she be an alien.

SEC. 6. Section 4006 of said code is amended to read:

Trapping license fee

4006. A trapping license shall be issued to any individual upon the payment of one dollar ($1).

SEC. 7. Section 4332 of said code is amended to read:

Deer license tags

4332. Any resident of this State 12 years of age or over who possesses a valid hunting license may, upon payment of two dollars ($2), procure the number of license tags corresponding to the number of deer that may legally be taken by one person during the current license year.

Any nonresident of this State, 12 years of age or over, who possesses a valid hunting license, may, upon payment of ten dollars ($10), procure the number of license tags corresponding to the number of deer that may legally be taken by one person during the current license year.

SEC. 8. Section 4751 of said code is amended to read:

Bear license tags

4751 Any person 12 years of age or over who possesses a valid hunting license may, upon payment of one dollar ($1), procure the number of bear license tags corresponding to the number of bear that may legally be taken by one person during the current license year.

SEC. 9. Section 7149 of said code is amended to read:

Sport fishing license

7149. A sport fishing license granting the privilege to take fish from the ocean waters of this State and amphibia anywhere in this State for purposes other than profit shall be issued:

(a) To any resident of this State, over the age of 16 years, upon the payment of three dollars ($3) for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof.

(b) To any nonresident, over the age of 16 years, upon the payment of ten dollars ($10) for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof.

(c) To any person, over the age of 16 years, not a resident of this State, upon the payment of three dollars ($3), for a period of 10 days from the date of issue.

On payment of one dollar ($1) a sport fishing licensee may obtain a license stamp which if signed in ink by the licensee and permanently affixed to his license authorizes him to take all fish, other than trout, but including steelhead trout, anywhere in this State for purposes other than profit.

On payment of two dollars ($2) a sport fishing licensee may obtain two license stamps which if signed in ink by the licensee and permanently affixed to his license authorize him to take all fish anywhere in this State for purposes other than profit.

Any person receiving aid to the aged under the provisions of the Old Age Security Law on application to the department shall be issued a sport fishing license with two license stamps affixed thereto, free of charge.

Sport fishing license stamps shall be sold by license agents in the same manner as sport fishing licenses except that the com-

pensation provided in Section 1055 shall not be paid to the license agent for sale of such stamps.

Reference in this code or any other law to a sport fishing license to be issued to disabled veterans, blind persons, recipients of aid to the aged, or resident Indians without payment of a license fee means a sport fishing license with two license stamps affixed thereto. All other references to a sport fishing license mean such a license with or without license stamps as may be appropriate for the type of fishing involved.

Operative dates

SEC. 10. Sections 3, 4, 5, 6, 7, and 8 of this act shall become operative on July 1, 1960. Section 9 of this act shall become operative on January 1, 1960. Sections 1 and 2 of this act shall become operative on July 1, 1960 as to licenses and license tags issued pursuant to Sections 331, 332, 3031, 4006, 4332, and 4751 of the Fish and Game Code as amended by this act. Sections 1 and 2 of this act shall become operative on January 1, 1960 as to fishing licenses issued pursuant to Section 7149 of the Fish and Game Code as amended by this act.

CHAPTER 271

An act to amend Section 4168 of the Business and Professions Code, relating to the practice of pharmacy.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 4168 of the Business and Professions Code is amended to read:

4168. The poison label required by this article to be placed on all packages of poison, shall contain the word "poison" and the "vignette" representing the skull and crossbones, printed upon red paper in distinct white letters, or in distinct red letters upon white paper, and shall contain the name of the article or contents of the package, the name and place of business of the person or firm packaging the poison. The particular label requirement for the antidote adopted by the board for the poison sold shall also be upon the poison label or be attached to the package.

CHAPTER 272

An act to amend Section 4035 of the Business and Professions Code, relating to the practice of pharmacy.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 4035 of the Business and Professions Code is amended to read:

4035. "Pharmacy" means and includes every store or shop where (1) drugs are dispensed, or sold at retail, or displayed for sale at retail; or (2) where prescriptions are compounded or dispensed; or (3) which has upon it or displayed within it, or affixed to or used in connection with it, a sign bearing the word or words "Pharmacist," "Pharmacy," "Apothecary," "Drugstore," "Druggist," "Drugs," "Medicines," "Medicine Store," "Drug Sundries," "Remedies," or any word or words of similar or like import; or (4) any store or shop with respect to which any of the words enumerated in subdivision (3) are used in any advertisement.

CHAPTER 273

An act to amend Sections 23222a, 24670, 25102, 25551, 25663, 25673, 25674, 26074, 26131, and 26281 of, and to add Sections 25401b, 25905, 25962.2, 26073c and 26080.4 to the Revenue and Taxation Code, relating to the taxation of banks, corporations, associations, and Massachusetts trusts, to take effect immediately.

In effect immediately

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 23222a of the Revenue and Taxation Code is amended to read:

Short years

23222a. In every case in which the second or succeeding taxable years of a commencing taxpayer constitute a period of less than 12 months or in which the taxpayer does business for a period of less than 12 months during its second or succeeding taxable years, the tax for such year or years shall be measured by the income of that period or periods subject to the continuation of the prepayment procedure outlined in Section 23222. In no event shall the income of any period or periods herein described be used as the measure of the tax, other than the prepayment, until the last short period is succeeded by a taxable period of 12 months, in which case the income of the last short period shall, if greater than the income of the 12-month period, constitute the tax for such 12-month period.

Thereafter the procedure outlined in Section 23222, in respect of the second and third taxable years, shall apply and the taxpayer shall not be subject to the provisions of this section.

In the event that a taxpayer is dissolved or withdraws from this State while subject to the provisions of this section, its tax for the year of dissolution or withdrawal shall be measured by its net income for such year. However, in no event shall the tax be less than the minimum tax provided by Section 23153.

SEC. 2. Section 24670 of the Revenue and Taxation Code is amended to read:

24670. (a) If an installment obligation is satisfied at other than its face value or distributed, transmitted, sold, or otherwise disposed of, gain or loss shall result to the extent of the difference between the basis of the obligation and— Installment obligation

(1) The amount realized, in the case of satisfaction at other than face value or a sale or exchange; or

(2) The fair market value of the obligation at the time of distribution, transmission, or disposition, in the case of the distribution, transmission, or disposition otherwise than by sale or exchange.

Any gain or loss so resulting shall be considered as resulting from the sale or exchange of the property in respect of which the installment obligation was received.

(b) The basis of an installment obligation shall be the excess of the face value of the obligation over an amount equal to the income which would be returnable were the obligation satisfied in full.

(c) (1) If—

(A) An installment obligation is distributed by one corporation to another corporation in the course of a liquidation, except in the case of a distribution to which Section 24504 (b) (2) applies; and

(B) Under Section 24502 (relating to complete liquidations of subsidiaries) no gain or loss with respect to the receipt of such obligation is recognized in the case of the recipient corporation;

then except as provided in subparagraph (A) no gain or loss with respect to the distribution of such obligation shall be recognized in the case of the distributing corporation.

(2) If—

(A) An installment obligation is distributed by a corporation in the course of a liquidation; and

(B) Under Sections 24512, 24513 and 24514 (relating to gain or loss on sales or exchanges in connection with certain liquidations) no gain or loss would have been recognized to the corporation if the corporation had sold or exchanged such installment obligation on the day of such distribution;

then no gain or loss shall be recognized to such corporation by reason of such distribution.

(d) In the case of a disposition of an installment obligation by any person other than a life insurance company (as defined in Section 801(a) of the Internal Revenue Code of 1954) to such an insurance company, no provision of this part providing for the nonrecognition of gain shall apply with respect to any gain resulting under subsection (a). If a corporation which is a life insurance company for the income year was (for the preceding income year) a corporation which was not a life insurance company, such corporation shall, for purposes of this subsection and subsection (a), be treated as having transferred to a life insurance company, on the last day of the

preceding income year, all installment obligations which it held on such last day.

SEC. 3. Section 25102 of the Revenue and Taxation Code is amended to read:

Combined report

25102. In the case of two or more persons, as defined in Section 19 of this code, owned or controlled directly or indirectly by the same interests, the Franchise Tax Board may permit or require the filing of a combined report and such other information as it deems necessary and is authorized to impose the tax due under this part as though the combined entire net income was that of one person, or to distribute, apportion, or allocate the gross income or deductions between or among such persons, if it determines that such consolidation, distribution, apportionment, or allocation is necessary in order to reflect the proper income of any such persons.

SEC. 4. Section 25551 of the Revenue and Taxation Code is amended to read:

Tax payment

25551. In the case of corporations subject to the tax imposed by Article 2 of Chapter 2, or the tax imposed by Chapter 3, if the tax amounts to more than one hundred dollars ($100), one hundred dollars ($100) or one-half of the amount of tax disclosed by the return, whichever is greater, shall be due and payable as a first installment of the tax on or before the fifteenth day of the third month following the close of the income year.

If the tax as disclosed by the return does not amount to more than one hundred dollars ($100), the entire amount of the tax shall be due and payable on or before the fifteenth day of the third month following the close of the income year.

SEC. 5. Section 25663 of the Revenue and Taxation Code is amended to read:

Limitation on deficiency assessment

25663. (a) Except in the case of a fraudulent return, and except as otherwise expressly provided in this article, every notice of additional tax proposed to be assessed shall be mailed to the taxpayer within four years after the return was filed. No deficiency shall be assessed or collected with respect to the year for which such return was filed unless the notice is mailed within the four-year period or as otherwise provided.

(b) For the purposes of this section and Section 25663a or 25663c a return filed before the last day prescribed by law for the filing thereof shall be considered as filed on such last day. For purposes of Section 26073, payment of any portion of the tax made before the last day prescribed for the payment of the tax shall be considered made on such last day. For purposes of this section and Section 26073, the last day prescribed for filing the return or paying the tax shall be determined without regard to any extension of time granted the taxpayer and without regard to any election to pay the tax in installments.

SEC. 6. Section 25673 of the Revenue and Taxation Code is amended to read:

25673. If a taxpayer shall fail to report a change or correction by the Commissioner of Internal Revenue or other officer of the United States or other competent authority or shall fail to file an amended return as required by Section 25432, notice of proposed deficiency assessment resulting from such adjustment may be mailed to the taxpayer within four years after said change, correction or amended return is reported to or filed with the Federal Government. Same

SEC. 7. Section 25674 of the Revenue and Taxation Code is amended to read:

25674. If a taxpayer is required to report a change or correction by the Commissioner of Internal Revenue or other officer of the United States or other competent authority or to file an amended return as required by Section 25432 and does report such change or files such return, a notice of proposed deficiency assessment resulting from such adjustments may be mailed to the taxpayer within six months from the date such notice or amended return is filed with the Franchise Tax Board by the taxpayer, or within the period provided in Sections 25663 and 25663c, whichever period expires the later Same

SEC. 8. Section 26074 of the Revenue and Taxation Code is amended to read:

26074. Every claim for refund shall be in writing and state the specific grounds upon which it is founded. Claim for refund

SEC. 9. Section 26131 of the Revenue and Taxation Code is amended to read:

26131. (a) The Franchise Tax Board may, by regulation, require any bank, corporation or person, or any officer or agency of the State or any political subdivision or agency of the State, or any city organized under a freeholder's charter, or any political body not a subdivision or agency of the State to withhold from payments of interest, other than interest coupons payable to bearer, dividends, rent, prizes, winnings, and compensation for services, including bonuses, the following amounts: Withholding

(i) If the payee is subject to the tax imposed under Chapter 2, a percentage equal to the rate of tax measured by income imposed by this part on the payee, or

(ii) If the payee is subject to the tax imposed under Chapter 3, an amount equal to the tax that would be imposed by this part upon such payments if they, together with all similar payments since the beginning of the calendar year, represented net income of the payee;

and to transmit the amounts withheld to the Franchise Tax Board at such time as it may designate. Any bank or person failing to withhold from any payments any amounts required by such regulation to be withheld is liable for the amount withheld or the amount of taxes due from the person to whom the payments are made to an extent not in excess of the amounts required to be withheld, whichever is more, unless it is shown that the failure to withhold is due to reasonable cause.

(b) Whenever any person has withheld any amount pursuant to subsection (a), the amount so withheld shall be held to be a special fund in trust for the State of California. The amount of such fund shall be assessed, collected, and paid in the same manner and subject to the same provisions and limitations (including penalties) as are applicable with respect to the taxes imposed by this part.

SEC. 10. Section 26281 of the Revenue and Taxation Code is amended to read:

Erroneous refund or credit

26281. Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered, together with interest at the rate of 6 percent per annum from the date the refund was made or the credit allowed, in an action brought by the Franchise Tax Board within two years after the refund or credit was made, in a court of competent jurisdiction in the County of Sacramento in the name of the people of the State of California.

SEC. 11. Section 25401b is added to the Revenue and Taxation Code, to read:

Credit for amounts withheld

25401b. (1) For purposes of this part the amount deducted and withheld under Section 26131 during any calendar year shall be allowed to the bank or corporation from whom such amount was deducted and withheld as a credit against the tax imposed by this part.

(2) The amount so withheld during any calendar year shall be allowed as a credit for the income year beginning in such income year. If more than one income year begins in a calendar year, such amount shall be allowed as a credit for the last income year so beginning.

(3) For purposes of Section 26073, any tax actually deducted and withheld during any calendar year under Section 26131 shall, in respect of the bank or corporation from whom such amount was deducted and withheld, be deemed to have been paid by it on the fifteenth day of the third month following the close of its income year.

SEC. 12. Section 25905 is added to the Revenue and Taxation Code, to read:

Collection of interest

25905. Interest prescribed under this article on any tax may be assessed and collected at any time during the period within which the tax to which such interest relates may be collected.

SEC. 13. Section 25962.2 is added to the Revenue and Taxation Code, to read:

Penalty

25962.2. Any person required under this part to collect, account for, and pay over any tax or amount required to be withheld who willfully fails to collect or truthfully account for and pay over such tax or amount shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than two thousand dollars ($2,000), or imprisoned in the state prison not more than five years, or both.

SEC. 14. Section 26073c is added to the Revenue and Taxation Code, to read:

26073c. Notwithstanding any statute of limitations provided in this part, any overpayment due a bank or corporation for any year which results from a transfer of items of income or deductions or both to or from another year for the same bank or corporation, shall be allowed as an offset in computing any deficiency in tax for any other year resulting from the transfer of such income or deductions or both, but no refund shall be allowed unless the overpayment is certified to the State Board of Control, or a claim for refund is filed within the time otherwise provided for in this part. Offset against deficiency

The offset provided herein, however, shall not be allowed after the expiration of seven years from the due date of the return on which the overpayment is determined.

SEC. 15. Section 26080.4 is added to the Revenue and Taxation Code, to read:

26080.4. The provisions of Section 25663, applicable in determining the period of limitation on credit or refund, shall be applicable in determining the date of payment for purposes of Sections 26080 and 26107. Date of payment

SEC. 16. The amendments made by Sections 3, 6, 7, 8, and 12 of this act are hereby declared to be merely a clarification of the original intention of the Legislature, rather than a substantive change, and such sections shall be construed for all purposes as though they had always read as hereinabove set forth. Declaratory of original legislative intent

SEC. 17. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. Tax levy

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CHAPTER 274

An act to amend Section 24532 of the Revenue and Taxation Code, relating to the taxation of banks, corporations, associations, and Massachusetts trusts.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.] In effect September 18, 1959

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

SECTION 1. Section 24532 of the Revenue and Taxation Code is amended to read:

24532. (a) If—

(1) A corporation (referred to in this section and Section 24533 as the "distributing corporation")—

(A) Distributes to a shareholder, with respect to its stock; or

(B) Distributes to a security holder, in exchange for its securities solely stock or securities of a corporation (referred to in this section and Section 24533 as "controlled corporation") which it controls immediately before the distribution,

(2) The transaction was not used principally as a device for the distribution of the earnings and profits of the distributing corporation or the controlled corporation or both (but the mere fact that subsequent to the distribution stock or securities in one or more of such corporations are sold or exchanged by all or some of the distributees (other than pursuant to an arrangement negotiated or agreed upon prior to such distribution) shall not be construed to mean that the transaction was used principally as such a device),

(3) The requirements of Section 24533 (relating to active businesses) are satisfied; and

(4) As part of the distribution, the distributing corporation distributes—

(A) All of the stock and securities in the controlled corporation held by it immediately before the distribution; or

(B) An amount of stock in the controlled corporation constituting control within the meaning of Section 24564, and it is established to the satisfaction of the Franchise Tax Board that the retention by the distributing corporation of stock (or stock and securities) in the controlled corporation was not in pursuance of a plan having as one of its principal purposes the avoidance of California tax:

then no gain or loss shall be recognized to (and no amount shall be includable in the income of) such shareholder or security holder on the receipt of such stock or securities.

(b) Subsection (a) shall be applied without regard to the following:

(1) Whether or not the distribution is pro rata with respect to all of the shareholders of the distributing corporation;

(2) Whether or not the shareholder surrenders stock in the distributing corporation; and

(3) Whether or not the distribution is in pursuance of a plan of reorganization (within the meaning of Section 24562(a)(4)).

(c) Subsection (a) shall not apply if—

(1) The principal amount of the securities in the controlled corporation which are received exceeds the principal amount of the securities which are surrendered in connection with such distribution; or

(2) Securities in the controlled corporation are received and no securities are surrendered in connection with such distribution.

For purposes of Sections 24532 and 24533, inclusive (other than paragraph (a)(4) of this subsection), and so much of Section 24535 as relates to this section and Section 24533, stock of a controlled corporation acquired by the distributing corporation by reason of any transaction which occurs within five years of the distribution of such stock and in which gain or loss was recognized in whole or in part shall not be treated as stock of such controlled corporation, but as other property.

CHAPTER 275

An act to amend Section 3276 of the Fish and Game Code, relating to fish and game.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 3276 of the Fish and Game Code is amended to read:

3276. For the proper administration of this article the State is divided into two zones, Zone A and Zone B.

(a) Zone A consists of the following areas: the Imperial-Coachella Valley (Imperial and Riverside Counties); commencing at the California-Mexico international boundary at the common boundary of R. 16 E.-R. 17 E.; thence north to the All-American Canal; thence southwesterly along the All-American Canal to the East Highline Canal; thence northerly and westerly along said canal to the boundary of T. 10 S., R. 13 E. and 14 E.; thence north to Coachella Canal; thence northwesterly along said canal to the boundary of T. 7 S., R. 9 E. and 10 E.; thence north to the sea level contour; thence northwesterly and westerly along said contour around the Town of Indio; thence south and southeasterly along said contour to the California-Mexican border; thence easterly along said border to the point of beginning, excepting therefrom those portions of Townships 9 E.-9 S.; 10 E.-9 S.; 9 E.-10 S.; 10 E.-10 S.; 11 E.-10 S.; 9 E.-11 S.; 10 E.-11 S.; 11 E.-11 S.; 9 E.-12 S.; 10 E.-12 S.; 11 E.-12 S.; 9 E.-13 S.; 10 E.-13 S.; and 11 E.-13 S., S. B. B. & M. lying within the above boundary.

Bard-Winterhaven area (Imperial County); commencing at the range line between 21 E. and 22 E. (Township 16 S.) northeasterly along the All-American Canal to Imperial Dam; thence across Imperial Dam to the common boundary of California and Arizona; thence southwesterly along said boundary to the range line between 21 E. and 22 E.; thence north following said range line to the point of beginning.

Palo Verde Valley (Riverside and Imperial Counties); those portions of T. 8 S., R. 22 E., and R. 23 E.; T. 7 S., R. 23 E.; T. 6 S., R. 23 E.; and T. 5 S., R. 24 E.; and the SE. ½ of T. 5 S., R. 23 E.; SE. ½ of T. 6 S., R. 22 E.; all of T. 7 S., R. 22 E.; E. ½ of T. 7 S., R. 21 E.; and E. ½ of T. 8 S., R. 21 E. in eastern Riverside County; and those portions of the E. ½ of T. 9 S., R. 21 E., and T. 9 S., R. 22 E. in Imperial County.

Prado Basin (San Bernardino and Riverside Counties); all of T. 3 S., R. 7 W.; S. ½ of T. 2 S., R. 7 W.; SE. ¼ of T. 2 S., R. 8 W.

Owens Valley-Round Valley area (Inyo and Mono Counties); all of Township 6 S., R. 31 E.; and all of Owens Valley

lying below the 4,500-foot contour northerly of the township line between T. 15 and 16 S.

Antelope Valley (Mono County); that portion of the SE. ¼ T. 10 N., R. 22 E. in Mono County; the E. ½ of T. 9 N., R. 22 E.; the E. ½ of T. 8 N., R. 22 E.; that portion of the W. ½ of T. 9 N., R. 23 E. in Mono County; the W. ½ of T. 8 N., R. 23 E.

Diamond Valley (Alpine County); that portion of the SE. ¼ of T. 12 N., R. 19 E. in Alpine County; the E. ½ of T. 11 N., R. 19 E; that portion of T. 11 N., R. 20 E. in Alpine County; the N. ½ of T. 10 N., R. 20 E.

San Joaquin-Sacramento Valleys; commencing at the junction of State Highway 41 and the common boundary between Kern and Kings County northerly on Highway 41 to Kettleman City; thence due west approximately two miles to the 500 feet contour; thence northerly and westerly along said contour to range line between 10 E. and 11 E.; thence north along said range line to the Delta-Mendota Canal; thence northerly and westerly along said canal to the crossing of the Southern Pacific Railroad tracks (about five miles south of Byron); thence northwesterly along said railroad to Martinez; thence across the straits to Benicia; thence northerly along State Highway 21 to Cordelia; thence northeasterly along U. S. Highway 40 to the range line between 1 W. and 2 W.; thence north along said range line to the Pacific Gas and Electric Pit Vaca electrical transmission lines approximately six (6) miles north and east of the town of Capay; thence northwesterly along said transmission lines to the township line between 14 N. and 15 N.; thence west along said township line to the SW. corner of the E. ½ of T. 15 N., R. 4 W.; thence north along a line drawn to the NW. corner of the E. ½ of T. 20 N., R. 4 W.; thence east along the township line between 20 N. and 21 N. to the U. S. Bureau of Reclamation Shasta-Tracy westside electrical transmission lines, approximately four (4) miles northwest of the town of Artois; thence north and northwesterly along said transmission lines to the township line between T. 31 N and T. 32 N.; thence east on said township line to the range line between R. 3 W. and R. 2 W.; thence south on said range line to U. S. Highway 99E (approximately SW. corner T. 27 N., R. 2 W.); thence southeasterly along 99E through Chico to Savona; thence southeasterly along the Oroville-Chico Highway to Oroville; thence southeasterly on the Oroville-Bangor Highway to Bangor on the section line between S 27 and S. 28, T. 18 N., R. 5 E.; thence south on said section line to the township line between T. 18 N. and T. 17 N.; thence east on said township line to the range line between R. 5 E and R. 6 E.; thence south on said range line to State Highway 20; thence easterly along said Highway 20 through Smartsville to the common boundary between Nevada and Yuba Counties; thence south along this boundary to Placer County; thence east along the common boundary of Nevada and Placer Counties to the range line between R. 6 E. and R. 7 E.; thence south along said range

line to the township line between T. 11 N. and T. 10 N.; thence east along this township line to the common boundary between Placer and El Dorado Counties; thence south along said boundary to the common boundary between Sacramento and El Dorado Counties; thence southeasterly along said boundary between Sacramento and El Dorado Counties, Sacramento and Amador Counties, San Joaquin and Amador Counties, San Joaquin and Calaveras Counties, Stanislaus and Calaveras Counties, Stanislaus and Tuolumne Counties, Merced and Mariposa Counties, to Madera County; thence southwest on the common boundary of Merced and Madera Counties to the Madera Canal; thence southeasterly along said canal to Friant Dam; thence southeasterly along the Friant-Kern Canal to State Highway 65 (approximately one mile southeast of Strathmore); thence southerly along Highway 65 to the common boundary between Kings and Kern Counties; thence west along said boundary to point of beginning.

Humboldt Bay Area (Humboldt County); commencing at False Cape northerly along ocean shore to Trinidad Head; thence southeasterly on a line drawn to the Town of Crannell; thence to Fieldbrook; thence to Korbel; thence to Freshwater; thence to Falk; thence to Fernbridge; thence to Carlotta; thence to Rio Dell; thence to False Cape the point of beginning.

Scott Valley (Siskiyou County); the SE. ¼ of T. 44 N., R. 10 W.; the S. ½ of T. 44 N., R. 9 W.; all of T. 43 N., R. 9 W.; the NE. ¼ of T. 43 N., R. 10 W.; all of T. 42 N., R. 9 W.; the E. ½ of T. 41 N., R. 9 W. This includes the Towns of Etna, Greenview, and Fort Jones

Shasta Valley (Siskiyou County); the SW. ¼ of T. 46 N., R. 5 W.; the SE. ¼ of T. 46 N., R. 6 W.; the NW. ¼ of T. 45 N., R. 5 W.; the S. ½ of T. 45 N., R. 5 W.; all of T. 45 N., R. 6 W.; the E. ½ of T. 45 N., R. 7 W.; all of T. 44 N., R. 5 W., and all of T. 44 N., R. 6 W.; the NE. ¼ of T. 44 N., R. 7 W.; all of T. 43 N., R. 5 W., and all of T. 43 N., R. 6 W.; all of T. 42 N, R. 5 W.; the N. ½ of T. 42 N, R. 6 W. This includes the Towns of Edgewood, Gazelle, Yreka, and Montague.

Tulelake Area (Siskiyou and Modoc Counties); commencing at the intersection of the Mt. Diablo Meridian with the Oregon-California state line; thence easterly along said state line to the range line between R. 6 E. and R. 7 E.; thence southerly along said range line to the township line between T. 45 N. and T. 46 N.; thence westerly along said township line to the Mt. Diablo Meridian; thence north along the Mt. Diablo Meridian to the point of beginning.

Pit River Valley (Modoc and Lassen Counties); the W. ½ of T. 45 N., R. 14 E; all of T. 45 N., R. 13 E.; the W. ½ of T. 44 N., R. 14 E; all of T. 44 N., R. 13 E.; the S. ½ of T. 44 N., R. 12 E.; the E. ½ of T. 44 N., R. 11 E.; all of T. 43 N., R. 13 E.; all of T. 43 N., R. 12 E.; all of T. 42 N., R. 13 E.; all of T. 42 N., R. 12 E., and all of T. 42 N., R. 11 E.; the S. ½ of T. 42 N., R. 10 E.; the SE. ¼ of T. 42 N., R. 9 E.; all of T. 41

N., R. 13 E.; all of T. 41 N., R. 12 E., and of T. 41 N., R 11 E ; the N. ½ of T. 41 N., R. 10 E.; the NE. ¼ of T. 41 N., R. 9 E.; all of T. 40 N., R. 13 E.; the E. ½ of T. 40 N., R. 12 E.; all of T. 39 N., R. 13 E.; the E. ½ of T. 39 N., R. 12 E. This includes the Towns of Canby, Alturas, Davis Creek, and Likely.

Surprise Valley (Modoc County); all that portion of Surprise Valley lying in Modoc County below the 5,000 feet contour.

Lookout-Bieber Area (Modoc and Lassen Counties); commencing at the town of Adin (Modoc County) south on Adin-Eagle Lake County Road to the boundary of the Modoc National Forest (approximately 6.5 miles south of Adin); thence westerly and southerly along said forest boundary to the township line between T. 36 N. and T. 37 N.; thence west along said township line to the Great Northern Railroad; thence northerly along said railroad to the township line between T. 37 N. and T. 38 N.; thence westerly along said township line to the range line between R. 6 E. and R. 7 E.; thence north along said range line to the township line between T. 39 N. and T. 40 N.; thence east along said township line to the range line between R 7 E and R 8 E ; thence south along said range line to the Lookout-Adin County Road; thence easterly along said county road to Adin, the point of beginning. This includes the Towns of Nubieber, Bieber, Lookout, and Adin.

McArthur Area (Lassen County); all of T. 38 N., R. 5 E. and T. 38 N., R 4 E.; the E. ½ of T. 38 N., R. 3 E.; all of T. 37 N., R. 5 E.; the E. ½ of T. 37 N., R. 4 E. This includes the Towns of Dana, Pittville, McArthur, and Fall River Mills.

Honey Lake Area (Lassen County); commencing at the point where the Southern Pacific Railroad intersects the California-Nevada state line in T. 27 N., R. 17 E.; thence southerly along said state line to where the township line between T. 24 N and T. 25 N. intersects said state line; thence westerly along the township line between T. 24 N. and T 25 N to the Plumas National Forest boundary; thence northerly and westerly along Plumas National Forest boundary to its intersection with the range line between R. 11 E. and R. 12 E.; thence northerly along said range line to the township line between T 30 N. and T. 31 N.; thence easterly along said township line to the range line between R. 13 E. and R. 14 E.; thence southerly along said range line to the township line between T. 29 N. and T. 30 N ; thence easterly along said township line to the Southern Pacific Railroad; thence southerly along said railroad through the Town of Wendel; thence southerly and easterly along said railroad to the point of beginning.

Indian Valley (Plumas County); the SW. ¼ of T. 27 N., R. 11 E.; the S. ½ of T. 27 N, R. 10 E ; the SE ¼ of T 27 N., R. 9 E.; the W. ½ of T. 26 N., R. 11 E.; T. 26 N., R. 10 E.;

the E. ½ of T. 26 N., R. 9 E. This includes the Towns of Greenville, Crescent Mills and Taylorsville.

Sierra Valley (Sierra and Plumas Counties); the S. ½ of T. 23 N., R. 16 E.; the S. ½ of T. 23 N, R. 15 E; the S. ½ of T. 23 N., R. 14 E.; the S. ½ of T. 23 N., R 13 E; T. 22 N., R. 16 E.; T. 22 N., R. 15 E.; T. 22 N, R. 14 E; T. 22 N., R. 13 E.; T. 22 N., R. 12 E.; T. 21 N., R 14 E; T. 21 N., R. 15 E, the W. ½ of T. 21 N., R. 16 E; T. 20 N, R. 14 E.; the W. ½ of T. 20 N., R. 15 E. This includes the Towns of Blairsden, Portola, Vinton, Loyalton, Sierraville, and Calpine.

Clubs licensed in the above area shall be known as Zone A licensees.

(b) Zone B comprises the remainder of the State, and clubs licensed in this area shall be known as Zone B licensees.

CHAPTER 276

An act to amend Section 190 of the Streets and Highways Code, relating to the allocation of funds to grade separation projects, declaring the urgency thereof, to take effect immediately

[Approved by Governor May 4, 1959 Filed with Secretary of State May 4, 1959] In effect immediately

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

SECTION 1. Section 190 of the Streets and Highways Code is amended to read:

190. In each annual budget report prepared by the commission and the department under Section 143.1 of this code, commencing with the 1958-59 Fiscal Year, the sum of five million dollars ($5,000,000) shall be set aside for allocations to grade separation projects of separation of grade districts, cities, cities and counties, and counties on county roads or city streets as provided in Sections 189-191, inclusive, of this code. An allocation shall be made of one-half of the estimated cost, after deducting therefrom any contribution to be made by the railroad corporations involved, towards any project which qualifies therefor under the provisions of said sections, except that in no event shall allocations in any one fiscal year in excess of a total of five million dollars ($5,000,000) be made. An allocation shall be made only when the affected local agency or agencies furnish evidence to the department that all necessary orders of the Public Utilities Commission have been obtained, that all necessary agreements with affected railroad or railroads have been executed, that sufficient funds from the local agency or agencies are available and that all other matters prerequisite to awarding the construction contract within a period of six months have been or can be taken care of within that time Funds of a local agency shall be deemed available for purposes of this section to the extent of

the amount of any general obligation bonds authorized but unsold if all proceedings prior to the issuance and sale of the bonds have been validly taken and if the bonds may be validly issued and sold by the local agency at any time, even though at the time of allocation under this section the bonds have not been issued or sold. Where such bond proceedings have been taken, if the bonds are not issued and sold within six months after the time of such allocation, or by the following October 1st, whichever first occurs, the commission may order the allocation canceled, and revert the amount thereof to the State Highway Fund, for reallocation to another eligible project, or for use on state highways if no other project is or becomes eligible on or before the following October 1st. In any event, regardless of the method proposed by the local agency for the financing of its share of the project cost, if after an allocation has been made, the construction contract has not been awarded within one year, the commission may order the allocation canceled and the funds allocated shall revert to the State Highway Fund for use on state highways.

The department and the commission may make allocations from a succeeding fiscal year's sum of five million dollars ($5,000,000) on and after January 1st preceding the beginning of such fiscal year. Engineering costs expended by a local agency or agencies prior to an allocation of funds for a project shall be included in the total cost thereof, even though expended prior to an allocation of state funds.

The department and the commission may revert as of October 1st of each fiscal year any unallocated amount from the annual sum of five million dollars ($5,000,000) for that fiscal year.

Such project may be constructed by the local agency or agencies concerned, or, by agreement between the local agency or agencies and the department, the department may acquire the necessary rights-of-way in the name of the local agency or agencies, execute agreements with railroad corporations, present necessary applications to the Public Utilities Commission and perform all other acts to complete the project. Construction work by the department shall be subject to the State Contract Act. Agreements between the department and local agencies are authorized relative to the handling and accounting of funds, including the making of advancements thereof so as to permit prompt payment for the work accomplished, and relative to any other phase of the work.

In the event the actual cost is less than that estimated, the allocation shall be reduced accordingly. If the actual cost exceeds that estimated, the allocation may be increased proportionately by the department and the commission, from the funds made available for the current or subsequent fiscal years. If more projects comply with the requirements hereof in a single year than can be financed from the sum of five million dollars ($5,000,000), allocations shall be made only to those highest on the priority list submitted by the Public

Utilities Commission. Allocations to specific projects by the department shall remain available until expended. As used in this section, "local agency" includes a separation of grade district, as well as a city, city and county, or county.

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

There are within this State numerous streets and highways which cross railroad tracks at extremely dangerous and hazardous points. At such points the construction of railway grade separation structures, by their very nature and purpose a safety device, would result in the saving of life and property. The value of human life, the suffering of injured persons, and damage to property requires that these projects not be delayed This act would facilitate the construction of such grade crossing projects.

CHAPTER 277

An act to add Section 1153 to the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to destruction of returns.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1153 is added to the Education Code, to read:

1153. In the case of any school district election called or conducted under the provisions of this code, the officer charged with conducting the election or with whom the certified proceedings of the election are filed, shall dispose of the records and supplies of the election in the manner prescribed by Article 1 (commencing at Section 7200), Chapter 3, Division 9 of the Elections Code.

CHAPTER 278

An act to amend Section 5504 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to qualifications of teachers conducting high school courses in the elementary schools.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 5504 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

5504. When the course of study is established it shall be taught only by a teacher holding a general secondary credential.

CHAPTER 279

An act to amend Section 5403 of, and to repeal Section 5404 of, the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to postgraduate courses of study in elementary schools.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 5403 of the Education Code is amended to read:

Postgraduate courses

5403. Postgraduate courses of study shall be open to students who have graduated from the elementary schools or who may be admitted upon examination by the principal of the school offering the postgraduate course and with the approval of the county superintendent of schools.

Repeal

SEC. 2. Section 5404 of said code is repealed.

CHAPTER 280

An act to amend Section 6904 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to the education of mentally retarded minors.

In effect September 18, 1959

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

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

SECTION 1. Section 6904 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

6904. The governing board of any elementary or unified school district which has an average daily attendance of 900 or more in the elementary schools of the district, or any high school district which has an average daily attendance of 900 or more shall provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 6902 and who are not in attendance upon other special training schools or classes maintained under the provisions of Sections 6901 to 6913, inclusive.

The governing board of any elementary or unified school district may provide for the education of mentally retarded minors residing in the district who come within the provisions of Section 6903.

CHAPTER 281

An act to amend Section 5611 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to tuition payments for interdistrict attendance of school pupils.

[Approved by Governor May 4, 1959. Filed with Secretary of State May 4, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 5611 of the Education Code as enacted by the Legislature at its 1959 Regular Session, is amended to read:

5611. The board of school trustees, under the arrangement described in Section 5610 shall not pay a tuition charge greater than the average net cost per pupil for educating pupils in the junior high schools of the district of attendance, as ascertained by the county superintendent of schools, less the amount of any apportionments withheld from the elementary school district and added to the high school district pursuant to Section 17411 or Section 17411.1, whichever is in effect. The tuition charge shall cease to be paid after the pupil has completed two years of work in the junior high school.

CHAPTER 282

An act to add Section 1255b to the Code of Civil Procedure, relating to eminent domain and the allowance of interest after an order is made letting the plaintiff into possession.

[Approved by Governor May 5, 1959. Filed with Secretary of State May 5, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1255b is added to the Code of Civil Procedure, to read:

1255b. If the plaintiff in a condemnation proceeding obtains an order from the court for possession of the property sought to be condemned prior to the trial of the action, then the compensation and damages awarded shall draw lawful interest from the effective date of said order.

CHAPTER 283

An act to amend Section 209.5 of the Revenue and Taxation Code, relating to the tax exemption of vessels in the process of construction, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 5, 1959. Filed with Secretary of State May 5, 1959.]

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

SECTION 1. Section 209.5 of the Revenue and Taxation Code is amended to read:

209.5. All right, title or interest in or to any vessel of more than 50 tons burden or 100 tons displacement, and the materials and parts held by the builder of the vessel at the site of construction for the specific purpose of incorporation therein, shall be exempt from taxation except for state purposes, while the vessel is under construction within this State.

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

This act will stimulate the building in this State of vessels of more than 50 ton burden and materially contributes to our economic well being. In order, however, that it fully accomplish its objectives in these regards, it is necessary that it become effective at the earliest time possible.

CHAPTER 284

An act to add Section 2501 to, to amend Sections 2793, 2893, 2894, 2896 and 2899 of, and to repeal Sections 2674, 2742, 2794 and 2795 of, the Elections Code, relating to partisan candidates.

In effect September 18, 1959

[Approved by Governor May 5, 1959. Filed with Secretary of State May 5, 1959.]

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

SECTION 1. Section 2501 is added to the Elections Code, to read:

Declaration of candidacy

2501. No declaration of candidacy for a partisan office, either by the candidate himself or by sponsors on his behalf, shall be filed unless at the time of presentation of the declaration and continuously for not less than three months immediately prior thereto, the candidate is shown by his affidavit of registration to be affiliated with the political party the nomination of which he seeks.

SEC. 2. Section 2793 of said code is amended to read:

2793. Membership in the state convention shall not be granted to any party nominee for a congressional office, state office, or office of Senator or Assemblyman who has become such by reason of his name having been written on a ballot, and who has not had his name printed on the primary ballot by having had a nomination paper filed in his behalf

Write-in nominee

SEC. 3. Section 2893 of said code is amended to read:

2893. No vacancy on the ballot for a general election shall be filled except by reason of the death of a candidate occurring at least 40 days before the date of the next ensuing general election.

Vacancy on ballot

SEC. 4. Section 2894 of said code is amended to read:

2894. Vacancies permitted to be filled may, in the case of legislative offices, be filled by the newly elected county central committee or committees of the party in which the vacancy occurs, in the county or counties comprising the legislative district of the deceased candidate. In the case of all other district or state offices requiring party nomination, except congressional offices, the vacancies may be filled by the newly selected state central committee of such party.

Vacancies permitted to be filled may, in the case of congressional offices, be filled by those members of the newly selected state central committee of the party, who reside in the congressional district in which the vacancy occurs, acting together with the newly elected members of the county central committee or committees of the party residing in such congressional district.

Same Filling

SEC. 5. Section 2896 of said code is amended to read:

2896. A vacancy authorized to be filled because of the death of a candidate, shall be filled and the name of the person named to fill the vacancy shall be certified to the officer charged with the duty of printing of the ballots 40 days before the day of election.

Same

SEC. 6. Section 2899 of said code is amended to read:

2899. Whenever, upon the death of any candidate, the vacancy thereby created is filled by a party committee, a certificate to that effect shall be filed with the officer with whom a declaration certificate for such office may be filed, and upon payment of the filing fee applicable to such office shall be accepted and acted upon by him as in the case of an original declaration certificate.

Certificate

SEC. 7. Sections 2674, 2742, 2794, and 2795 of said code are hereby repealed.

Repeals

CHAPTER 285

An act to add Section 30.2 to, and to amend Section 1300.10 of, the Agricultural Code, relating to the floriculture and nursery products industries, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 5, 1959. Filed with Secretary of State May 5, 1959.]

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

SECTION 1. Section 30.2 is added to the Agricultural Code, to read:

Declaration of public interest

30.2. It is hereby declared, as a matter of legislative determination, that the provisions of this section and the amendments of Section 1300.10 made at the 1959 General Session are enacted in the exercise of the power of this State for the purpose of protecting and furthering the public health and welfare. It is further declared that the floriculture and nursery industry of this State is affected with a public interest, in that, among other things:

(a) The production, processing, manufacture, and distribution of floriculture and nursery products constitute a paramount industry of this State which not only provides substantial and required revenues for the State and its political subdivisions by tax revenues and other means, and employment and a means of livelihood for many thousands of its population, but also furnishes substantial employment to related industries that are vital to the public health and welfare.

(b) Basic research and development for floriculture and the nursery industries contributes substantially to food production in this State which is essential to the welfare and health of its citizens.

It is also declared that the elimination of disorderly marketing of California floricultural and nursery products, and the development of new and larger markets through education, promotion and other means for these products, are affected with the public interest.

SEC. 2. Section 1300.10 of the Agricultural Code is amended to read:

Declarations

1300.10. (a) It is hereby declared that the marketing of agricultural commodities in this State in excess of reasonable and normal market demands therefor; disorderly marketing of such commodities; improper preparation for market and lack of uniform grading and classification of agricultural commodities; unfair methods of competition in the marketing of such commodities; and the inability of individual producers to maintain present markets or to develop new or larger markets for California grown agricultural commodities, results in an unreasonable and unnecessary economic waste of the agricultural wealth of this State.

Such conditions and the accompanying waste jeopardize the future continued production of adequate supplies of food, fiber and other products of the farm and of the soil for the people of this and other states, and prevent agricultural producers from obtaining a fair return from their labor, their farms and the agricultural commodities which they produce.

As a consequence, the purchasing power of such producers has been in the past, and may continue to be in the future, unless such conditions are remedied, low in relation to that of persons engaged in other gainful occupations within the State. Agricultural producers are thereby prevented from maintaining a proper standard of living and from contributing their fair share to the support of the necessary governmental and educational functions, thus tending to increase unfairly the tax burdens of other citizens of this State.

(b) These conditions vitally concern the health, peace, safety and general welfare of the people of this State. It is hereby declared to be the policy of this State to aid agricultural producers in preventing economic waste in the marketing of their agricultural commodities, to develop more efficient and equitable methods in the marketing of agricultural commodities and to aid agricultural producers in restoring and maintaining their purchasing power at a more adequate, equitable and reasonable level.

(c) The marketing of agricultural commodities within this State is hereby declared to be affected with a public interest. The provisions of this chapter are enacted in the exercise of the police powers of this State for the purpose of protecting the health, peace, safety, and general welfare of the people of this State.

Urgency

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Marketing conditions in the floriculture and nursery industry are such that one of the periods of greatest need for the application of a marketing order to the floriculture or nursery industry is in early July, and therefore this act must take effect immediately if it is to be of maximum benefit.

CHAPTER 286

An act to amend Section 205.5 of the Revenue and Taxation Code, and providing for the effective date thereof, relating to the veterans' property tax exemption.

In effect September 18, 1959

[Approved by Governor May 5, 1959. Filed with Secretary of State May 5, 1959.]

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

SECTION 1. Section 205.5 of the Revenue and Taxation Code is amended to read:

Veterans' exemption

205.5. There is exempt from taxation property, constituting the home, of every resident of this State who is a veteran as specified in Section 1¼ of Article XIII of the Constitution, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service due to the loss, or loss of use, as the result of amputation, ankylosis, progressive muscular dystrophies, or paralysis, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, has received pecuniary assistance from the Government of the United States in the acquisition of a home with special fixtures or movable facilities made necessary by the nature of the disability.

Where such a person sells or otherwise disposes of such property, constituting the home, and thereafter acquires, with or without assistance from the Government of the United States, any other property which such person occupies habitually as a home, the exemption allowed pursuant to this section shall apply to such other property.

No person shall be eligible for such exemption unless he was a resident of California at the time of his entry upon military or naval service, or unless he has resided in this State for five years out of the nine years immediately preceding the date of his application for the exemption, or unless he was a resident of California at the effective date of this section.

This exemption includes the home of such a person owned in either joint, common or community interest with his or her spouse.

The exemption granted to any such person or any such person and his or her spouse shall not exceed five thousand dollars ($5,000) and shall not extend to more than one home.

An exemption granted to a claimant in accordance with the provisions of this section shall be in lieu of any other property tax exemption to which the claimant may be entitled, and no property tax exemption may be claimed by any other person with respect to the same home for which an exemption has been granted under the provisions of this section.

Effect Stats 1959, Res Ch 139 or Res Ch 255

SEC. 2. This act shall take effect only if the amendment to Section 1¼ of Article XIII of the Constitution proposed at the 1959 Regular Session of the Legislature is adopted by the voters, and in such case this act shall take effect at the same time as such amendment takes effect.

CHAPTER 287

An act appropriating funds for acquisition of additions to Mt. Tamalpais State Park and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 5, 1959. Filed with Secretary of State May 5, 1959.] In effect immediately

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

SECTION 1. Notwithstanding any other provisions of law, the money appropriated by Section 12.5 of the Budget Act of 1958 for expenditure pursuant to subdivision (3) of the schedule set forth in Section 1 of Chapter 2169 of the Statutes of 1957, is reappropriated for the acquisition of additions to Mt. Tamalpais State Park, and shall be available until June 30, 1961.

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

The restrictive description of the property to be acquired, as contained in the statutes cited in Section 1 hereof, has prevented the prompt acquisition of the property which should be added to Mt. Tamalpais State Park. Land values of this property are subject to rapid changes and the public interest will suffer if acquisition before the ninetieth day after this session is impossible. It is therefore necessary, in order to protect the public interest in the prompt and economical acquisition of this property for park purposes, that this act take effect immediately.

CHAPTER 288

An act to amend Sections 35100, 35101, 35102, and 35106 of, to repeal Sections 35107, 35108, 35109, 35110, and 35111 of, to add Sections 35107, 35108, and 35109 to, and to amend and renumber Sections 35112 and 35113 of, the Water Code, relating to California water districts.

[Approved by Governor May 6, 1959. Filed with Secretary of State May 6, 1959.] In effect September 18, 1959

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

SECTION 1. Section 35100 of the Water Code is amended to read:

35100. At least 10 days before any district election the board shall appoint from among the persons qualified and entitled to vote at the election a board of election, consisting of one inspector, one judge, and two or more clerks, and three

Board of election

alternates who shall, in the order in which they are appointed, fill any vacancies on the board of election if any members do not attend at the opening of the polls.

SEC. 2. Section 35101 of said code is amended to read:

Inspector

35101. The inspector is chairman of the board of election and shall appoint judges and clerks if, during the progress of an election, any judge or clerk ceases to act or becomes incapacitated from acting.

SEC. 3. Section 35102 of said code is amended to read:

Judge

35102. If during an election the inspector ceases to act, the judge shall assume the duties of the inspector and appoint a judge from the election board or alternates.

SEC. 4. Section 35106 of said code is amended to read:

Ballots

35106. The ballots used at the election shall be provided by the board and shall be in the following form:

(a) Each ballot shall have a perforated line across the top portion of the ballot two inches down and parallel to the top thereof. From this perforated line to the top of the ballot a vertical perforated line shall be placed in the center of the ballot.

(b) Above the perforated line and on both sides of the vertical perforation the ballot shall be printed with the name of the district, the date of the election and the ballot number. All ballots shall be numbered consecutively starting with number one.

(c) Above the perforated line and to the left of the vertical perforation shall be printed: "Number of votes entitled to cast:".

(d) Below the perforated line the following shall be printed in the order enumerated:

(1) The name of the district and the date of the election.

(2) "Number of votes entitled to cast:".

(3) A solid black line. Immediately under the line shall be printed: "Fold bottom of ballot up to this line."

(4) The names of the candidates with the incumbents for each office named first followed by the other candidates for that office in alphabetical order.

(5) Any propositions or other matters to be submitted to the voters.

(e) Appropriate squares shall be placed after each candidate and proposition on the right side of the ballot.

(f) Appropriate voting instructions may be placed on the ballot.

Repeals

SEC. 5. Sections 35107, 35108, 35109, 35110, and 35111 of said code are repealed.

SEC 6. Section 35107 is added to said code, to read:

Procedure

35107. The following procedure shall be used at the polls:

(a) A register of voters shall be kept by a clerk. A copy of the list of voters and the number of votes each may cast with appropriate spaces for signatures shall be used for this purpose

(b) Each qualified voter who votes shall sign the register opposite his name.

(c) Any voter holding a proxy or authority of legal representative shall deliver it to the judge for inspection. If the proxy or authority is valid the voter shall sign his own name followed by the word "proxy" or "authority" in the register opposite the name of the person giving the proxy or the authority.

(d) A list of persons casting ballots shall be kept by a clerk. A copy of the list of voters and the number of votes each may cast with an appropriate space for inserting the ballot number opposite the names listed therein shall be used for this purpose.

(e) As each voter signs the register the clerk keeping the list of persons casting ballots shall announce the number of votes he is entitled to cast. The judge shall insert in ink in both spaces on a ballot the number of votes the voter is entitled to cast on that ballot. The number of that ballot shall be placed on the list of persons casting ballots by the clerk opposite the name of the voter or if a proxy or authority of legal representative is being voted opposite the name of the person giving the proxy or authority of legal representative.

(f) The ballot and the ballot number shall be checked by the judge and the clerk for accuracy. Any errors shall be corrected and initialed by the judge and the inspector.

(g) The judge shall fold the ballot by placing the bottom of the ballot on the line marked for that purpose. The ballot shall be refolded by placing the folded bottom on the line marked for folding so that the ballot is folded twice.

(h) The judge shall remove from the ballot the portion above the perforated line and to the left of the vertical perforation. This ballot slip shall be handed to the ballot clerk. If a proxy or authority of legal representative is being voted the judge shall attach the proxy or authority to the ballot slip

(i) The judge shall hand the folded ballot to the voter who shall take it into a voting booth provided by the board of directors which shall be so constructed as to insure privacy. The booth shall be provided with a rubber cross stamp and ink pad. The ballot shall be marked only with the rubber stamp by the voter.

(j) After voting the voter shall refold the ballot and deliver it to the ballot clerk.

(k) The ballot clerk shall examine only that portion of the ballot which is exposed above the fold line The ballot clerk shall check that the number of votes marked on the ballot correspond with the number of votes on the ballot slip of that ballot. Any error in the number of votes shall be corrected by the inspector in ink and initialed by both the inspector and the judge.

(*l*) After the ballot clerk has passed the ballot he shall remove from the ballot the remaining portion above the per-

forated line, deliver this to the voter and place the folded ballot into the ballot box. The ballot box shall be kept locked while the polls are open.

(m) The ballot clerk shall file as a part of the election records the ballot slip and any proxy or authority of legal representative attached thereto.

SEC. 7. Section 35108 is added to said code, to read:

Determination

35108. The board of election shall determine from the register, the list of voters, and the ballot slips the total number of votes cast on ballots.

SEC. 8. Section 35109 is added to said code, to read:

Postelection procedure

35109. After the close of the polls the board of election shall open the ballot box, tally the votes cast for each candidate and for or against each proposition, canvass the votes, and declare the result.

SEC. 9. Section 35112 is amended and renumbered to read:

Same

35110. Immediately after the tally and canvass of the votes and declaration of the results, the board of election shall do each of the following:

(a) Post the results of the election at the entrance of the polling place.

(b) Forward to the board of supervisors of the principal county and to the secretary of the district, each, a certificate showing:

(1) The results of the election.

(2) The number of votes cast for each candidate and for or against each proposition.

(c) Forward to the board of supervisors of the principal county.

(1) The register.

(2) The list of persons casting ballots.

(3) The ballots.

(4) The ballot slips together with any proxies or authorities of legal representatives attached thereto.

(5) The tally of votes issued and total votes cast.

(6) The tally of ballots.

(7) All other papers used at the election.

SEC. 10. Section 35113 of said code is amended and renumbered to read:

Certification

35111. Within 10 days from the receipt by the board of supervisors of the certificate showing the results of the election, the clerk of the board of supervisors shall certify as a true copy and record with the county recorder of each affected county a copy of that certificate.

CHAPTER 289

An act to add Sections 14.5 and 14.6 to Chapter 523 of the Statutes of 1867-1868. relating to the town lands granted to the unincorporated towns in this State by the act of Congress entitled "An act for the relief of the inhabitants of cities and towns upon the public lands," approved March 30, 1868.

[Approved by Governor May 6 1959 Filed with Secretary of State May 6, 1959]

In effect September 18, 1959

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

SECTION 1. Section 14.5 is added to the act cited in the title hereof, to read:

Sec. 14.5. The dedication for public use of any street, road, lane, or alley pursuant to Section 5 or 15 of this act vested in the public only the right-of-way and the incidents necessary to enjoy and maintain it, subject to the regulations provided in the Streets and Highways Code and the Civil Code. The exterior boundaries of each lot abutting upon any such street, road, lane, or alley extend in every case to the center line thereof, subject only to the public interest in the right-of-way unless otherwise expressly provided in the original deed therefor. Upon the making of an order of abandonment of any such dedicated right-of-way the easement therefor ceases and the title to the land previously subject thereto reverts to the respective owners thereof free from the public easement, except to the extent reserved in the order of abandonment.

The provisions of this section are declared to be a statement of the existing law and a clarification of the original intent of the Legislature, rather than a substantive change, and this act shall be construed for all purposes as though this section had always been contained therein.

SEC. 2. Section 14.6 is added to said act, to read:

Sec. 14.6. The provisions of Chapter 2 (commencing with Section 940) of Division 2 of the Streets and Highways Code, relating to abandonment of county highways as defined in Section 960.5 thereof are applicable to streets, roads, lanes, or alleys that are dedicated to public use pursuant to Section 5 or 15 of this act. In addition, in any case where any such a street, road, lane or alley has either never been used as a public way or for a period of 10 consecutive years is impassable for vehicular travel, and on which during such period of time no public money is expended for maintenance, it may be summarily vacated and abandoned by resolution of the board of supervisors of the county in which the townsite is situated whenever it is so requested by a petition signed by one or more interested owners of land within the townsite. A certified copy of the resolution shall be recorded

in the office of the county recorder. On such recordation the abandonment or vacation is complete.

Whenever the board of supervisors abandons any street, road, lane, or alley, as provided in this section, the owner of any town lot or parcel of land abutting thereon may at any time thereafter present to the superior court judge of the county a verified petition requesting the conveyance in fee to such owner of the portion thereof abutting on his lot and to the centerline of such street, road, lane, or alley. The petition shall concisely state the fact of abandonment, that the claimant is in possession of the abandoned portion, and that the claimant is entitled to possession thereof as against all other persons, to the best of his knowledge and belief. There shall be attached to the petition a copy of so much of the plat of the town site as will fully exhibit the particular lot or parcel of land owned by the claimant, together with the abuttals for which a deed is requested. The petition may include more than one request for such a deed if the claimant owns more than one lot or parcel of land to which this section applies. The petition shall be delivered to the clerk of the court.

At the expiration of 90 days after the delivery of the petition, if there shall have been no adverse claim filed in the meantime, the said judge shall make, execute, acknowledge and deliver to the claimant, or to his, her, or their heirs, administrators, or assigns, a good and sufficient deed of the premises described in the petition of the claimant originally filed. Upon the recording of such deed the lands so conveyed by it shall be deemed to be a portion of the lot or parcel of land upon which they abut. Any subsequent conveyance of the lot or parcel of land shall constitute a conveyance of such abuttals unless they are expressly excluded in the instrument of conveyance.

Nothing in this section shall be construed as preventing the owner of a lot or parcel of land from commencing and prosecuting to final judgment an action to quiet title in such owner to that portion of an abandoned street, road, lane, or alley abutting thereon.

CHAPTER 290

An act to amend Sections 675, 687, 7014, 7131, 7134, 7135, 7607, 7608, and 9102 of the Elections Code, relating to tally sheets.

In effect September 18, 1959

[Approved by Governor May 6, 1959. Filed with Secretary of State May 6, 1959.]

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

SECTION 1. Section 675 of the Elections Code is amended to read:

Notice to inspector

675. The clerk, as defined in Section 18, shall immediately mail or deliver to each person appointed as inspector a notice

showing the precinct polling place and the voters appointed to serve with him as election officers in that precinct. The notice shall be substantially in the following form: Office of the County Clerk (or Registrar of Voters), City Clerk or Secretary. County of _____.

Notice to Inspector

To _____, inspector for _____ precinct

The polling place for the _____ precinct at the election to be held on _____ will be _____ and the precinct board for that precinct will be composed of you and the following named persons:

Position	Name	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____

You, as inspector, before the polls are opened shall see that each of the other persons serving on the board has signed the declaration required of him by law and which will be found set forth in the tally sheet and that no person is permitted to act as a precinct officer unless he has signed such declaration and is otherwise qualified to act as a precinct officer.

_____

County Clerk, City Clerk, Secretary
(or other official).

SEC. 2. Section 687 of said code is amended to read:

687. On the day of election and before entering upon the performance of their duties, each of the precinct election officers, other than the inspector, shall sign a declaration of intention to faithfully discharge the duties of an election officer, before the inspector, or, in case he is not present, before any other of themselves. Such declaration shall be substantially the same as that required of the inspector and the form for each of said declarations shall be provided in one of the tally sheets for the precinct. Declaration

SEC. 3. Section 7014 of said code is amended to read:

7014. No election officers shall make any tally of votes in any other manner than is provided in this article, nor in any other place than the tally sheets provided for that purpose. Limitations

SEC. 4. Section 7131 of said code is amended to read:

7131. In the City and County of San Francisco, the packages described in this article shall be delivered to the registrar of voters within three hours from the time the precinct board adjourns. A majority of the precinct board shall endorse in ink or indelible pencil, the time of adjournment upon and sign the packages and each tally sheet. City and County of San Francisco

SEC. 5. Section 7134 of said code is amended to read:

7134. One package shall contain one tally sheet. Tally sheet

SEC. 6. Section 7135 of said code is amended to read:

7135. One package shall contain a duplicate tally sheet. Duplicate

SEC. 7. Section 7607 of said code is amended to read:

Form

7607. The tally sheets shall be provided and determined as to form by the clerk. There shall be a certificate at the end thereof to the effect that the foregoing is the correct result of the election in the precinct as to each and all candidates voted for, and all measures voted upon at the election. The three persons who completed the tally sheet and return shall sign the certificate thereto.

SEC. 8. Section 7608 of said code is amended to read:

Copies

7608. The tally sheets shall be in duplicate, kept by two clerks. Upon the completion, one copy shall be sealed in an envelope and signed across the flap in the manner provided for sealing tally sheets at state elections where votes are counted in the precincts. The other tally sheet shall remain open for inspection in the clerk's office for six months from the date of the election.

SEC. 9. Section 9102 of said code is amended to read:

Members of boards, etc.

9102. The members of the precinct boards provided for in Sections 9100 and 9101 shall be appointed, and shall act, as provided in this chapter. One tally sheet, and one copy of the tally sheet shall be kept, and one book of original affidavits of registration shall be furnished for use at each precinct. The tally sheets and affidavits shall be returned to the proper officers with the official returns, in the manner provided for the returns at a general election.

CHAPTER 291

An act to amend Sections 30291, 30756, 30762, 30763, 30771, and 30815 of the Water Code, relating to elections in county water districts.

In effect September 18, 1959

[Approved by Governor May 6, 1959. Filed with Secretary of State May 6, 1959.]

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

SECTION 1. Section 30291 of the Water Code is amended to read:

Date of election

30291. The date of the election shall be not less than 60 days nor more than 70 days from the date of the final hearing on the formation petition.

SEC. 2. Section 30756 of said code is amended to read:

Supplemental certificate

30756. If the certificate does not conform to the provisions of this article a supplemental certificate may be filed not less than 40 days before the election.

SEC. 3. Section 30762 of said code is amended to read:

Withdrawal from nomination

30762. Any person who has been nominated under this article as a candidate may, not later than 45 days before the election, withdraw his name from nomination by filing with the county clerk a written request for withdrawal and his name shall not be printed upon the ballot.

SEC. 4. Section 30763 of said code is amended to read:

30763. If after the withdrawal the number of candidates remaining is less than the number to be elected, then other candidates may be nominated by the filing of certificates of nomination not later than 40 days prior to the election. Nomination

SEC. 5. Section 30771 of said code is amended to read:

30771. Immediately after the certificates of nomination are filed, the county clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall, not later than 35 days before the election, certify the list to the board of supervisors as the list of candidates nominated. Certification

SEC. 6. Section 30815 of said code is amended to read:

30815. If on the thirty-fifth day prior to a general county water district election only one person has been nominated for each of the positions of director to be filled at that election or no person has been nominated for any such office or offices, and a petition signed by 5 percent of the voters requesting that the election be held has not been presented to the board of directors of said district, an election shall not be held. Exception re election

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CHAPTER 292

An act to repeal Section 655.5 of the Elections Code, relating to precinct boards.

[Approved by Governor May 6, 1959. Filed with Secretary of State May 6, 1959.] In effect September 18, 1959

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

SECTION 1. Section 655.5 of the Elections Code is repealed.

CHAPTER 293

An act to amend Sections 2609 and 2632 of the Elections Code, relating to nominations.

[Approved by Governor May 6, 1959. Filed with Secretary of State May 6, 1959.] In effect September 18, 1959

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

SECTION 1. Section 2609 of the Elections Code is amended to read:

2609. All sponsor certificates which by Section 2670 are required to be filed in the office of the Secretary of State and all sponsor certificates, which by Section 2632 are required to be filed in the office of the county clerk, shall be delivered to the county clerk at least 65 days prior to the direct primary election. The county clerk shall not accept sponsor certificates Sponsor certificates

after 5 o'clock p.m. on the sixty-fifth day, providing that if such day is a Saturday the sponsor certificates shall not be accepted after 12 o'clock noon. In counties where the office of the county clerk is legally closed on Saturday, the final day for filing shall be the preceding day at 5 o'clock p.m.

SEC. 2. Section 2632 of said code is amended to read:

Same

2632. All sponsor certificates and declarations of candidacy by sponsors which are not required by this chapter to be filed in the office of the Secretary of State shall be filed in the office of the county clerk. All sponsor certificates and declarations of candidacy by sponsors shall be so arranged so that signatures of not exceeding 30 sponsors appear on the same sponsors' certificates.

CHAPTER 294

An act to amend Sections 2610, 3080 and 3082 of the Elections Code, relating to verification deputies.

In effect September 18, 1959

[Approved by Governor May 6, 1959. Filed with Secretary of State May 6, 1959.]

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

SECTION 1. Section 2610 of the Elections Code is amended to read:

Verification deputies

2610. The candidate shall appoint verification deputies, to serve within the county in which the deputies reside, to secure the signatures of sponsors to his nomination paper for nomination to the office for which he is a candidate. The verification deputies thus appointed are the duly authorized verification deputies to secure the signatures of sponsors to the nomination paper of the candidate in that county.

SEC. 2. Section 3080 of said code is amended to read:

Same

3080. A candidate shall appoint verification deputies to serve within the county in which the deputies reside in securing signatures to his nomination paper. The verification deputies thus appointed are the duly authorized verification deputies to secure signatures to the nomination paper of the candidate in that county. The document in which verification deputies are appointed shall be filed with the county clerk of the county in which the verification deputies reside, at or before the time the nomination paper of the candidate is left with the county clerk for filing or for examination.

SEC. 3. Section 3082 of said code is amended to read:

Limitations

3082. The obtaining of signatures to a nomination paper shall not be made by the candidate, nor by any county clerk, nor by any of the deputies in his office, nor within 100 feet of any election booth, polling place, or any place where registration of electors is being conducted.

CHAPTER 295

An act to amend Section 682 of the Elections Code, relating to change in polling place.

[Approved by Governor May 6, 1959. Filed with Secretary of State May 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 682 of the Elections Code is amended to read:

682. If, for any valid reason, the polling place designated for any precinct cannot be used, the precinct board acting for that precinct, on the day of the election, shall designate another polling place as near thereto as possible, post notice of the change on or near the place first designated, and conduct the election at the place last designated.

CHAPTER 296

An act to amend Section 264.1 of, and to add Section 260.85 to, the Agricultural Code, relating to diseased animals, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 6, 1959. Filed with Secretary of State May 6, 1959.]

In effect immediately

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

SECTION 1. Section 260.85 is added to the Agricultural Code, to read:

Unlawful acts

260.85. It is unlawful for any person other than a federal, state, county or municipal officer or employee, in his official capacity, or an accredited veterinarian, to buy, possess or use a vaccine or antigen containing brucella micro-organisms, except in accordance with rules and regulations of the director.

SEC. 2. Section 264.1 of said code is amended to read:

Indemnity

264.1. No indemnity shall be paid any person in any of the following cases:

(a) For any steer or grade bull determined to be a reactor.

(b) For any bovine animal brought into a brucellosis control area, which reacts to a brucellosis test applied within 90 days after arrival of said animal in such area as provided for in this article, or which was brought into a brucellosis control area, contrary to any provisions of law or rules and regulations of the State or Federal Department of Agriculture.

(c) For any reacting bovine animal, until the premises, where said animal had been kept, have been cleaned and disinfected by the owner in a manner approved by an agent of the State or Federal Department of Agriculture.

(d) For any reacting bovine animal which has not been slaughtered within 30 days after such animal has been appraised.

(e) For any animal owned by the United States, State of California, or any county, city, town or township, in the State.

(f) For any bovine animal which was vaccinated for brucellosis after reaching 12 months of age, subsequent to January 1, 1957.

(g) When such person has violated any provision of this article relating to brucellosis control area, or any regulation made by the department relating thereto.

No subsequent payment of indemnity shall be made to any person in any of the following cases:

(a) Unless the provisions of this article have been fully complied with for each and every bovine animal added to his herd.

(b) Unless and until the premises are maintained in a sanitary condition, satisfactory to the State or Federal Department of Agriculture.

Urgency

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There is now in operation a program for slaughter of animals which react to a brucellosis test. No indemnity can be paid under present law if an animal was vaccinated after reaching 12 months of age. This bill is to provide indemnity for such animals before September, 1959, in the interests of just administration of the indemnification program and to permit the brucellosis control program to continue.

CHAPTER 297

An act to amend Section 2935 of the Business and Professions Code, relating to psychologists.

In effect September 18, 1959

[Approved by Governor May 6, 1959. Filed with Secretary of State May 6, 1959.]

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

SECTION 1. Section 2935 of the Business and Professions Code is amended to read:

2935. No person may employ or use the titles "certified psychologist" or "registered psychologist" or imply in any way that he is certified by the board, unless he is actually certified and registered under this chapter. No person shall employ or use the title "registered psychologist."

CHAPTER 298

An act to repeal Section 12511 of, to add Section 12511 to, and to amend Section 12815 of, the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to driver's licenses.

[Approved by Governor May 6, 1959. Filed with Secretary of State May 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 12511 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is repealed. Repeal

SEC. 2. Section 12511 is added to said code, to read:

12511. No person shall have in his possession or otherwise under his control more than one valid operator's or chauffeur's license issued under this code. Possession of licenses

SEC. 3. Section 12815 of said code is amended to read:

12815. In the event a driver's license issued under this code is lost, destroyed or mutilated, the person to whom it was issued shall obtain a duplicate upon furnishing satisfactory proof of such fact to the department. Any person who loses a driver's license and who, after obtaining a duplicate, finds the original license shall immediately surrender the original license to the department. Duplicate license

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CHAPTER 299

An act to amend Section 762.9 of the Agricultural Code, relating to canning tomato inspection fees.

[Approved by Governor May 6, 1959. Filed with Secretary of State May 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 762.9 of the Agricultural Code is amended to read:

762.9. The director shall adopt a schedule of uniform fees to defray the cost of the required inspection and of certification. Each canner receiving deliveries of tomatoes for canning purposes is hereby designated as the authorized agent of the director to collect the inspection and certification fees chargeable to him and to each producer delivering such tomatoes. The cost of such inspection shall be borne equally by both the canner and the producer, but the total cost of such inspection shall in no event exceed thirty-four cents ($0.34) per ton. Moneys collected under the provisions of this section shall be remitted to the director weekly during the tomato canning season for deposit into the Department of Agriculture Fund to be used in carrying out the purposes of this chap-

ter. Except as otherwise provided in this section, any money so collected and not used for the purposes of this chapter shall be returned to the canners from whom it was received for distribution to the canners and producers from whom the money was originally collected, in proportion to their several interests. In the event that the director determines as to any such money heretofore or hereafter collected as inspection and certification fees that the return thereof with respect to any canning season or seasons is impracticable because of the smallness of the amounts returnable, or for any other reason, the money so collected shall not be so returned but shall remain in the Department of Agriculture Fund and be available for expenditure for the purposes of this chapter in any subsequent year or years.

CHAPTER 300

An act to add Section 2014 to the Business and Professions Code, relating to chiropody.

In effect September 18, 1959

[Approved by Governor May 6, 1959. Filed with Secretary of State May 6, 1959.]

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

SECTION 1. Section 2014 is added to the Business and Professions Code, to read:

2014. The terms chiropodist and chiropody as used in the statutes of this State shall be deemed synonomous with the terms podiatrist and podiatry.

CHAPTER 301

An act to amend Sections 8151 and 8780 of the Fish and Game Code, relating to bait nets.

In effect September 18, 1959

[Approved by Governor May 6, 1959. Filed with Secretary of State May 6, 1959.]

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

SECTION 1. Section 8780 of the Fish and Game Code is amended to read:

"Bait net"

8780. As used in this chapter, the term "bait net" means a lampara or round haul type net the mesh of which is constructed of twine not exceeding standard No. 9 medium cotton seine twine or synthetic twine of equivalent size or strength. The net shall not have rings along the lead line or any method of pursing the bottom of the net.

Bait nets may be used to take fish for bait in any ocean district except District 20.

In District 19B bait nets may be used only to take sardines. anchovies, queenfish, white croakers, and smelt for bait only

In District 19A bait nets may be used to take sardines, smelt, anchovies, queenfish and white croaker except that sardines taken for canning purposes may be taken only during the season specified in Section 8151. No other species of fish may be taken or possessed on any boat carrying a bait net in District 19A.

Nothing in this section prohibits the use of bait nets in Districts 19A and 19B for taking fish for use as fishfood in state fish hatcheries

SEC. 2. Section 8151 of said code is amended to read:

Use of sardines

8151. Sardines for use in a reduction plant, or by a packer, may be taken only in accordance with this article, and at the following times in the following places:

(a) In Districts 4, 4¾ and those portions of Districts 3½ and 18 lying south of a line running east and west through Point Arguello, 19, 20A and 21, between September 1st and December 31st, inclusive.

(b) In District 19A between October 1st and December 31st.

(c) Elsewhere in the State, except in District 20 where they may not be so taken, between August 1st and December 31st.

CHAPTER 302

An act to amend Sections 14740.4, 14740.5, and 14740.6 of the Education Code, and Sections 14683, 14684, and 14685 of the Education Code as proposed by Senate Bill No. 2, relating to school district retirement systems.

[Approved by Governor May 6, 1959. Filed with Secretary of State May 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 14740.4 of the Education Code is amended to read:

Payment without probate of estate

14740.4. If any benefit is payable by a district retirement system to the estate of a deceased person, whether because the estate is the beneficiary of the person or because no beneficiary was designated or because an allowance payable to the person had accrued and remained unpaid at the date of the death, and the estate would not be administered if no amount were due from said system, then such benefit shall be paid directly without procuring letters of administration to the surviving next of kin of the deceased, or the guardians of such survivors' estates, share and share alike.

Such payment shall be made in the same order in which the following groups are listed:

(a) Husband or wife.

(b) Children and issue of deceased children by right of representation.

(c) Father and mother.
(d) Brothers and sisters.
(e) Nieces and nephews.

Payment may also be made to such persons in the groups listed hereinabove to the extent such persons are the only beneficiaries under the last will and testament of a deceased former member of a district retirement system, without the probate of the will.

SEC. 2. Section 14740.5 of the said code is amended to read:

Same: Affidavit

14740.5. Except in the case where the deceased former member of a district retirement system leaves a will, no payment shall be made to persons included in any group specified in Section 14740.4, if at the date of death of any person or persons to whom any benefit is payable by a district retirement system there are living persons in any of the groups preceding it, as listed. Payment to the persons in any group, upon receipt from them of an affidavit upon a form supplied by the system, that there were no surviving individuals in the groups preceding it, or that they are one of the beneficiaries in any group specified in Section 14740.4 under the will of the deceased former member, and that the estate of the deceased will not be administered, is in full discharge of the liability of the board and system on account of the death.

SEC. 3. Section 14740.6 of said code is amended to read:

Same Funeral expenses

14740.6. If any benefit is payable by a district retirement system to the estate of a deceased person, and the estate would not be administered if no amount were due from said system, but there is no surviving person in any of the groups specified in Section 14740.4, or if the designated beneficiary cannot be found by the system, the system may in its discretion pay to the funeral director who conducted the funeral, or to any person or organization that has paid the funeral director from his or the organization's funds, all or a portion of any amount payable under said system to such estate or to such beneficiary, but not more than the expenses of the funeral or the portion of such expenses paid by the person or organization, as evidenced by the sworn itemized statement of the funeral director and by such other documents as the system may require. Payment so made is in full discharge of the liability of the board and system for the amount so paid.

SEC. 4. Section 14683 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

Payment without probate of estate

14683. If any benefit is payable by a district retirement system to the estate of a deceased person, whether because the estate is the beneficiary of the person or because no beneficiary was designated or because an allowance payable to the person had accrued and remained unpaid at the date of the death, and the estate would not be administered if no amount were due from said system, then such benefit shall be paid directly without procuring letters of administration to the surviving next of kin of the deceased, or the guardians of such survivors' estates, share and share alike.

Such payment shall be made in the same order in which the following groups are listed:

(a) Husband or wife.

(b) Children and issue of deceased children by right of representation.

(c) Father and mother.

(d) Brothers and sisters.

(e) Nieces and nephews.

Payment may also be made to such persons in the groups listed hereinabove to the extent such persons are the only beneficiaries under the last will and testament of a deceased former member of a district retirement system, without the probate of the will.

SEC. 5. Section 14684 of said proposed code is amended to read:

Same Affidavit

14684. Except in the case where the deceased former member of a district retirement system leaves a will, no payment shall be made to persons included in any group specified in Section 14683, if at the date of death of any person or persons to whom any benefit is payable by a district retirement system there are living persons in any of the groups preceding it, as listed. Payment to the persons in any group, upon receipt from them of an affidavit upon a form supplied by the system, that there were no surviving individuals in the groups preceding it, or that they are one of the beneficiaries in any group specified in Section 14683 under the will of the deceased former member, and that the estate of the deceased will not be administered, is in full discharge of the liability of the board and system on account of the death.

SEC. 6. Section 14685 of said proposed code is amended to read:

Same: Funeral expenses

14685. If any benefit is payable by a district retirement system to the estate of a deceased person, and the estate would not be administered if no amount were due from said system, but there is no surviving person in any of the groups specified in Section 14683, or if the designated beneficiary cannot be found by the system, the system may in its discretion pay to the funeral director who conducted the funeral, or to any person or organization that has paid the funeral director from his or the organization's funds, all or a portion of any amount payable under said system to such estate or to such beneficiary, but not more than the expenses of the funeral or the portion of such expenses paid by the person or organization, as evidenced by the sworn itemized statement of the funeral director and by such other documents as the system may require. Payment so made is in full discharge of the liability of the board and system for the amount so paid.

Effect. Stats 1959, Ch. 2

SEC. 7. Sections 4 to 6, inclusive, of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular

Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Sections 14740.4, 14740.5, and 14740.6 of the Education Code as amended by Sections 1 to 3, inclusive, of this act are repealed.

CHAPTER 303

An act to amend Sections 13404 and 13405 of the Education Code, and to amend Sections 13364 and 13365 of the Education Code as proposed by Senate Bill No. 2, relating to teachers' institutes.

In effect September 18, 1959

[Approved by Governor May 6, 1959. Filed with Secretary of State May 6, 1959.]

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

SECTION 1. Section 13404 of the Education Code is amended to read:

Local institutes or in-service meetings

13404. In lieu of an annual teachers' institute, the superintendent of schools of any county, or of any city and county, or of any city school district governed by a city board of education, or of any other school district employing 100 or more teachers, may hold during the school year, at places in the county, or city and county, or city school district, chosen by the superintendent for their convenience and accessibility to teachers and patrons of the schools, local day or evening institutes or teachers' inservice meetings which shall provide at each of the chosen places, not less than the number of hours of institute work or teachers' inservice meetings as may be determined by the superintendent.

SEC. 2. Section 13405 of said code is amended to read:

Combined annual and local institutes

13405. The annual teachers' institute may be combined with local institutes, by holding an annual teachers' institute in the county, or city and county, or city school district, or other school district employing 100 or more teachers, and also holding during the school year local day or evening teachers' institutes or teachers' inservice meetings at convenient places in the county, or city and county, or city school district, the whole to provide not less than the number of hours of institute work as may be determined by the superintendent.

SEC. 3. Section 13364 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

Local institutes or in-service meetings

13364. In lieu of an annual teachers' institute, the superintendent of schools of any county, or of any city and county, or of any city school district governed by a city board of education, or of any other school district employing 100 or more teachers, may hold during the school year, at places in the county, or city and county, or city school district, chosen by the superintendent for their convenience and accessibility to teachers and patrons of the schools, local day or evening in-

stitutes or teachers' inservice meetings which shall provide at each of the chosen places, not less than the number of hours of institute work or teachers' inservice meetings as may be determined by the superintendent.

SEC. 4. Section 13365 of said code is amended to read:

Combined annual and local institutes

13365. The annual teachers' institute may be combined with local institutes, by holding an annual teachers' institute in the county, or city and county, or city school district, or other school district employing 100 or more teachers, and also holding during the school year local day or evening teachers' institutes or teachers' inservice meetings at convenient places in the county, or city and county, or city school district, the whole to provide not less than the number of hours of institute work as may be determined by the superintendent.

Effect Stats 1959, Ch 2

SEC. 5. Sections 3 and 4 of this act shall become effective only if the Education Code as proposed by Senate Bill No. 2 of the 1959 Regular Session is enacted, in which case they shall become effective at the same time as Senate Bill No 2; at which time Sections 13404 and 13405 of the Education Code, as amended by Sections 1 and 2 of this act, are repealed.

CHAPTER 304

An act to amend Sections 643a and 643b of the Penal Code, relating to the protection of blind and partially blind people.

[Approved by Governor May 6, 1959 Filed with Secretary of State May 6, 1959]

In effect September 18, 1959

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

SECTION 1. Section 643a of the Penal Code is amended to read:

Contact with blind and partially blind persons

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

SEC. 2. Section 643b of said code is amended to read:

Penalty

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

CHAPTER 305

An act to add Section 11018.1 to the Business and Professions Code, relating to subdivisions.

In effect September 18, 1959

[Approved by Governor May 6, 1959. Filed with Secretary of State May 6, 1959.]

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

SECTION 1. Section 11018.1 is added to the Business and Professions Code, to read:

11018.1. A copy of the public report of the commissioner, when issued, shall be given to the prospective purchaser by the owner, subdivider or agent prior to the execution of a binding contract or agreement for the sale or lease of any lot or parcel in a subdivision.

CHAPTER 306

An act to amend Sections 11000 and 11535 of the Business and Professions Code, relating to subdivisions.

In effect September 18, 1959

[Approved by Governor May 6, 1959. Filed with Secretary of State May 6, 1959.]

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

SECTION 1. Section 11000 of the Business and Professions Code is amended to read:

"Subdivided lands" and "subdivision"

11000. "Subdivided lands" and "subdivision" refer to improved or unimproved land or lands divided or proposed to to be divided for the purpose of sale or lease, whether immediate or future, into five or more lots or parcels; provided, however, that land or lands sold by lots or parcels of not less than 160 acres which are designated by such lot or parcel description by government surveys and appear as such on the current assessment roll of the county in which such land or lands are situated shall not be deemed to be "subdivided lands" or "a subdivision" within the meaning of this section, unless such land or lands are divided or proposed to be divided for the purpose of sale for oil and gas purposes, in which case such land or lands shall be deemed to be "subdivided lands" or "a subdivision" within the meaning of this section; and provided further, this chapter does not apply to the leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, or commercial building, except that the leasing of apartments in a community apartment project, as defined in Section 11004, shall be subject to the provisions of this chapter.

Nothing in this section shall in any way modify or affect any of the provisions of Section 11535 of this code.

SEC. 2. Section 11535 of said code is amended to read:

11535. (a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale or lease, whether immediate or future, by any subdivider into five or more parcels within any one-year period; provided, that this chapter shall not apply to the leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases. "Subdivision"

(b) "Subdivision" does not include either of the following:

(1) Any parcel or parcels of land in which all of the following conditions are present: (i) which contain less than five acres, (ii) which abut upon dedicated streets or highways, (iii) in which street opening or widening is not required by the governing body in dividing the land into lots or parcels, and (iv) the lot design meets the approval of the governing body.

(2) Any parcel or parcels of land divided into lots or parcels, each of a net area of one acre or more, a tentative map of which has been submitted to the governing body and has been approved by it as to street alignment and widths, drainage provisions and lot design.

(c) In either case provided in subsection (b) of this section, there shall be filed a record of survey map pursuant only to the provisions of Chapter 15 of Division 3 of this code and conveyances may be made of lots or parcels shown on such map by lot or block number, initial, or such other designation as may be shown on such map.

(d) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(e) Nothing contained in this section shall in any way modify or affect any of the provisions of Section 11000 of this code.

CHAPTER 307

An act to amend Section 713 of the Vehicle Code and to amend Section 35704 of, and to add Section 35716 to, the Vehicle Code as proposed by Assembly Bill No. 5, relating to contractors subject to city ordinances decreasing vehicle weight limits.

[Approved by Governor May 6, 1959. Filed with Secretary of State May 6, 1959.] In effect September 18, 1959

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

SECTION 1. Section 713 of the Vehicle Code is amended to read:

713. When Cities May Reduce Weight Limits. (a) Any incorporated city, or city and county may by ordinance prohibit the use of a street to be described in said ordinance by When cities may reduce weight limits

any commercial vehicle or by any vehicle exceeding a maximum gross weight limit to be specified in the ordinance, except with respect to any vehicle which is subject to the provisions of Sections 1031 to 1036, inclusive, of the Public Utilities Code.

(b) No such ordinance shall be effective until appropriate signs are erected indicating either those streets affected by such ordinance or those streets not so affected as such local authority may determine will best serve to give notice of such ordinance.

(c) Except as permitted in this section, no city, or city and county shall have any authority to impose limitations upon the weight of vehicles and loads less than those set forth in this code.

(d) No ordinance proposed to be enacted under this section is effective with respect to any highway which is not under the exclusive jurisdiction of the local authority enacting such ordinance, or, in the case of any state highway, until such proposed ordinance has been submitted by the governing body of such local authority to and approved in writing by the Department of Public Works In submitting such a proposed ordinance to the department for approval, the governing body of such local authority shall designate therein, an alternate route or routes for the use of such vehicles which shall remain unrestricted by any local regulation as to weight limits or types of vehicles so long as the ordinance proposed shall remain in effect. The approval of such proposed ordinance by the Department of Public Works shall constitute an approval by the department of such alternate route or routes so designated.

(e) No ordinance adopted pursuant to this section shall prohibit any commercial vehicles coming from an unrestricted street having ingress and egress by direct route to and from such restricted streets when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted street for which a building permit has previously been obtained therefor.

(f) No ordinance adopted pursuant to this section shall apply to any vehicle owned by a public utility or a licensed contractor while necessarily in use in the construction, installation or repair of any public utility.

(g) No ordinance adopted pursuant to this section shall apply to any vehicle owned by a licensed contractor while necessarily in use in the construction, maintenance, or repair of a public works project on which bids were opened prior to the adoption of the ordinance unless an alternate direct route is provided.

SEC. 2. Section 35704 of the Vehicle Code as proposed by Assembly Bill No. 5 is amended to read:

Exception: Public utility

35704. No ordinance adopted by a city to decrease weight limits shall apply to any vehicle owned by a public utility

or a licensed contractor while necessarily in use in the construction, installation, or repair of any public utility.

SEC. 3. Section 35716 is added to said code, to read:

35716. No ordinance adopted by a city to decrease weight limits shall apply to any vehicle owned by a licensed contractor while necessarily in use in the construction, maintenance, or repair of a public works project on which bids were opened prior to the adoption of the ordinance unless an alternate direct route is provided.

Exception. Licensed contractor on public works

SEC. 4. Sections 2 and 3 of this act become operative only if the Vehicle Code as proposed by Assembly Bill No. 5 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said code takes effect, at which time Section 713 of the Vehicle Code adopted in 1935 is repealed.

Effect Stats 1959, Ch 3

CHAPTER 308

An act to amend Sections 541.1, 585, 1105, and 1513 of the Probate Code and to add Section 6408.5 to the Financial Code, relating to deposits and investments by executors, administrators, guardians and other fiduciaries.

[Approved by Governor May 6, 1959. Filed with Secretary of State May 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 541.1 of the Probate Code is amended to read:

541.1. Notwithstanding the provisions of Section 541, in any proceedings for the determination of the amount of bond to be required of the executor or administrator (whether at the time of appointment or subsequently), when it appears that the estate of the decedent includes money or securities which have been, or will be, deposited in a bank or banks in this State or in a trust company authorized to transact a trust business in this State or money which has been, or will be, invested in an account in an insured savings and loan association upon condition that such money or securities will not be withdrawn except on authorization of the court, the court may, in its discretion, order such money or securities so deposited or such money so invested and may exclude such deposited property from the computation of the amount of such bond or reduce the amount of bond to be required in respect of such money or securities to such an amount as it may deem reasonable.

Computation of executor or administrator's bond

The petitioner for letters testamentary or of administration may deliver to any such bank or trust company any such money or securities in his possession or may deliver to any such association any such money in his possession or may allow such bank or trust company to retain any such money

or securities already in its possession or may allow such association to retain any such money already invested with it; and, in either event, the petitioner shall secure and file with the court a written receipt including the agreement of the bank or trust company or association that such money or securities shall not be allowed to be withdrawn except on authorization of the court. In so receiving and retaining such money or securities, the bank or trust company or association shall be protected to the same extent as though it had received the same from a person to whom letters testamentary or of administration had been issued.

The term "account in an insured savings and loan association" used in this section has the same meaning as in Section 1431 of the Probate Code.

SEC. 2. Section 585 of said code is amended to read:

Liability. Deposit of bonds

585. An executor or administrator may deposit any money belonging to the estate with one or more banks within this State or invest any such money in an account or accounts in one or more insured savings and loan associations, whereupon he shall be discharged from further care or responsibility therefor until the money is withdrawn by him. Unless the money is deposited pursuant to an order, under the provisions of Division 1 of the Financial Code, or is invested pursuant to an order, under the provisions of Division 2 of the Financial Code, it may be withdrawn without order of court. The term "account or accounts in one or more insured savings and loan associations" used in this section has the same meaning as the corresponding term in Section 1431 of the Probate Code.

SEC. 3. Section 1405 of said code is amended to read:

General guardian appointment

1405. The superior court shall appoint a general guardian of the person and estate, or person or estate, of minors and insane or incompetent persons, whenever necessary or convenient, and when no guardian has been appointed for the purpose by will or by deed. The court, in its discretion, may appoint more than one guardian, each of whom must give a separate bond, and be governed and liable in all respects as a sole guardian, or, if the estate does not exceed ten thousand dollars ($10,000), may require that the money in the estate be deposited in a bank or trust company or be invested in an account in an insured savings and loan association subject to withdrawal only upon the order of the court, in which case no bond shall be required of the guardian. The court shall also confirm an appointment made by will or by deed, whenever requested, upon the same procedure and notice as in the case of appointment by the court. The term "account in an insured savings and loan association" used in this section has the same meaning as in Section 1431 of the Probate Code.

SEC. 4. Section 1513 of said code is amended to read:

Deposit of money by guardian

1513. A guardian may deposit any money belonging to the ward with one or more banks within this State or invest any such money in an account or accounts in one or more insured

savings and loan associations, whereupon he shall be discharged from further care or responsibility therefor until the money is withdrawn by him. Unless the money is deposited pursuant to an order, under the provisions of the Bank Act, or is invested pursuant to an order, under the provisions of the Savings and Loan Association Law, it may be withdrawn without order of court. The term "account or accounts in one or more insured savings and loan associations" used in this section has the same meaning as the corresponding term in Section 1431 of the Probate Code.

SEC. 5. Section 6408.5 is added to the Financial Code, to read:

Court order after notice

6408.5. Any court having jurisdiction of any estate in process of administration or of any other proceeding on application of any person interested therein and after a hearing on such notice as the court may direct or without notice if all parties in interest consent thereto, may order any executor, administrator, guardian, assignee, receiver, depositary, or trustee, whether such officer or trustee has qualified as such or not, to invest in an account in an insured savings and loan association any money then in his hands or under his control or which may thereafter come into his hands until the further order of the court. Upon such investment being made and while such moneys remain invested with such association, the officer or trustee making such investment shall be relieved of all responsibility therefor, and the court by order shall reduce the bond to be given or theretofore given by such officer or trustee so as to cover only the estate remaining in his hands. The money so invested shall be held by the association under the direction of the court and shall be repaid only on order of the court. If the amount sought to be invested in any one association does not exceed the amount which will be covered by insurance of the Federal Savings and Loan Insurance Corporation an order for investment hereunder may be made ex parte without notice or hearing. The term "account in an insured savings and loan association" used in this section has the same meaning as in Section 1431 of the Probate Code.

CHAPTER 309

An act to add Section 32130.7 to the Health and Safety Code, relating to local hospital districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 6, 1959. Filed with Secretary of State May 6, 1959.]

In effect immediately

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

SECTION 1. Section 32130.7 is added to the Health and Safety Code, to read:

32130.7. Any district with a hospital licensed to have 254 or more beds, which hospital is located within a county

of 800,000 or more population, may borrow money up to 75 percent of the face value of its accounts receivable, and may pledge an equivalent percentage of such accounts receivable as the sole security for such loans. Public bids shall be solicited by not less than 10 days' advertising in a newspaper of general circulation within the district, or if no newspaper of general circulation is printed within the district, then in a newspaper of general circulation within the county in which the district is located.

Each such borrowing shall be from the bidder offering the lowest rate of interest. If, in the opinion of the district board, the lowest bid is excessive, it may reject all bids.

Any indebtedness so incurred shall be an obligation of the district.

This section shall remain in effect until October 1, 1961, but the termination of the effectiveness of this section shall not affect the validity of any loan, indebtedness, or obligation incurred, or any agreement entered into, pursuant to this section, prior to October 1, 1961.

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

Various districts have exhausted their present power to borrow money and unless immediate action is taken to enable them to raise additional funds they will be required to cease operations. It is therefore necessary that this act take effect immediately.

CHAPTER 310

An act to amend Sections 5001, 5002, 5003, 5009, 5100, and 5102 of, and to amend and renumber Sections 5015, 5016, 5017, 5018, 5018.5, 5019, 5020, 5020.5, 5021, 5022, 5030, 5031, 5032, 5033, 5033.5, 5034, 5050, 5051, 5052, 5053, 5054, 5060, 5061, 5062, 5063, 5063.5, 5064, 5065, 5066, 5080, 5080.5, 5081, 5083, 5090, 5091, 5092, 5093, 5094, 5095, 5096, 5097, 5098, 5104, 5105, 5106, 5107, 5108, 5115, 5116, 5117, 5130, 5131, 5132, and 5133 of, and to add Sections 5031, 5032, 5033, 5034, 5035, 5053, 5054, 5073, 5075, 5076, 5077, 5084, and 5088 to, and the titles of Article 2 (commencing at Section 5030), Article 3 (commencing at Section 5050), Article 4 (commencing at Section 5070), Article 5 (commencing at Section 5080), Article 6 (commencing at Section 5100), Article 7 (commencing at Section 5120), and Article 8 (commencing at Section 5130), to Chapter 1 of Division 3 of, and to repeal Sections 5082, 5082.5, and 5082.6 of, and the titles of Article 2 (commencing at Section 5015), Article 3 (commencing at Section 5030), Article 4 (commencing at Section 5050), Article 5 (commencing at Section 5060), Article 6

(commencing at Section 5080), Article 7 (commencing at Section 5090), Article 8 (commencing at Section 5100), Article 9 (commencing at Section 5115), Article 10 (commencing at Section 5130) of Chapter 1 of Division 3 of, the Business and Professions Code, relating to accountants.

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 5001 of the Business and Professions Code is amended to read:

5001. All appointments of members of the board shall be made from persons who are citizens of the United States, who are residents of the State, who hold certificates of certified public accountant and who are in active practice as certified public accountants. Within 30 days after their appointment, the members of the board shall take and subscribe to the oath of office as prescribed by the Government Code and shall file the same with the Secretary of State.

Qualifications

SEC. 2. Section 5002 of said code is amended to read:

5002. Members shall be appointed for a term of four years and they shall hold office until the appointment and qualification of their successors.

Terms

Vacancies occurring shall be filled by appointment for the unexpired term. No person shall serve more than two terms consecutively. The Governor shall remove from the board any member whose permit to practice has become void, revoked or suspended, and may, after hearing, remove any member of the board for neglect of duty or other just cause.

SEC. 3. Section 5003 of said code is amended to read:

5003. The officers of the board are a president, vice president and a secretary-treasurer.

Officers

SEC. 4. Section 5009 of said code is amended to read:

5009. The board may, from time to time, prepare a printed register which shall contain a copy of this chapter, and the rules and regulations of the board thereunder, followed by an alphabetical list of the names, certificate numbers, business connections and addresses of all certified public accountants to whom permits have been issued during the period covered by the register, and an alphabetical list of the names of the partnerships of certified public accountants to whom permits have been issued during the period covered by the register, followed by an alphabetical list of the names, permit numbers, business connections and addresses of all public accountants to whom permits have been issued during the period covered by the register, and an alphabetical list of the partnerships practicing public accountancy to whom permits have been issued during the period covered by the register. A register shall be mailed to every person listed therein, and to such other persons or concerns as the board, in its discretion, may determine is for the public welfare.

Printed register

SEC. 5. Section 5015 of said code is amended and renumbered to read:

Powers

5010. The board may adopt, repeal, or amend such regulations as may be reasonably necessary and expedient for the orderly conduct of its affairs and for the administration of this chapter. Such regulations shall be adopted in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code

SEC. 6. Section 5016 of said code is amended and renumbered to read:

Offices

5011. The board shall designate the location of its principal office and may establish branch offices in other locations.

SEC. 7. Section 5017 of said code is amended and renumbered to read:

Seal

5012. The board shall have a seal which shall be judicially noticed.

SEC. 8. Section 5018 of said code is amended and renumbered to read:

Records

5013. The board shall keep records of all proceedings and actions by and before the board and before its committees. In any proceeding in court, civil or criminal, copies of said records certified as correct by the secretary of the board under seal of the board shall be admissible in evidence and shall be prima facie evidence of the correctness of the contents thereof.

SEC. 9. Section 5018.5 of said code is amended and renumbered to read:

Records open to inspection

5014. All records of the board shall be open to inspection by the public during regular office hours, except as otherwise provided by law.

SEC. 10. Section 5019 of said code is amended and renumbered to read:

Employees

5015. The board may employ clerks, examiners and assistants in the performance of its duties, and pay salaries and necessary expenses.

SEC. 11. Section 5020 of said code is amended and renumbered to read:

Quorum

5016. A majority of the board shall constitute a quorum for the transaction of any business at any meeting of the board for which a notice of at least seven days is given by the president or secretary. Notice of meetings may be waived in writing either before or after the meeting by unanimous consent of all members The board shall meet at the call of the president and secretary, but not less than twice each year. Any two members of the board may request the secretary to call a special meeting, and the secretary, upon receiving such notice, shall call a meeting pursuant to the procedure prescribed herein.

SEC. 12. Section 5020.5 of said code is amended and renumbered to read:

Public meetings

5017. All meetings of the board shall be open and public, except that the board may hold executive sessions to:

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance

with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve. grade or administer examinations.

SEC. 13. Section 5021 of said code is amended and renumbered to read:

Rules of professional conduct

5018. The board may by regulation, prescribe, amend or repeal rules of professional conduct appropriate to the establishment and maintenance of a high standard of integrity and dignity in the profession. In addition to the requirements contained in Chapter 4 (commencing with Section 11370), Part 1, Division 3, Title 2 of the Government Code, a copy of such rules shall be mailed to every holder of a permit under the provisions of this chapter at least 30 days prior to a date named for a public hearing held for the purpose of receiving and considering objections to any of the proposed provisions. Every person who holds a permit to practice public accountancy in this State shall be governed and controlled by the rules and standards adopted by the board.

SEC. 14. Section 5022 of said code is amended and renumbered to read:

Same Subscription

5019. The rules of professional conduct adopted by the board shall be printed as a part of the application blanks for both certificates and registration and every applicant for either a certificate or registration shall subscribe thereto when making an application.

SEC. 15. Section 5030 of said code is amended and renumbered to read:

Administrative committees Powers

5020. The board shall appoint administrative committees of not less than three nor more than five members who shall be public accountants, to perform any of the following duties. and such committees shall be vested with the full powers of the board for such purposes:

(a) To receive and investigate complaints and to initiate and conduct investigations or hearings, with or without the filing of any complaint, and to obtain information and evidence relating to any matter involving the conduct of public accountants.

(b) To receive and investigate complaints and to initiate and conduct investigations or hearings, with or without the filing of any complaint, and to obtain information and evidence relating to any matter involving any violation or alleged violation of any of the provisions of this chapter by public accountants.

(c) To pass upon the qualifications of any applicant for registration as a public accountant.

The board shall prescribe the units or sections of such committees and designate the areas or localities in which they may act.

SEC. 16. Section 5031 of said code is amended and renumbered to read:

Term of members

5021. The members of administrative committees shall hold office for one year.

SEC. 17. Section 5032 of said code is amended and renumbered to read:

Report

5022 Each administrative committee shall make recommendations and forward its report to the board for action on any matter on which it is authorized to act. Any applicant for registration as a public accountant who is aggrieved by any action taken by an administrative committee with respect to his qualifications may appeal to the board in accordance with rules or regulations prescribed by the board. The board on such appeal may give an oral or written examination as an aid in determining whether the applicant is qualified under the terms of this act.

SEC. 18. Section 5033 of said code is amended and renumbered to read:

Examining committee

5023. The board may establish an examining committee of its own members or other certified public accountants of the State in good standing, having the power:

(a) To examine all applicants for the certificate of certified public accountant.

(b) To recommend to the board applicants for the certificate of certified public accountant who fulfill the requirements of this chapter.

The examining committee shall follow the rules and regulations adopted by the board for the purpose of making effective the qualifications prescribed in Articles 4 (commencing at Section 5070) and 5 (commencing at Section 5080).

SEC. 19. Section 5033.5 of said code is amended and renumbered to read:

Other committees

5024. The board may create and appoint other committees consisting of public accountants or certified public accountants of this State in good standing and who need not be members of the board for the purpose of making recommendations on such matters as may be specified by the board. Such committees may conduct such investigations, examinations and hearings as may be authorized by the board.

SEC. 20. Section 5034 of said code is amended and renumbered to read:

Referees

5025. The board may also appoint one or more referees to take evidence on behalf of the board in any proceeding initiated by the board and to forward the same to the board with its recommendation for action. The record of all hearings shall be made and preserved by the board and by the referees.

Repeal

SEC. 21. The title of Article 2 (commencing at Section 5015) of Chapter 1 of Division 3 of said code is repealed.

SEC. 22. The title of Article 2 (commencing at Section 5030) is added to Chapter 1 of Division 3 of said code, immediately preceding Section 5030, to read:

Article 2. General Powers and Definitions

SEC. 23. Section 5132 of said code is amended and renumbered to read:

5030. "Board" means the "State Board of Accountancy." "Board"

SEC. 24. Section 5031 is added to said code, to read:

5031. "Committee" means any committee created under the provisions of Article 1 (commencing at Section 5000). "Committee"

SEC. 25. Section 5032 is added to said code, to read:

5032. "State" when not specifically referring to this State, means any state, territory or insular possession of the United States, or the District of Columbia. "State"

SEC. 26. Section 5033 is added to said code, to read:

5033. "Certified public accountant" means any person who has received from the board a certificate of certified public accountant and who holds a valid permit to practice under the provisions of this chapter. "Certified public accountant"

SEC. 27. Section 5034 is added to said code, to read:

5034. "Public accountant" means any person who has registered with the board as a public accountant and who holds a valid permit for the practice of public accountancy. "Public accountant"

SEC. 28. Section 5035 is added to said code, to read:

5035. "Person" includes partnership, unless otherwise provided. "Person"

SEC. 29. Section 5133 of said code is amended and renumbered to read:

5036. Whenever any statute requires than any reports, financial statements, and other documents for any department, division, board, commission, or agency of this State be prepared by certified public accountants, such requirement shall be construed to mean public accountants or certified public accountants. Construction

SEC. 30. Section 5130 of said code is amended and renumbered to read:

5037. All statements, records, schedules, working papers and memoranda made by a certified public accountant or public accountant incident to or in the course of professional service to clients by such certified public accountant or public accountant except reports submitted by a certified public accountant or public accountant to a client shall be and remain the property of such certified public accountant or public accountant, in the absence of an express agreement to the contrary between the certified public accountant or public accountant and the client. Property in records, etc

SEC. 31. Section 5131 of said code is amended and renumbered to read:

5038. If any provisions of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby. Severability clause

SEC. 32. The title of Article 3 (commencing at Section 5030) of Chapter 1 of Division 3 of said code is repealed. Repeal

SEC. 33. The title of Article 3 (commencing at Section 5050) is added to Chapter 1 of Division 3 of said code, immediately preceding Section 5050, to read:

Article 3. Application of Chapter

SEC. 34. Section 5060 of said code is amended and renumbered to read:

Permit

5050. No person shall engage in the practice of public accountancy in this State unless such person is the holder of a valid permit to practice public accountancy issued by the board; provided, however, that nothing in this chapter shall prohibit a certified public accountant or a public accountant of another state, or any accountant of a foreign country lawfully practicing therein, from temporarily practicing in this State on professional business incident to his regular practice in another state or country.

SEC. 35. Section 5061 of said code is amended and renumbered to read:

Meaning of public accountancy

5051. Except as provided in Sections 5052, 5053, and 5054, a person shall be deemed to be engaged in the practice of public accountancy within the meaning and intent of this chapter:

(a) Who holds himself or herself out to the public in any manner as one skilled in the knowledge, science and practice of accounting, and as qualified and ready to render professional service therein as a public accountant for compensation; or

(b) Who maintains an office for the transaction of business as a public accountant; or

(c) Who offers to prospective clients to perform for compensation, or who does perform on behalf of clients for compensation, professional services that involve or require an audit, examination, verification, investigation, certification, presentation, or review, of financial transactions and accounting records; or

(d) Who prepares or certifies for clients reports on audits or examinations of books or records of account, balance sheets, and other financial, accounting and related schedules, exhibits, statements, or reports which are to be used for publication or for the purpose of obtaining credit or for filing with a court of law or with any governmental agency, or for any other purpose; or

(e) Who, in general or as an incident to such work, renders professional services to clients for compensation in any or all matters relating to accounting procedure and to the recording, presentation, or certification of financial information or data.

SEC. 36. Section 5062 of said code is amended and renumbered to read:

Persons excepted

5052. Nothing in this chapter shall apply to any person who as an employee, independent contractor, or otherwise, contracts with one or more persons, organizations, or entities, for the purpose of keeping books, making trial balances, statements, making audits or preparing reports, all as a part of bookkeeping operations, provided that such trial balances, statements, or reports are not issued over the name of such

person as having been prepared or examined by a certified public accountant or public accountant.

Nothing contained in this chapter shall affect, limit or be construed as affecting or limiting the rights of any public accountant who met the requirements of prior statutes and who was registered with the board as a public accountant on or before December 31, 1955.

SEC 37. Section 5053 is added to said code, to read:

Same Assistants

5053. Nothing contained in this chapter shall preclude any person not a certified public accountant or public accountant from serving as an employee of, or an assistant to, a certified public accountant or public accountant or partnership composed of certified public accountants or public accountants holding a permit to practice pursuant to the provisions of this chapter; provided, that such employee or assistant shall work under the control and supervision of a certified public accountant, or a public accountant authorized to practice public accountancy pursuant to the provisions of this chapter, or a corporation permitted under this section to continue its practice under its corporate form and arrangement; and provided further, that such employee or assistant shall not issue any statement over his or her name.

Nothing herein shall be deemed to be applicable to an attorney at law in connection with his practice.

SEC. 38. Section 5054 is added to said code, to read:

Corporations

5054 Nothing contained in this chapter shall prevent any corporation which, at the effective date of this chapter, has been legally organized in the State of California and engaged in the practice of public bookkeeping and accounting prior to such date from continuing such practice under its corporate form and arrangement.

Registration under the provisions of this chapter shall not be made a qualification for employment by the State of California.

SEC. 39. Section 5063 of said code is amended and renumbered to read:

Title

5055. Any person who has received from the board a certificate of certified public accountant and holds a valid permit to practice under the provisions of this chapter shall be styled and known as a "certified public accountant" and may also use the abbreviation "C.P.A." No other person, except a partnership registered under Sections 5072 and 5073, shall assume or use that title, designation, or abbreviation or any other title, designation, sign, card or device tending to indicate that the person using it is a certified public accountant.

SEC. 40. Section 5063.5 of said code is amended and renumbered to read:

Public accountant

5056. Any person who has received from the board a certificate of public accountant and holds a valid permit to practice under the provisions of this chapter shall be styled and known as a "public accountant" and may also use the abbreviation "P.A." No other person, except a partnership

registered under Article 4 (commencing at Section 5070) shall assume or use that title, designation, or abbreviation or any other title, designation, sign, card or device tending to indicate that the person using it is a public accountant.

SEC. 41. Section 5064 of said code is amended and renumbered to read:

Same

5057. Any person qualified under Article 4 (commencing at Section 5070) to register with the board for the practice of public accountancy and who has so registered and who holds a valid permit for the practice of public accountancy shall be styled and known as a "public accountant." No other person except a partnership registered under Article 4 (commencing at Section 5070) shall assume or use the title, designation or words tending to indicate that such person is a public accountant, provided that nothing herein contained shall prohibit a person who holds a certificate of certified public accountant issued by this board from being styled and known as a "public accountant."

SEC. 42. Section 5065 of said code is amended and renumbered to read:

Prohibitions

5058. No person or partnership shall assume or use the title or designation "chartered accountant," "certified accountant," "enrolled accountant," "registered accountant" or "licensed accountant," or any other title or designation likely to be confused with "certified public accountant" or "public accountant," or any of the abbreviations "C.A.," "E.A.," "R.A.," or "L.A.," or similar abbreviations likely to be confused with "C.P.A." or "P.A."; provided, that any person qualified as a certified public accountant under this chapter who also holds a comparable title granted under the laws of another country may use such title in conjunction with the title of "certified public accountant" or "C.P.A."

SEC. 43. Section 5066 of said code is amended and renumbered to read:

Exceptions: Existing firms

5059. Nothing contained in this chapter shall apply to, or affect or limit the right to the continuous use of a partnership name, or any modification thereof, by successor firms formed by the remaining partner or partners or added partner or partners even though the persons whose names are included in the partnership name are not partners; provided, however, that such successor firm shall conform to all other provisions of this chapter.

Repeal

SEC. 44 The title of Article 4 (commencing at Section 5050) of Chapter 1 of Division 3 of said code is repealed.

SEC. 45. The title of Article 4 (commencing at Section 5070) is added to Chapter 1 of Division 3 of said code, immediately preceding Section 5070, to read:

Article 4. Applications, Registrations, Permits Generally

SEC. 46. Section 5080 of said code is amended and renumbered to read:

5070. Permits to engage in the practice of public accountancy in this State shall be issued by the board only to holders of the certificate of certified public accountant issued under this chapter and to such persons and partnerships who, upon application approved by the board, are registered with the board under this article. All applicants for registration shall furnish satisfactory evidence that the applicant is entitled to registration and shall pay the fee as provided in Article 8 (commencing at Section 5130). All permits shall expire on the first day of January of each year, but may be renewed annually for a period of one year by certificate holders and registrants in good standing upon the payment of an annual renewal fee as provided in Article 8 (commencing at Section 5130). Failure to renew a permit before expiration thereof shall not deprive a registrant or holder of a certificate of certified public accountant of the right to renewal, but in such cases a delinquent renewal fee as provided in Article 8 (commencing at Section 5130) shall be paid; provided, however, that no permit shall be renewed after a period of five years from the date of expiration. Permits

Each person issued a permit by the board to practice as a certified public accountant or as a public accountant shall be furnished with a suitable certificate evidencing such registration.

SEC. 47. Section 5080.5 of said code is amended and renumbered to read:

5071. No persons shall engage in the practice of accountancy as a partnership unless the partnership is registered by the board under the provisions of Sections 5072 and 5073 or Sections 5074. 5075 and 5076. Registration

SEC. 48. Section 5081 of said code is amended and renumbered to read:

5072. A partnership engaged in this State in the practice of public accountancy may register with the board as a partnership of certified public accountants provided it meets the following requirements: Same Partnership

(a) At least one general partner thereof must be a certified public accountant of this State in good standing or must have applied for a certificate as a certified public accountant under the provisions of Sections 5087 and 5088.

(b) Each partner thereof personally engaged within this State in the practice of public accountancy as a member thereof must be a certified public accountant in good standing of this State or must have applied for a certificate as a certified public accountant under the provisions of Sections 5087 and 5088.

(c) Each partner thereof must be a certified public accountant in good standing of some state.

(d) Each resident manager in charge of an office of the firm in this State must be a certified public accountant in good standing of this State, or must have applied for a certificate as

a certified public accountant under the provisions of Sections 5087 and 5088.

SEC. 49. Section 5073 is added to said code, to read:

Same. Affidavit for certified public accountants

5073. Application for registration of a partnership must be made upon the affidavit of a general partner of the partnership who holds a valid permit in this State to practice as a certified public accountant, or must have applied for a certificate as a certified public accountant under the provisions of Sections 5087 and 5088. The affidavit shall set forth such information as may be prescribed by the rules of the board. The board shall in each case determine whether the applicant is eligible for registration. A partnership which is so registered and which holds a valid permit issued under this article may use the words "certified public accountants" or the abbreviation "C.P.A.'s" in connection with its partnership name. Notification shall be given the board within one month after the admission to or withdrawal of a partner from any partnership so registered.

Any registration of a partnership under this section granted in reliance upon the provisions of Sections 5087 and 5088 shall terminate forthwith if the board rejects the application under said Sections 5087 and 5088 of the general partner who signed the application for registration as a partnership, or any partner personally engaged in the practice of public accountancy in this State, or any resident manager of a partnership in charge of an office in this State.

SEC. 50. Section 5083 of said code is amended and renumbered to read:

Same: Partnership

5074 A partnership engaged in this State in the practice of public accountancy may register with the board as a partnership of public accountants provided it meets the following requirements:

(a) At least one general partner thereof must be a certified public accountant or a public accountant in good standing of this State, or must have applied for a certificate as a certified public accountant under the provisions of Sections 5087 and 5088.

(b) Each partner thereof personally engaged within this State in the practice of public accountancy as a member thereof must be a certified public accountant or a public accountant in good standing of this State, or must have applied for a certificate as a certified public accountant under the provisions of Sections 5087 and 5088.

(c) Each partner thereof must be a certified public accountant or public accountant of this State or actively engaged in the practice of public accountancy in some state.

(d) Each resident manager in charge of an office of a firm in this State must be a certified public accountant or a public accountant in good standing of this State, or must have applied for a certificate as a certified public accountant under the provisions of Sections 5087 and 5088.

SEC. 51. Section 5075 is added to said code, to read:

5075. Application for registration pursuant to Section 5074 must be made upon the affidavit of a general partner of such partnership who holds a valid permit to practice in this State as a certified public accountant or as a public accountant, or must have applied for a certificate as a certified public accountant under the provisions of Sections 5087 and 5088. The affidavit shall set forth such information as may be prescribed by the rules of the board. The board shall in each case determine whether the applicant is eligible for registration. A partnership which is so registered and which holds a valid permit issued under this article may use the words "public accountants" in connection with its partnership name. Notification shall be given the board within one month after the admission to or withdrawal of a partner from any partnership so registered.

Same. Affidavit for public accountants

SEC. 52. Section 5076 is added to said code, to read:

5076. Any registration of a partnership under Sections 5074 and 5075 granted in reliance upon the provisions of Sections 5087 and 5088 shall terminate forthwith if the board rejects the application under Sections 5087 and 5088, of the general partner who signed such application for registration as a partnership, or any partner personally engaged in the practice of public accountancy in this State, or any resident manager of such partnership in charge of an office in this State.

Termination

SEC. 52.5. Section 5077 is added to said code, to read:

5077. A person who filed an application for registration as a public accountant pursuant to subdivision (b) of Section 5082, repealed at the 1959 Regular Session of the Legislature, prior to re-entry to military or naval service and whose re-entry prevented the completion of qualifying education or experience required by such section, shall be granted an additional period of time in which to complete the required education or experience. Such additional time shall extend for 18 months after the date of discharge from military or naval service or return to inactive status.

Extended time due to military service

SEC. 53. The title of Article 5 (commencing at Section 5060) of Chapter 1 of Division 3 of said code is repealed.

Repeal

SEC. 54. The title of Article 5 (commencing at Section 5080) is added to Chapter 1 of Division 3 of said code, immediately preceding Section 5080), to read:

Article 5. Certificates, Information and Records

SEC. 55. Section 5090 of said code is amended and renumbered to read:

5080. The certificate of "certified public accountant" shall be granted by the board to any person who meets the requirements of this article.

Certificate

SEC. 56. Section 5091 of said code is amended and renumbered to read:

Requirements

5081 An applicant for admission to the examination for a certified public accountant certificate shall (a) be a citizen of the United States, or have declared his intention of becoming a citizen, (b) have been a bona fide resident of the State of California for at least three months immediately preceding the time his application is filed, (c) be over the age of 21 years, (d) be of good moral character and (e) shall comply with any of the following:

(1) He shall present satisfactory evidence that he has successfully completed a four-year day high school course or the equivalent hours of courses in an evening high school, which included three years of English and two years of mathematics, and in addition thereto has successfully completed two years' courses of study of college grade.

(2) He shall present satisfactory evidence that he has successfully completed a four-year day high school course or the equivalent hours of courses of study in an evening high school, which included three years of English and two years of mathematics, and in addition thereto has graduated from a junior college of recognized standing.

(3) He shall show, to the satisfaction of the board, that he has had the equivalent of the educational qualifications required by paragraphs (1) or (2) of this subdivision, or shall pass a preliminary written examination given by the board and approved by the California State Director of Education. Where an applicant takes the preliminary examination he shall pay the preliminary fee as provided in Article 8 (commencing at Section 5130).

(4) He shall be a public accountant registered under this chapter.

The board may require an applicant to appear in person to determine whether his qualifications are as prescribed in this chapter and rules of the board thereunder.

SEC. 57. Section 5092 of said code is amended and renumbered to read:

Examinations

5082. An applicant for a certificate of certified public accountant shall have successfully passed written examinations in theory of accounts, in accounting practice, in auditing, in commercial law as affecting accountancy, and other related subjects as the board may deem advisable.

SEC. 58. Section 5093 of said code is amended and renumbered to read:

Certificate requirements

5083. An applicant who successfully passes the examination shall receive a certificate as a certified public accountant if he has completed, or upon his completion of, any one of the following requirements:

(a) Three years of public accounting experience, two years of which have been in the employ of a certified public accountant or a partnership of which a majority of the partners are certified public accountants.

(b) Three and one-half years of public accounting experience, one year of which has been in the employ of a certified

public accountant or a partnership of which a majority of the partners are certified public accountants.

(c) Four years of public accounting experience in cases in which none was acquired in the employ of a certified public accountant or partnership of certified public accountants.

(d) Experience in private or governmental accounting or auditing work of a character and for a length of time sufficient in the opinion of the board to be substantially equivalent to the requirements of subdivisions (a), (b) or (c) hereof; provided, that the length of time that may be determined by the board shall not exceed four years.

SEC. 59. Section 5084 is added to said code, to read:

Credit

5084. The board shall grant one year's credit toward fulfillment of its public accounting experience requirement to a graduate of a college who has completed a four-year course with 30 or more semester hours or the equivalent thereof in the study of accounting, commercial law, economics and finance, of which at least 20 semester hours or the equivalent thereof shall be in the study of accounting.

The board shall waive the requirements of two years' college study provided for in paragraph (1) of subdivision (e) of Section 5081 hereof or graduation from a junior college provided for in paragraph (2) of subdivision (e) of Section 5081 hereof to members of the armed forces of the United States for six years subsequent to the date of their discharge from such forces.

The board shall prescribe rules establishing the character and variety of experience necessary to fulfill the experience requirements set forth in this section.

SEC. 60. Section 5094 of said code is amended and renumbered to read:

Expiration of certificate issued to alien

5085. A certificate of certified public accountant issued to any person, or the registration of any public accountant, who has declared his intention of becoming a citizen of the United States shall become void at the expiration of eight years from the date of declaration of the intention of such applicant to become a citizen, unless, prior to the expiration of said eight years, evidence is furnished to the board that the applicant has become a citizen of the United States.

SEC. 61. Section 5095 of said code is amended and renumbered to read:

Prior certificates valid

5086. Individuals who, at the time of the enactment of this act, hold certified public accountant certificates heretofore issued under the laws of this State shall not be required to secure additional certificates under this chapter, but shall otherwise be subject to all the provisions of this act; and such certificates heretofore issued shall, for all purposes, be considered certificates under this chapter and subject to the provisions hereof.

SEC. 62. Section 5096 of said code is amended and renumbered to read:

Waiver

5087. The board may waive the examination requirements contained in Section 5082 and issue a certificate as certified public accountant to any applicant who is a holder of a valid and unrevoked certificate as a certified public accountant issued under the laws of any state, or who is the holder of a comparable certificate or degree issued in a foreign country, if the board determines that the standards under which the applicant received such certificate or degree were as high as the standards established in this article and the applicant also complies with the following:

(1) He shall be a citizen of the United States, or have declared his intention of becoming a citizen, over the age of 21, and of good moral character.

(2) He must be a bona fide resident of California, or have a place in California for the regular practice of public accountancy and be actively engaged in such practice although not necessarily so engaged personally in California.

SEC. 63. Section 5088 is added to said code, to read:

Temporary authorization pending certification

5088. Any person who is the holder of a valid and unrevoked certificate as a certified public accountant issued under the laws of any state, or who is the holder of a comparable certificate or degree issued in a foreign country, and who applies to the board for a certificate as a certified public accountant under the provisions of Section 5087 shall be deemed to be practicing temporarily in this State on professional business incident to his regular practice elsewhere, as provided in Section 5050, until such time as the board shall notify him that his application under this section has been granted or rejected.

Any person who has filed an application under Section 5087 for a certificate as certified public accountant may, with the knowledge and approval of the board, engage in the practice of public accountancy in this State as a certified public accountant until such time as his application for a certificate may be granted or rejected.

SEC. 64. Section 5097 of said code is amended and renumbered to read:

Examinations

5089. All examinations provided for herein shall be held by the board at such places as circumstances and applications may warrant, and as often as may be necessary in the opinion of the board, but not less frequently than semiannually. The board may contract with any organization, governmental or private, for examination material or services. Within 90 days after the examination the board shall notify each candidate of his grade. All examination papers shall be preserved for a period of at least six months after the notification of grading and any candidate shall upon request to the board have access to his papers. The candidate may request access to his papers in the nearest city where a board member resides or maintains an office. The board may prescribe a fee not to exceed ten dollars ($10) for the inspection of examination papers.

The board shall charge a fee to all applicants for the certificate of certified public accountant as provided in Article 8 (commencing at Section 5130).

SEC. 65. Section 5098 of said code is amended and renumbered to read:

Re-examinations

5090. A candidate who fails an examination provided for herein shall have the right to any number of re-examinations at subsequent examinations held by the board. A candidate who passes an examination in two or more subjects or in the subject of accounting practice alone shall have the right to be re-examined in the remaining subject or subjects only, at subsequent examinations held by the board, and if he passes in the remaining subject or subjects within a period of time specified in the rules of the board, he shall be considered to have passed the examination.

The board may give credit to a candidate who has passed all or part of the examination in another state or territory, if the board determines that the standards under which the examination was held are as high as the standards established for the examination in this chapter.

Repeal

SEC. 66. The title of Article 6 (commencing at Section 5080) of Chapter 1 of Division 3 of said code is repealed.

SEC. 67. The title of Article 6 (commencing at Section 5100) is added, to Chapter 1 of Division 3 of said code, immediately preceding Section 5100, to read:

Article 6. Disciplinary Proceedings

SEC. 68. Section 5100 of said code is amended to read:

Revocation of certificate

5100. After notice and hearing the board may revoke, suspend or refuse to renew any permit or certificate granted under Articles 4 (commencing at Section 5070) and 5 (commencing at Section 5080), or may censure the holder of any such permit or certificate for any one or any combination of the following causes:

(a) Conviction of a felony or of any crime involving moral turpitude under the laws of any state or of the United States arising out of or in connection with the practice of accountancy.

(b) Conviction of any crime, an essential element of which is dishonesty, deceit or fraud.

(c) Fraud or deceit in obtaining a certificate as a certified public accountant or in obtaining registration under this chapter or in obtaining a permit to practice public accountancy under this chapter.

(d) Dishonesty, fraud or gross negligence in the practice of public accountancy.

(e) Cancellation, revocation or suspension of certificate or other authority to practice or refusal to renew the certificate or other authority to practice as a certified public accountant or a public accountant by any other state or foreign country.

(f) Violation of any of the provisions of Section 5120.

(g) Willful violation of a rule or regulation promulgated by the board under the authority granted under this chapter.

(h) Suspension or revocation of the right to practice before any governmental body or agency.

SEC. 69. Section 5102 of said code is amended to read:

Powers

5102. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

SEC. 70. Section 5104 of said code is amended and renumbered to read:

Reissuance of certificate

5103. The board may reissue a certificate of a certified public accountant or register as a public accountant any person whose certificate of registration shall have become void pursuant to Section 5085 when such person shall have become a citizen of the United States.

SEC. 71. Section 5105 of said code is amended and renumbered to read:

Suspended certificate

5104. Any certified public accountant or public accountant whose certificate, registration or permit has been canceled, revoked, or suspended shall upon request of the board relinquish his certificate or permit; provided, however, that upon the expiration of the period of suspension the board will immediately return any suspended certificate or permit which has been relinquished

SEC. 72. Section 5106 of said code is amended and renumbered to read:

Renewal fees

5105. Any certified public accountant or public accountant who is delinquent in the payment of his renewal fee shall upon request of the board relinquish his certificate, or permit; provided, however, the board shall reissue any certificate or permit which has been relinquished for nonpayment of renewal fees upon the filing of an application within the time prescribed by Section 5070, accompanied by payment of the delinquent fee for all intervening years.

SEC. 73. Section 5107 of said code is amended and renumbered to read:

Effect of conviction

5106. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this article The record of the conviction shall be conclusive evidence thereof The board may order the certificate or permit suspended or revoked, or may decline to issue a certificate or permit, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made, suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty or dismissing the accusation, information or indictment.

SEC. 74. Section 5108 of said code is amended and renumbered to read:

5107. The adjudication of insanity or mental illness, or the voluntary commitment or admission to a state hospital for a mental illness shall operate as a suspension of the right to practice of any certificate or permit holder under this chapter, such suspension to continue until restoration to or declaration of sanity or mental competence The record of adjudication, judgment or order of voluntary commitment is conclusive evidence of such insanity or mental illness, and upon receipt of a certified copy of any such adjudication, judgment, voluntary commitment or order by the board it shall immediately suspend the certificate or permit of the person adjudicated or committed and shall not restore such certificate or permit to good standing until it shall receive competent evidence of restoration to or declaration of sanity and until it is satisfied that, with due regard for the public interest, said person's right to practice may be safely reinstated. Suspension during mental illness

SEC. 75. The title of Article 7 (commencing at Section 5090) of Chapter 1 of Division 3 of said code is repealed. Repeal

SEC. 76. The title of Article 7 (commencing at Section 5120) is added to Chapter 1 of Division 3 of said code, immediately preceding Section 5120, to read:

Article 7. Prohibitions and Offenses Against the Chapter Generally

SEC. 77. Section 5115 of said code is amended and renumbered to read:

5120. Any person who violates any of the provisions of Article 3 (commencing at Section 5050) is guilty of a misdemeanor, punishable by imprisonment for not more than six months, or by a fine of not more than five hundred dollars ($500), or both. Penalty

Whenever the board has reason to believe that any person is liable to punishment under this article, the board or with its approval any administrative committee, may certify the facts to the appropriate enforcement officer of the city or county where the alleged violation had taken place and the officer may cause appropriate proceedings to be brought.

SEC. 78. Section 5116 of said code is amended and renumbered to read:

5121. The display or uttering by a person of a card, sign, advertisement or other printed, engraved or written instrument or device, bearing a person's name in conjunction with the words "certified public accountant" or any abbreviation thereof or the words "public accountant" or any abbreviation thereof shall be prima facie evidence in any prosecution, proceeding or hearing brought under this article that the person whose name is so displayed caused or procured the display or uttering of such card, sign, advertisement or other printed, engraved or written instrument or device. Any such display or uttering shall be prima facie evidence that the person whose name is so displayed holds himself or herself Prima facie evidence

out as a certified public accountant, or a public accountant holding a permit to practice public accountancy in this State under the provisions of this chapter. In any prosecution or hearing under this chapter, evidence of the commission of a single act prohibited by this chapter shall be sufficient to justify a conviction without evidence of a general course of conduct.

SEC. 79. Section 5117 of said code is amended and renumbered to read:

Board's application for injunction

5122. Whenever in the judgment of the board, or with its approval any administrative committee, any person who has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, an offense against this chapter, the board may make application to the appropriate court for an order enjoining such acts or practices, and upon showing by the board that such person has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court without bond.

Repeal

SEC. 80. The title of Article 8 (commencing at Section 5100) of Chapter 1 of Division 3 of said code is repealed.

SEC. 81. The title of Article 8 (commencing at Section 5130) is added to Chapter 1 of Division 3 of said code, immediately preceding Section 5130, to read:

Article 8. Revenue

SEC. 82. Section 5050 of said code is amended and renumbered to read:

Fees

5130. The board shall charge and collect a fee from each applicant for the certificate of certified public accountant. The fee shall accompany the application which must be made on a blank provided by the board. In no event shall any portion of the fee be returned to the applicant unless his application is rejected.

SEC. 83. Section 5051 of said code is amended and renumbered to read:

Renewal fees

5131. The board shall collect an annual renewal fee for permits to practice public accountancy.

SEC. 84. Section 5052 of said code is amended and renumbered to read:

Money received

5132. All moneys received by the board under the provisions of this chapter from any source and for any purpose shall be accounted for and reported monthly by the board to the State Controller and at the same time the moneys shall be remitted to the State Treasury to the credit of the Accountancy Fund.

SEC. 85. Section 5053 of said code is amended and renumbered to read:

Appropriation

5133. All money in the Accountancy Fund is hereby appropriated to the State Board of Accountancy to carry out the provisions of this chapter. Each member of the board and each

member of a committee shall receive all transportation expenses and in addition thereto the sum of twenty-five dollars ($25) for each day of attendance at meetings of the board or committee, the latter in lieu of all other necessary expenses.

SEC. 86. Section 5054 of said code is amended and renumbered to read:

5134. The amount of fees prescribed by this chapter is that fixed by the following schedule: Schedule of fees

(a) The application fee for the certificate of certified public accountant is twenty-five dollars ($25). Should the applicant fail to pass the required examination, re-examination at subsequent examinations will be given the same applicant for an additional fee of ten dollars ($10) for each examination.

(b) The preliminary examination fee is ten dollars ($10).

(c) The registration fee is ten dollars ($10).

(d) The annual renewal fee shall be set by the board at a sum not less than three dollars ($3) nor more than seven dollars and fifty cents ($7.50).

(e) The renewal fee after expiration of permit is an amount equal to the sum of two dollars and fifty cents ($2.50) plus the amount of the annual renewal fee established under subdivision (d) of this section for each year of delinquency.

SEC. 87. Sections 5082, 5082.5, and 5082.6 of said code are repealed.

SEC. 88. The titles of Article 9 (commencing at Section 5115) and Article 10 (commencing at Section 5130) of Chapter 1 of Division 3 of said code are repealed. Repeal

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CHAPTER 311

An act to amend Section 103.3 of the Welfare and Institutions Code, relating to the commencement of aid payments to applicants for public assistance.

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 103.3 of the Welfare and Institutions Code is amended to read:

103.3. The provisions of this code relative to public assistance for which state grants-in-aid are made to the counties shall be administered fairly to the end that all persons who are eligible and apply for such public assistance shall receive the assistance to which they are entitled promptly, with due consideration for the needs of applicants and the safeguarding of public funds.

(a) Any applicant for, or recipient or payee of, such public assistance shall be informed as to the provisions of eligibility and his responsibility for reporting facts material to a correct determination of eligibility and grant.

(b) Any applicant for, or recipient or payee of, such public assistance shall be responsible for reporting accurately and completely within his competence those facts required of him pursuant to subdivision (a) and to report promptly any changes in those facts.

(c) Any person who makes full and complete disclosure of those facts as explained to him pursuant to subdivision (a) is entitled to rely upon the award of the board of supervisors as being accurate, and that the warrant he receives correctly reflects the award made by the board, except that the county paying the aid shall be allowed a period of two months following the month of payment within which to adjust any errors or changes in amount of grant resulting from changes in income or need which occur too late to be reflected in the grant for the current month.

(d) If any overpayment which results because of the failure to report facts in accordance with subdivision (b) is not adjusted within a period of two months following the month of overpayment, the person receiving the aid shall make restitution and all actions necessary to secure restitution may be brought against him.

If the recipient or family is currently eligible in accordance with law and the rules of the State Social Welfare Board, collection of overpayments shall not be made through discontinuance or reduction of aid beyond the grant adjustment period permitted by subsection (c) except where the recipient or family at the time of determination of the overpayment possessed liquid assets sufficient to support himself or his family at the rate of the grant during the period of reduction or discontinuance thereof.

(e) If it is found that a recipient or a family was possessed of property in excess of the amount permitted by law, and it is established that the recipient or family received such aid in good faith, honestly believing eligibility was properly established, the amount collectible shall be limited to an amount equal to the market value of the excess property or the amount of aid granted during the period the excess property was held, whichever is the lesser.

(f) When an underpayment or denial of aid occurs because of an administrative error or inadvertence on the part of a county and as a result the applicant or recipient does not receive the amount to which he is entitled, the county shall pay aid equal to the full amount of the underpayment which occurred during the period of four years immediately preceding the date the error or inadvertence is discovered.

CHAPTER 312

An act to amend Section 4184 of the Fish and Game Code, relating to bears.

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 4184 of the Fish and Game Code is amended to read:

4184. Notwithstanding any provision of this code, the owner of any livestock or timber, in person or by his agent, may, at any time, protect such livestock or timber from damage or threatened damage by bears by killing the bears by any method or means, except by use of poison. Any federal or state trapper may also kill bears at any time by any method or means, including the use of poison, when such bears are damaging or threatening damage to livestock or timber.

The provisions of this section apply only to that part of District 1½ lying within Humboldt County.

The commission shall not modify the provisions of this section by any regulation except that it may prescribe the method of setting any traps and of posting warning signs relating thereto.

This section shall remain in effect until the ninety-first day after final adjournment of the 1961 Regular Session of the Legislature.

CHAPTER 313

An act to add Section 13831.7 to the Education Code, and to add Section 13516.5 to the Education Code as proposed by Senate Bill No. 2, relating to the salaries of certificated employees of school districts.

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 13831.7 is added to the Education Code, to read:

Wages restored regardless of certificate

13831.7. Notwithstanding any other provision of law, if prior to the effective date of this section any certificated employee of any school district is discharged from a position requiring certification qualifications contrary to the provisions of this code and is thereafter restored to his position pursuant to judicial proceedings in a court of competent jurisdiction, the governing board of the school district may pay such employee an amount equal to the amount which would have been paid to such employee from the date of such discharge to the

date of his restoration to his position, irrespective of whether such employee was the holder of a valid certification document during the period of such unlawful removal from his position.

SEC. 2. Section 13516.5 is added to the Education Code as proposed by Senate Bill No. 2, to read:

Same

13516.5. Notwithstanding any other provision of law, if prior to the effective date of this section any certificated employee of any school district is discharged from a position requiring certification qualifications contrary to the provisions of this code and is thereafter restored to his position pursuant to judicial proceedings in a court of competent jurisdiction, the governing board of the school district may pay such employee an amount equal to the amount which would have been paid to such employee from the date of such discharge to the date of his restoration to his position, irrespective of whether such employee was the holder of a valid certification document during the period of such unlawful removal from his position.

Effect. Stats 1959, Ch. 2

SEC. 3. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 13831.7 of the Education Code as added by Section 1 of this act is repealed.

CHAPTER 314

An act to amend Section 24005 of the Government Code, relating to vacations of county employees.

In effect September 18, 1959

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.]

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

SECTION 1. Section 24005 of the Government Code is amended to read:

24005. County officers and employees are entitled to a vacation with pay for each year of full-time service. Vacations shall not be cumulated from year to year. Elected county officers under bond are not subject to the provisions of this section.

CHAPTER 315

An act to amend Section 53205.1 of the Government Code, relating to premium payments by local agencies from public funds.

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.] In effect September 18, 1959

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

SECTION 1. Section 53205.1 of the Government Code is amended to read:

53205.1. From funds under its jurisdiction, the legislative body may authorize payment of all or such portion as it may elect of the premium for group accident and health insurance and medical and hospital service on the spouse and dependent children under the age of 21 of such officers and employees subject to the jurisdiction and for whom group accident and health insurance or medical and hospital service contract has been procured.

Such expenditures are charges against the funds. If the employer pays any portion of the premiums for such insurance any dividend paid or premiums refunded under any such insurance up to the aggregate expenditures of the employer for such insurance are the employer's property. The excess, if any, shall be applied by the employer for the benefit of such insured employees or their dependents generally.

CHAPTER 316

An act to add Section 19622.8 to the Business and Professions Code, relating to the 48th District Agricultural Association, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.] In effect immediately

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

SECTION 1. Section 19622.8 is added to the Business and Professions Code, to read:

19622.8. The Controller shall pay from the fund to the 48th District Agricultural Association the appropriation for its support.

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

Funds are needed immediately to pay current expenses, including clerical and other administrative expenses, for the dairy fair commencing in June, 1959. This act will enable the

association to obtain such funds and to expend them in a more efficient manner. In order that the benefits of this act may be available to the association in connection with necessary expenditures for its June fair, it is essential that this act go into immediate effect.

CHAPTER 317

An act to amend Section 8304 of the Fish and Game Code, relating to abalones.

In effect September 18, 1959

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.]

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

SECTION 1. Section 8304 of the Fish and Game Code is amended to read:

8304. It is unlawful to take any abalone, the shell of which, measured in greatest diameter, is less than the following specifications: red abalone, seven and three-quarters inches; green abalone, seven and one-quarter inches; pink abalone, six inches; black abalone, five inches.

CHAPTER 318

An act to amend Section 511.3 of the Vehicle Code and to add Section 22413 to the Vehicle Code as proposed by Assembly Bill No. 5, relating to the establishing of maximum speed limits by local authorities on streets with a grade in excess of 10 percent, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.]

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

SECTION 1. Section 511.3 of the Vehicle Code is amended to read:

Alteration of prima facie speed limits

511.3. When Local Authorities May Alter Prima Facie Limits. (a) Authority to Increase 25-mile Limit. Whenever a local authority, as defined herein, determines upon the basis of an engineering and traffic investigation that a speed greater than 25 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any street otherwise subject to a prima facie limit of 25 miles per hour under this code, such local authority may by ordinance determine and declare a prima facie speed limit of 30, 35, 40, 45 or 50 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie speed limit shall be effective when appropriate signs giving notice thereof are erected

upon said street. The provisions of this subdivision shall not apply in respect to any 25-mile per hour prima facie limit which is applicable when passing a school building or the grounds thereof, as provided in Section 511(b)(2).

(b) Whenever a local authority determines upon the basis of an engineering and traffic survey that the prima facie limit of 25 miles per hour is more than is reasonable and safe on any portion of a street having a grade in excess of 10 percent, the local authority may by ordinance determine and declare a maximum limit of 20 or 15 miles per hour, whichever is found most appropriate and is reasonable and safe. The declared maximum speed shall be effective when appropriate signs giving notice thereof are erected upon the street.

(c) Authority to Decrease 55-mile Limit. Whenever a local authority, as defined herein, determines upon the basis of an engineering and traffic survey that the prima facie limit of 55 miles per hour is more than is reasonable or safe upon any portion of any street or highway where such prima facie limit of 55 miles per hour is applicable under this code, such local authority may by ordinance determine and declare a prima facie speed limit of 50, 45, 40, 35, 30 or 25 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie limit shall be effective when appropriate signs giving notice thereof are erected upon such street.

(d) No local authority shall exercise the powers set forth in this section in reference to any state highway or extension thereof.

(e) With respect to boundary line streets and highways where portions thereof are within different jurisdictions, no ordinance adopted under this section shall be effective as to any such portion unless and until all authorities having jurisdiction of the portions of the street or highway concerned have approved the same. The provisions of this subdivision shall not apply in the case of boundary line streets consisting of separate roadways within different jurisdictions.

SEC. 2. Section 22413 is added to the Vehicle Code as proposed by Assembly Bill No. 5, to read:

22413. Whenever a local authority determines upon the basis of an engineering and traffic survey that the prima facie limit of 25 miles per hour is more than is reasonable and safe on any portion of a street having a grade in excess of 10 percent, the local authority may by ordinance determine and declare a maximum limit of 20 or 15 miles per hour, whichever is found most appropriate and is reasonable and safe. The declared maximum speed shall be effective when appropriate signs giving notice thereof are erected upon the street. Same

SEC. 3. Section 2 of this act becomes operative only if the Vehicle Code as proposed by Assembly Bill No. 5 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said code takes effect, at which time Section 511.3 of the Vehicle Code adopted in 1935 is repealed. Effect. Stats. 1959, Ch 3

Urgency

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

No provision is presently made permitting local authorities to establish speed limits lower than 25 miles per hour. In many situations such a speed is more than safe or reasonable and there has resulted a situation which is dangerous and hazardous to both life and property. This bill will remedy this situation and must go into effect immediately to provide this necessary protection for persons and their property.

CHAPTER 319

An act to amend Section 13061 of the Education Code, and Section 13302 of the Education Code as proposed by Senate Bill No. 2, relating to special lecturers.

In effect September 18, 1959

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.]

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

SECTION 1. Section 13061 of the Education Code is amended to read:

Special lecturers hired without certificate

13061. The principal of any day or evening secondary school in which there are special day and evening classes, at his discretion may employ when so directed by the governing board of the school district, special lecturers well qualified in their subjects to speak before such classes, without the lecturer being required to hold a teacher's certificate.

Permission for the employment of the lecturer shall be previously obtained from the State Department of Education.

Such lecturer shall not be employed in any school for more than four lectures each term.

SEC. 2. Section 13302 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

Same

13302. The principal of any day or evening secondary school in which there are special day and evening classes, at his discretion may employ when so directed by the governing board of the school district, special lecturers well qualified in their subjects to speak before such classes, without the lecturer being required to hold a teacher's certificate.

Permission for the employment of the lecturer shall be previously obtained from the State Department of Education.

Such lecturer shall not be employed in any school for more than four lectures each term.

Effect. Stats. 1959, Ch. 2

SEC. 3. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is

enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 13061 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 320

An act to amend Section 6806 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to contracts for education of physically handicapped minors.

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 6806 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

6806. Any school district which does not maintain facilities for the education of physically handicapped minors shall enter into a contract with a school district in the same county, or a county superintendent of schools maintaining such facilities. If there is no district in the same county maintaining such facilities, the governing board of the school district shall enter into a contract with a school district maintaining such facilities in any other county. If any question arises concerning the adequacy of the facilities provided for the education of physically handicapped minors by the school district in which the child is actually living, the parent or guardian of such child may appeal to the county superintendent of schools, and if the county superintendent of schools determines that the facilities offered are inadequate, he shall order the school district in which the child is actually living either to provide the facilities or enter into a contract with a school district maintaining adequate facilities.

Such contract shall provide for the payment of the cost of tuition by the district in which the physically handicapped minor actually lives and may provide for payment of the cost of the use of the buildings and equipment. The cost of tuition shall not be greater than the difference between current expenditures per unit of average daily attendance, including transportation, for the education of a pupil in the particular category of physically handicapped minors to which the pupil belongs and the apportionment of state funds for the education of physically handicapped minors in that category.

The amount shall be determined not later than the last Monday in December and the last Monday in May of each year by the county superintendent of schools of the county in which the child attends schools and certified to the superintendent of schools having jurisdiction over the schools of the school dis-

trict in which the child actually lives. The amount shall be forthwith paid from any funds of the school district available for that purpose.

CHAPTER 321

An act to amend Sections 17734, 18003, 18004, 18007, 18167, 18802, 19051, and 19053.7 of the Revenue and Taxation Code, relating to personal income taxes.

In effect September 18, 1959

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.]

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

SECTION 1. Section 17734 of the Revenue and Taxation Code is amended to read:

Deductions re estates or trusts

17734. In the case of an estate or trust (other than a trust meeting the specifications of Article 2) there shall be allowed as a deduction in computing its taxable income (in lieu of the deductions allowed by Section 17214 and Section 17303, relating to deduction for charitable, etc., contributions and gifts) any amount of the gross income, without limitation, which pursuant to the terms of the governing instrument is, during the taxable year, paid or permanently set aside for a purpose specified in Section 17214 and Section 17303, or is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or for the establishment, acquisition, maintenance or operation of a public cemetery not operated for profit. In the case of a trust, the deduction allowed by this section shall be subject to Sections 17811 to 17818, inclusive (relating to unrelated business income and prohibited transactions).

SEC. 2. Section 18003 of the Revenue and Taxation Code is amended to read:

Residency

18003. For the purpose of this chapter an estate or trust is considered a resident of the state which taxes the income of the estate or trust irrespective of whether the income is derived from sources within that state.

SEC. 3. Section 18004 of the Revenue and Taxation Code is amended to read:

Credit conditions

18004. If an estate or trust is a resident of this State and also a resident of another state, it shall, notwithstanding the limitations contained in Sections 18001 and 18002, be allowed a credit against the taxes imposed by this part for net income taxes imposed by and paid to the other state, subject to the following conditions:

(a) Credit shall be allowed only for such proportion of the taxes paid to the other state as the income taxable under this part and also subject to tax in the other state bears to the entire income upon which the taxes paid to the other state are imposed.

(b) The credit shall not exceed such proportion of the tax payable under this part as the income subject to tax in the other state and also taxable under this part bears to the entire income taxable under this part.

SEC. 4. Section 18007 of the Revenue and Taxation Code is amended to read:

Report of credit, etc.

18007. If any taxes paid to another state for which a taxpayer has been allowed a credit under this chapter are at any time credited or refunded to the taxpayer, the taxpayer shall immediately report that fact to the Franchise Tax Board.

SEC. 5. Section 18167 of the Revenue and Taxation Code is amended to read:

Determining period of stock retention

18167. In determining the period for which the taxpayer has held stock or rights to acquire stock received on a distribution, if the basis of such stock or rights is determined under Section 17345 or 17346 (or under so much of Section 18111(c) as refers to Section 17788 of the Personal Income Tax Law of 1954), there shall (under regulations prescribed by the Franchise Tax Board) be included the period for which he held the stock in the distributing corporation before the receipt of such stock or rights upon such distribution.

SEC. 6. Section 18802 of the Revenue and Taxation Code is amended to read:

Return to Franchise Tax Board

18802. (a) Every individual, partnership, corporation, joint stock company or association, insurance company, business trust, or so-called Massachusetts trust, engaged in a trade or business in this State and making payment in the course of such trade or business to another person, including lessees or mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of this State or any political subdivision of this State, or any city organized under a freeholder's charter, or any political body not a subdivision or agency of the State, having the control, receipt, custody, disposal, or payment of interest (other than interest coupons payable to bearer), dividends, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income amounting to one thousand dollars ($1,000) or over, paid or payable during any year to any taxpayer, shall make a complete return to the Franchise Tax Board, which shall contain or be verified by a written declaration that it is made under the penalties of perjury, under such regulations and in such form and manner and to such extent as may be prescribed by it.

(b) For purposes of subdivision (a), the term "trade or business" includes the activities of nonprofit organizations.

SEC. 7. Section 19051 of the Revenue and Taxation Code is amended to read:

Overpayment of tax, etc.

19051. If the Franchise Tax Board or the board, as the case may be, finds that there has been an overpayment of tax, penalty, or interest by a taxpayer for any year for any reason, the amount of the overpayment shall be credited against any

taxes then due from the taxpayer under this part and the balance refunded to the taxpayer.

SEC. 8. Section 19053.7 of the Revenue and Taxation Code is amended to read:

Claim or refund, 7-year limitation

19053.7. Insofar as the claim for credit or refund relates to an overpayment on account of the deductibility, under Section 17207, of a debt as one which became worthless, or a loss from worthlessness of a security under Section 17206, or Section 17207, or an erroneous inclusion of an amount attributable to the recovery of a bad debt, prior tax or delinquency amount, under Sections 17144 and 17145 due to an adjustment of a bad debt deduction under Section 17207, or a loss deduction from worthlessness of a security under Section 17206, in lieu of the period of limitations prescribed in Section 19053, the period shall be seven years from the date prescribed by law for filing the return for the year with respect to which the claim is made.

CHAPTER 322

An act to amend Section 3044 of, and to repeal Section 9481 of, the Elections Code, relating to municipal elections.

In effect September 18, 1959

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.]

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

SECTION 1. Section 3044 of the Elections Code is amended to read:

Filing of nomination papers

3044. Nomination papers required to be filed with the clerk or secretary of the legislative body of any city or town, shall be filed not earlier than the seventy-fifth day nor later than 12 o'clock noon on the fifty-fourth day before a municipal election.

Repeal

SEC. 2. Section 9481 of said code is repealed.

CHAPTER 323

An act to amend Sections 5781.10 and 5781.12 of, and to add Sections 5781.20, 5781.21, 5781.22, 5781.23, 5781.24, 5781.25, and 5781.26 to, the Public Resources Code, relating to recreation and park districts.

In effect September 18, 1959

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.]

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

SECTION 1. Section 5781.10 of the Public Resources Code is amended to read:

5781.10. If on the sixtieth day prior to a general district election only one person has been nominated for each of the positions to be filled at that election or no person has been nominated for any such office or offices, and a petition signed by five percent (5%) of the voters requesting that the election be held has not been presented to the district board, an election shall not be held. When no election held

SEC. 2. Section 5781.12 of said code is amended to read:

5781.12. If pursuant to Section 5781.11 a general district election is not held, the governing body shall, at a meeting held prior to the day fixed for the election, appoint to the positions those persons nominated, or shall, if no persons have been nominated, appoint any qualified persons to such positions. Any persons thus appointed shall qualify, take office and serve as if elected at a general district election. Appointment in lieu of election

SEC. 3. Section 5781.20 is added to said code, to read:

5781.20. Each district may be divided into five divisions. The establishment of the divisions and the boundaries thereof shall be made by the board of supervisors, who shall make such division if requested by a resolution passed by a majority of the board of directors and in the manner set forth in such resolution, or upon a petition signed by a majority of eligible voters within the boundaries of the district. The resolution or petition shall be filed with the board of supervisors at least 100 days before the next general district election. Division of district

SEC. 4. Section 5781.21 is added to said code, to read:

5781.21. Within 30 days after the filing of the petition or the resolution requesting the establishment of divisions with the board of supervisors, the board of supervisors shall hold a hearing and shall hear any evidence produced to establish the validity of the petition or resolution and such further evidence as may be necessary to divide the district into five divisions as nearly equal in area or in population as may be practicable. Hearing

SEC. 5. Section 5781.22 is added to said code, to read:

5781.22. Within 10 days after said hearing, the board of supervisors, if they determine that the resolution or petition is valid, shall forthwith order the establishment of five divisions in the district as nearly equal in area or in population as may be practicable and shall file a copy of said order with the board of directors of the district. Order

SEC. 6. Section 5781.23 is added to said code, to read:

5781 23. After the entry of the order establishing divisions within a district, one director shall be elected from each division and shall be a resident therein. Election of directors

SEC. 7. Section 5781 24 is added to said code, to read:

5781.24. The entry of the order dividing the district into divisions shall not affect the term of any director until his term expires. Present directors

SEC. 8. Section 5781.25 is added to said code, to read:

5781.25. At the general district election next following the entry of the order, the board shall designate the divisions Designation of divisions re directors' election

from which directors shall be elected. The number designated shall equal the number of directors to be elected at that election. At the next succeeding regular election, the directors shall be elected from the remaining divisions.

SEC. 9. Section 5781.26 is added to said code, to read:

Modification

5781.26. Divisions once established may be modified by the same procedure as herein set forth for establishing divisions.

CHAPTER 324

An act to amend Section 25123 of the Government Code, and Section 1651 of the Elections Code, relating to effective date of county ordinances.

In effect September 18, 1959

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.]

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

SECTION 1. Section 25123 of the Government Code is amended to read:

Effective date of ordinances

25123. All ordinances shall become effective 30 days from the date of final passage, except the following ordinances which shall take effect immediately:

(a) Those calling or otherwise relating to an election.

(b) Those specifically required by this code or by any other law to take immediate effect.

(c) Those fixing the amount of money to be raised by taxation, or the rate of taxes to be levied.

(d) Those for the immediate preservation of the public peace, health, or safety, which shall contain a declaration of the facts constituting the urgency, and shall be passed by a four-fifths vote of the board of supervisors.

SEC. 2. Section 1651 of the Elections Code is amended to read:

Same

1651. Except an ordinance granting a franchise, the following ordinances shall take effect immediately:

(a) Those calling or otherwise relating to an election.

(b) Those specifically required by this code or by any other law to take immediate effect.

(c) Those fixing the amount of money to be raised by taxation, or the rate of taxes to be levied.

(d) Those for the immediate preservation of the public peace, health, or safety. The ordinances referred to in this subdivision shall contain a declaration of the facts constituting the necessity, and shall be passed by a four-fifths vote of the board of supervisors.

All other ordinances, including ordinances granting a franchise, shall become effective 30 days from the date of final passage.

CHAPTER 325

An act to amend Section 8222 of the Fish and Game Code, relating to salmon.

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 8222 of the Fish and Game Code is amended to read:

8222. It is unlawful for any person to transport through the Pacific Ocean waters of the State or to have in his possession anywhere within the State, any salmon which were taken by any type of net within the international waters of the Pacific Ocean or within the territorial waters of this State or of another state, territory or country where fishing for salmon with nets is unlawful, and it is unlawful for any person to possess any salmon on board any vessel carrying any net within Pacific Ocean waters of this State, except persons on vessels carrying paranzella nets, beam trawls, and otter trawls may possess salmon taken with hook and line. The provisions of this section do not apply to waters within District 16 nor to the use of bait gill nets with meshes less than two inches in length or to hand dip nets, or to salmon taken lawfully under the authority of any state, territory or country.

CHAPTER 326

An act to amend Section 943 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to school district elections.

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 943 of the Education Code is amended to read:

943. If the county superintendent of schools neglects or refuses to comply with Section 942, then at any time not later than 30 days before the third Tuesday of May, any three registered voters of the district may post election notices in three public places in the district. They shall also publish notices of the election in the district pursuant to Section 6066 of the Government Code. Publication shall be completed not less than 15 days before the election. If there is no newspaper of general circulation published in the district, notice need not be published. The cost of posting and publishing shall be a charge against the district.

CHAPTER 327

An act to amend Section 960 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to school district elections.

In effect September 18, 1959

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.]

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

SECTION 1. Section 960 of the Education Code is amended to read:

960. The form of the ballot shall be as follows:

"Official ballot provided by the superintendent of schools to be used in the governing board member election on May _____, 19___, in _____ district or districts in the County of _____."

The name of the county and school district or districts and the date of the election shall be printed or typewritten in as part of the official ballot.

Following the above there shall be listed the names of the candidates.

When a consolidated election is required to be held there shall be as many separate lists of candidates as there are school districts for which governing board members are to be elected. Each list of candidates shall be headed by the name of the school district for which the persons listed are governing board member candidates. The name of each school district shall be printed in heavy-faced gothic type, or in capital letters, and shall be separated from the list of candidates beneath it by a line. The names of the school districts with the list of candidates for governing board member of each district following each name shall be arranged in the following order, as the case may require:

(a) First, elementary school district; second, high school district; third, junior college district, if there be one; or

(b) First, unified district; second, junior college district; or

(c) First, high school district; second, junior college district.

The names of the candidates for the office of governing board member of one district shall not be separated from each other on the ballot by the names of candidates for governing board member of another district, and the list of candidates for each district shall be separated from the other lists by two double rules, one below the list of candidates and one above the name of the district which precedes the list. Within each series or list the order of candidates' names shall be alphabetical, except the names of the incumbents, so designated, shall appear first in alphabetical order on the ballot. The name of each candidate shall be printed or typewritten on the ballot with a blank square after each name in which the voter may place his cross (+). Following each list of candidates,

the ballot shall provide at least as many blank lines, with blank squares following, as there are members to be elected in the particular school district concerned.

Candidates for office in each school district shall be listed on the ballot as follows, whether on a separate ballot for the district or on the list for the district on a consolidated ballot:

(a) The candidates shall be placed on a single list on the ballot regardless of how many members are to be elected;

(b) In an election held under Section 1231 to elect additional governing board members, the candidates for the new offices shall be listed separately from the candidates for the existing office and shall be voted for separately;

(c) When an election to recall a governing board member is held on the third Tuesday in May, the candidates for the office to succeed the incumbent if he is recalled shall be listed separately from the candidates to succeed governing board members whose recall is not sought.

CHAPTER 328

An act to amend Section 108 of the Insurance Code, relating to classes of insurance.

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 108 of the Insurance Code is amended to read:

108. Liability insurance includes:

(a) Insurance against loss resulting from liability for injury, fatal or nonfatal, suffered by any natural person, or resulting from liability for damage to property, or property interests of others but does not include workmen's compensation, common carrier liability, boiler and machinery, or team and vehicle insurance.

(b) With respect to operations or property covered by a policy of liability insurance as defined in subdivision (a), insurance of medical, hospital, surgical and funeral loss or expense of the insured or other persons injured, and in the case of an automobile liability policy disability benefits to the insured or other persons injured and in the event of their death, funeral and accidental death benefits to their dependents, beneficiaries or personal representatives irrespective of legal liability of the insured, when issued with or supplemental to the insurance defined in subdivision (a);

(c) Insurance covering injuries sustained by an insured resulting from a tort committed by a third party against

which such third party is not himself covered by liability insurance;

(d) The provisions of this code relating to disability insurance do not apply to insurance defined in this section.

CHAPTER 329

An act to amend Section 702 of the Military and Veterans Code, relating to salaries and expenses of the Division of Farm and Home Purchases, Department of Veterans Affairs.

In effect September 18, 1959

[Approved by Governor May 8, 1959 Filed with Secretary of State May 8, 1959]

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

SECTION 1. Section 702 of the Military and Veterans Code is amended to read:

702. The salaries and expenses of the California Veterans Board, of the secretary of such board, and of the director and deputy director of the Department of Veterans Affairs and all salaries and expenses of the Division of Farm and Home Purchases shall be paid out of the Farm and Home Building Fund of 1943 and no part thereof shall be paid from the General Fund.

CHAPTER 330

An act to amend Section 1696.3 of the Labor Code, relating to transportation of farm laborers.

In effect September 18, 1959

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959]

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

SECTION 1. Section 1696.3 of the Labor Code is amended to read:

1696.3. Any farm labor contractor or person employed by a farm labor contractor who operates a bus or truck in the transportation of individuals in connection with the business, activities, or operations of a farm labor contractor shall be licensed as a chauffeur by the Department of Motor Vehicles.

CHAPTER 331

An act to add Section 6705 to the Vehicle Code as proposed by Assembly Bill No. 5, relating to the registration of vehicles by servicemen.

In effect September 18, 1959

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959]

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

SECTION 1. Section 6705 is added to the Vehicle Code as proposed by Assembly Bill No. 5, to read:

6705. Any person who enters California for the purpose of establishing or re-establishing residence or accepting gainful employment following his discharge from the Armed Forces of this Country may operate any noncommerical vehicle owned by him at the time of his discharge and registered to him in a state where his military orders required his presence without registering the vehicle in this State until the expiration of the registration period current at the time of his discharge and entrance into California.

CHAPTER 332

An act to amend Section 1091 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to contracts between county superintendents of schools and school districts.

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1091 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

1091. The governing board of any school district and the county superintendent of schools having jurisdiction over the district may, with approval of the county board of education, enter into an agreement for service which by law the county superintendent of schools is authorized to render to be rendered by one for the other. The agreement shall provide for the payment of an amount not less than the cost of providing such service. The county superintendent of schools shall transfer from the funds of the district to the county schools service fund or from the county schools service fund to the funds of the district the amount set forth in the agreement.

SEC 2. The amendment of this section made by the 1959 Regular Session of the Legislature does not constitute a change in, but is a restatement of, the pre-existing law without substantive change.

CHAPTER 333

An act to amend Section 15958 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to school district supplies.

[Approved by Governor May 8, 1959 Filed with Secretary of State May 8, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 15958 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

15958. The governing board of any school district may purchase supplementary textbooks, library books, and educational films, test materials, and workbooks, in any amount needed for the operation of the schools of the district without taking estimates or advertising for bids.

SEC. 2. The amendment of this section made by the 1959 Regular Session of the Legislature does not constitute a change in, but is a restatement of, the pre-existing law, without substantive change.

CHAPTER 334

An act to amend Section 5707 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to junior colleges.

In effect September 18, 1959

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.]

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

SECTION 1. Section 5707 of the Education Code is amended to read:

5707. The principal of any junior college may, in accordance with such rules as the governing board of the district maintaining the junior college may adopt, admit to the junior college any person who has served in the active military service of the United States or of the State of California for at least 90 days during a war with any foreign power or during any period of national emergency declared by the President of the United States.

SEC. 2. The amendment of this section made by the 1959 Regular Session of the Legislature does not constitute a change in, but is a restatement of, the pre-existing law without substantive change.

CHAPTER 335

An act to add Sections 5006.5 and 5006.6 to the Elections Code, relating to election campaigns.

In effect September 18, 1959

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.]

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

SECTION 1. Section 5006.5 is added to the Elections Code, to read:

Prohibitions in election campaigns

5006.5. No person, with intent to mislead the electors in connection with his campaign for nomination or election to a public office or in connection with the campaign of another person for nomination or election to a public office, shall do either of the following acts:

(a) Assume, pretend, or imply, by his statements or conduct, that he is the incumbent of a public office when such is not the case.

(b) Assume, pretend, or imply, by his statements or conduct, that he is or has been acting in the capacity of a public officer when such is not the case.

Any violation of this section may be enjoined in a civil action brought by the incumbent of the public office involved.

SEC. 2. Section 5006.6 is added to said code, to read:

5006.6. Every person is guilty of a misdemeanor who, while a candidate for public office, with intent to mislead the electors in connection with his campaign for nomination or election to such office, represents, by his own statements or conduct, that he is the incumbent of such office when such is not the case. Any violation of this section may be enjoined in a civil action brought by the person who is in fact the incumbent of such office at the time such violation occurs. Penalty

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CHAPTER 336

An act to amend Sections 18350, 18355, and 18444 of, and to add Section 18350.5 to, the Health and Safety Code, relating to auto and trailer parks and tent camps.

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.] In effect September 18, 1959

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

SECTION 1. Section 18350 of the Health and Safety Code is amended to read:

18350. Public toilets, showers, and lavatories shall be provided as follows: Public toilets, etc., ratio

(a) In auto and trailer parks constructed and operated exclusively for dependent trailers: one toilet, one shower, and one lavatory for each sex for each ten (10) dependent trailer sites.

(b) In auto and trailer parks constructed and operated for dependent and independent trailers, the following ratio of toilets, showers, and lavatories for each sex:

Sites	Toilets	Showers	Lavatories
2–25	1	1	1
26–70	2	2	2

One additional toilet shall be provided for each sex for each one hundred (100) additional sites or fractional part thereof in excess of seventy (70) sites.

(c) All toilet facilities for dependent trailers shall not be farther than four hundred feet (400′) from any dependent trailer site.

(d) Each toilet shall be for the exclusive use of the occupants of the trailer sites in the auto and trailer park.

SEC. 2. Section 18350.5 is added to said code, to read:

Same

18350.5. In auto and trailer parks constructed and operated exclusively for independent trailers, one toilet, one shower, and one lavatory shall be provided for each sex for each one hundred (100) sites or fractional part thereof.

SEC. 3. Section 18355 of said code is amended to read:

Plumbing within trailer coach: Specifications

18355. It is unlawful for any person to use, or permit the use of, any toilet in any trailer coach located within an auto and trailer park unless the plumbing in such auto and trailer park meets the requirements of the Division of Housing as set forth in rules and regulations of the said division for such use, and the said division is hereby empowered to draft and enforce such rules and regulations.

SEC. 4. Section 18444 of said code is amended to read:

Tent sites

18444. No tent site shall be located farther than four hundred feet (400′) from public toilet facilities.

CHAPTER 337

An act to amend Sections 4501, 4552 and 4553 of the Welfare and Institutions Code, relating to medical care for recipients of aid to the disabled.

In effect September 18, 1959

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.]

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

SECTION 1. Section 4501 of the Welfare and Institutions Code is amended to read:

4501. As used in this chapter:

Definitions

(a) "Public assistance" means aid to needy children, aid to the aged, aid to the blind and aid to the needy disabled as provided for in Chapter 1 of Part 2 of Division 2, Chapter 1 of Division 3, Chapters 1 and 3 of Part 1 of Division 5, and Chapter 1 of Part 2 of Division 5 respectively of this code.

(b) "Recipient" means any person for whom money is made available to provide medical care by Section 4552 of this code.

SEC. 2. Section 4552 of said code is amended to read:

Premium deposit

4552. With respect to each of the following individuals the State Controller shall transfer to the Medical Care Premium Deposit Fund in the State Treasury a premium deposit equal to the total of the following sums:

(a) For each recipient of public assistance under Chapter 1 of Part 2 of Division 2 of this code the sum of three dollars ($3) per month.

(b) For each needy parent or needy person who takes the place of a parent in the supervision or care of needy children receiving assistance under Chapter 1 of Part 2 of Division 2 of this code the sum of six dollars ($6) per month.

(c) For each recipient of public assistance under Chapter 1 of Division 3, Chapters 1 or 3 of Part 1 of Division 5, and

Chapter 1 of Part 2 of Division 5 of this code the sum of six dollars ($6) per month.

Transfers made by the Controller pursuant to this section shall be based on estimates submitted to him by the State Department of Social Welfare as provided in Section 4553.

The sums transferred pursuant to this section shall not be construed as limiting the amount of service or the period over which such service may be granted with respect to any recipient found to be eligible for care under this chapter.

SEC. 3. Section 4553 of said code is amended to read:

4553. In advance of each quarter the State Department of Social Welfare shall certify to the Controller the estimated amount to be transferred pursuant to Section 4552.

Estimated required premiums deposits

The State Controller shall transfer the amount of the estimated required premium deposits, as reduced by the amount estimated to be received from the Federal Government, from the General Fund to the Medical Care Premium Deposit Fund. In like manner the State Controller shall transfer from the Social Welfare Federal Fund to the Medical Care Premium Deposit Fund those funds which are received from the Federal Government to be expended for medical care in behalf of public assistance recipients. Such transfers from the Social Welfare Federal Fund shall be equal to three dollars ($3) for each adult recipient and one dollar and fifty cents ($1.50) for each child recipient for whom federal funds are received.

The amounts to be transferred to the Medical Care Premium Deposit Fund shall be increased or decreased by the sums by which transfers for any previous quarter were smaller or larger than the amount of premium deposits determined to have been required under Section 4552.

Operative date

SEC. 4. This act shall become operative October 1, 1959.

CHAPTER 338

An act to amend and renumber Section 591 of, and to add Section 739.6 to, the Vehicle Code, and to amend Section 41102 of, and to add Section 41103 to, the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to procedure for violations involving unattended vehicles, declaring the urgency thereof, to go into effect immediately.

[Approved by Governor May 8, 1959. Filed with Secretary of State May 8, 1959.]

In effect immediately

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

SECTION 1. Section 591 of the Vehicle Code is amended to read:

Procedure for unattended vehicle

739.5. Procedure for Unattended Vehicle. (a) In any prosecution charging a violation of any regulation governing the standing or parking of a vehicle under this code or any

ordinance enacted by local authorities, proof by the people of the State of California that the particular vehicle described in the complaint was parked in violation of any provision of this code or such ordinance, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, but for the purposes of this subdivision proof that a person is the registered owner of a vehicle shall not create a presumption that such registered owner has violated any other provision of law. The above provisions shall apply only when the procedure required by Section 739.6 is complied with.

(b) In any prosecution charging a violation of any provision of this code requiring the display of license plates, or any tab, sticker, or other suitable device in lieu thereof, with respect to an unattended vehicle, proof by the people of the State of California that the particular vehicle described in the complaint failed to properly display such license plates, together with proof that the defendant named in the complaint was at the time the registered owner of the vehicle, shall constitute a prima facie presumption that the registered owner of the vehicle was in control of, or responsible for, the vehicle at the time the violation occurred. No other presumption shall be created by this subdivision. The above provisions shall apply only when the procedure required by Section 739.6 is complied with.

SEC. 2. Section 739.6 is added to said code, to read:

Method of giving notice

739.6. Method of Giving Notice. The method of giving notice for the purposes of the provisions of Section 739.5 are as follows:

(1) During the time of the violation a notice thereof shall be securely attached to the vehicle setting forth the violation including reference to the section of this code or of such ordinance so violated, the approximate time thereof and the location where such violation occurred and fixing a time and place for appearance by the registered owner in answer to said notice.

Such notice shall be attached to said vehicle either on the steering post or front door handle thereof or in such other conspicuous place upon the vehicle as to be easily observed by the person in charge of such vehicle upon his return thereto.

(2) Before any warrant of arrest shall issue following the filing of a complaint charging such a violation, a notice of the violation must be given to the person so charged. Such notice shall contain the information required in paragraph (1) above and shall also inform such registered owner that unless he appears in the court to be designated in said notice within five days after service of such notice and answers said

charge, a warrant or citation to appear will be issued against him.

Such notice shall be given, either by personal delivery thereof to such owner or by deposit in the United States mail of an envelope with postage prepaid which said envelope shall contain such notice and shall be addressed to such owner at his address as shown by the records of the department. The giving of notice by personal delivery is complete upon delivery of a copy of said notice to said person. The giving of notice by mail is complete upon the expiration of 10 days after said deposit of such notice.

Proof of giving such notice may be made by the certificate of any traffic or police officer or affidavit of any person over 18 years of age naming the person to whom such notice was given and specifying the time, place and manner of the giving thereof.

SEC. 3. Section 41102 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

Procedure for unattended vehicle

41102. (a) In any prosecution charging a violation of any regulation governing the standing or parking of a vehicle under this code or any ordinance enacted by local authorities, proof by the people of the State of California that the particular vehicle described in the complaint was parked in violation of any provision of this code or such ordinance, together with proof that the defendant named in the complaint was at the time of parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred, but for the purposes of this subdivision proof that a person is the registered owner of a vehicle does not create a presumption that the registered owner has violated any other provision of law. The above provisions shall apply only when the procedure required by Section 41103 is complied with.

(b) In any prosecution charging a violation of any provision of this code requiring the display of license plates, or any tab, sticker, or other suitable device in lieu thereof, with respect to an unattended vehicle, proof by the people of the State of California that the particular vehicle described in the complaint failed to properly display such license plates, together with proof that the defendant named in the complaint was at the time the registered owner of the vehicle, shall constitute a prima facie presumption that the registered owner of the vehicle was in control of, or responsible for, the vehicle at the time the violation occurred. No other presumption shall be created by this subdivision. The above provisions shall apply only when the procedure required by Section 41103 is complied with.

SEC. 4. Section 41103 is added to said code, to read:

Method of notice

41103. The method of giving notice for the purposes of the provisions of Section 41102 are as follows:

(1) During the time of the violation a notice thereof shall be securely attached to the vehicle setting forth the violation including reference to the section of this code or of such ordinance so violated, the approximate time thereof and the location where such violation occurred and fixing a time and place for appearance by the registered owner in answer to said notice.

Such notice shall be attached to said vehicle either on the steering post or front door handle thereof or in such other conspicuous place upon the vehicle as to be easily observed by the person in charge of such vehicle upon his return thereto.

(2) Before any warrant of arrest shall issue following the filing of a complaint charging such a violation, a notice of the violation must be given to the person so charged. Such notice shall contain the information required in paragraph (1) above and shall also inform such registered owner that unless he appears in the court to be designated in said notice within five days after service of such notice and answers said charge, a warrant or citation to appear will be issued against him.

Such notice shall be given, either by personal delivery thereof to such owner or by deposit in the United States mail of an envelope with postage prepaid which said envelope shall contain such notice and shall be addressed to such owner at his address as shown by the records of the department. The giving of notice by personal delivery is complete upon delivery of a copy of said notice to said person. The giving of notice by mail is complete upon the expiration of 10 days after said deposit of such notice.

Proof of giving such notice may be made by the certificate of any traffic or police officer or affidavit of any person over 18 years of age naming the person to whom such notice was given and specifying the time, place and manner of the giving thereof.

Effect. Stats. 1959, Ch. 3

SEC. 5. Sections 3 and 4 of this act become operative only if the Vehicle Code as proposed by Assembly Bill No. 5 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said code takes effect, at which time Sections 739.5 and 739.6 of the Vehicle Code adopted in 1935 are repealed.

Urgency

SEC. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The enforcement and administration of the provisions of the Vehicle Code by law enforcement agencies is by its very nature a matter concerning the public peace, health and safety. There presently exists no practical procedure whereby certain violations of law involving unattended vehicles, may be prosecuted. This bill provides such a procedure and must go into effect immediately to permit enforcement of the existing law.

CHAPTER 339

An act to add Section 690.235 to the Code of Civil Procedure, relating to exemptions from attachment and execution.

[Approved by Governor May 11, 1959. Filed with Secretary of State May 11, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 690.235 is added to the Code of Civil Procedure, to read:

690.235. The funds of any person confined in any prison or facility under the jurisdiction of the Department of Corrections or the Youth Authority or confined in any county or city jail, road camp, industrial farm, or other local correctional facility, held in trust for him, or to his credit, in an inmate's trust account or similar account by the State, county, or city, or any agency thereof, not to exceed the sum of forty dollars ($40), shall be exempt from attachment or execution without filing a claim for exemption as provided in Section 690.26.

CHAPTER 340

An act to amend Section 36507 of the Government Code, relating to filing the oath of office by city officers.

[Approved by Governor May 11, 1959. Filed with Secretary of State May 11, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 36507 of the Government Code is amended to read:

36507. Before entering upon his duties, each city officer shall take and file with the city clerk the constitutional oath of office, except that the councilmen elected at the incorporation election shall deposit said oath with the county clerk of the county wherein the city is located, to be held by him for delivery to the city clerk at such time as the city clerk officially assumes office.

CHAPTER 341

An act to amend Section 117j of the Code of Civil Procedure, relating to appeals from small claims courts.

[Approved by Governor May 11, 1959. Filed with Secretary of State May 11, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 117j of the Code of Civil Procedure is amended to read:

117j. The judgment of said court shall be conclusive upon the plaintiff. If the defendant is dissatisfied, he may, within 30 days after the date of entry of the judgment, appeal to the superior court of the county in which said court is held. He shall pay, for filing the papers in the superior court, the same fee as is charged and collected on the appeal of a civil action from a justice court, and if final judgment is rendered against him in such superior court, then he shall pay, in addition to said judgment, an attorney's fee to the plaintiff in the sum of fifteen dollars ($15). No fee shall be charged in the superior court upon the filing of any document or paper by the plaintiff in the small claims action. Except as otherwise provided in this chapter, such appeal shall be taken as provided in Chapter 3 of Title 13 of Part 2 of this code for appeals from justice courts.

The time for appeal from any small claims judgment rendered prior to the effective date hereof and upon which no notice of entry of judgment has been given by the plaintiff shall be 90 days from and after the effective date hereof.

CHAPTER 342

An act to add Section 117jj to the Code of Civil Procedure, relating to appeals from small claims courts.

In effect September 18, 1959

[Approved by Governor May 11, 1959. Filed with Secretary of State May 11, 1959.]

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

SECTION 1. Section 117jj is added to the Code of Civil Procedure, to read:

117jj. An appeal from a judgment of said court must be dismissed by the superior court on its own motion, or on the motion of any party interested therein, whether named in the complaint as a party or not, where the appealing party fails to bring such appeal to trial within one year from the date of filing such appeal in said superior court.

CHAPTER 343

An act to add Section 1952.2 to the Code of Civil Procedure, relating to disposition of exhibits.

In effect September 18, 1959

[Approved by Governor May 11, 1959. Filed with Secretary of State May 11, 1959.]

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

SECTION 1. Section 1952.2 is added to the Code of Civil Procedure, to read:

1952.2. Upon a judgment becoming final, at the expiration of the appeal period, unless an appeal is pending, the court, in its discretion, and on its own motion by a written order signed by the judge, filed in the action, and an entry thereof made in the register of actions, may order the clerk to return all of the exhibits introduced in the trial of a civil action or proceeding to the attorneys for the parties introducing the same.

CHAPTER 344

An act to add Section 1952.1 to the Code of Civil Procedure, relating to destruction of exhibits and depositions.

[Approved by Governor May 11, 1959. Filed with Secretary of State May 11, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1952.1 is added to the Code of Civil Procedure, to read:

1952.1. The court on its own motion, by a written order signed by the judge, filed in the action, and an entry thereof made in the register of actions, may order destroyed or otherwise disposed of, any exhibit or deposition introduced in the trial of a civil action or proceeding or filed in such action or proceeding which remains in the custody of the court or clerk for a period of three years after:

1. A motion for a new trial has been granted and a memorandum to set the case for trial has not been filed or a motion to set for trial has not been made within such three years;

2. The filing of the remittitur where the action or proceeding, after appeal, has been remanded to the trial court for a new trial and the same has not been brought to trial within three years from the date of filing the remittitur;

3. The dismissal of such action or proceeding;

4. The introduction or filing thereof and where Sections 1952 and 1952.1 make no provision for and where in the discretion of the court the same should be destroyed or otherwise disposed of.

No exhibit shall be ordered destroyed or otherwise disposed of pursuant to the provisions of this section which conveys title to or creates a lien on real property or where a party to the action or proceeding files a written notice with the court requesting the preservation of any exhibit for a stated time. Such exhibit may be destroyed after such time unless another notice is filed.

No exhibit shall be ordered destroyed or otherwise disposed of pursuant to the provisions of this section until notice of such proposed action has been given to the attorneys for the parties introducing the same.

CHAPTER 345

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

In effect September 18, 1959

[Approved by Governor May 11, 1959. Filed with Secretary of State May 11, 1959.]

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

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

1013a. Proof of service by mail may be made by one of the following methods:

(1) An affidavit affixed to the original, or to a true copy, of the document served and filed in the cause, showing the name and residence or business address of the person making the service, showing that he is a citizen of the United States and resident or employed in the county where the mailing occurs, that he is over the age of 18 years and not a party to the cause, and showing the date and place of deposit in the mail, the name and address of the person served as shown on the envelope, and also showing that the envelope was sealed and deposited in the mail with the postage thereon fully prepaid.

(2) A certificate affixed to the original, or to a true copy, of the document served and filed in the cause, showing the name and business address of the person making the service, showing that he is an active member of the State Bar of California and is not a party to the cause, and showing the date and place of deposit in the mail, the name and address of the person served as shown on the envelope, and also showing that the envelope was sealed and deposited in the mail with the postage thereon fully prepaid.

(3) In case of service by the clerk of a court of record, a certificate by said clerk affixed to the original, or to a true copy of the document served and filed in the cause, showing the name of the clerk and the name of the court of which he is the clerk, and that he is not a party to the cause, and showing the date and place of deposit in the mail, the name and address of the person served as shown on the envelope, and also showing that the envelope was sealed and deposited in the mail with the postage thereon fully prepaid.

CHAPTER 346

An act to amend Section 581d of the Code of Civil Procedure, relating to the dismissal of an action.

In effect September 18, 1959

[Approved by Governor May 11, 1959. Filed with Secretary of State May 11, 1959.]

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

SECTION 1. Section 581d of the Code of Civil Procedure is amended to read:

581d. A written dismissal of an action shall be entered in the clerk's register or in the docket in the justice court, as the case may be, and is effective for all purposes when so entered.

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

CHAPTER 347

An act to amend Sections 1853 and 1901 of the Probate Code, relating to conservatorship.

[Approved by Governor May 11, 1959. Filed with Secretary of State May 11, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1853 of the Probate Code is amended to read:

Powers granted by court

1853. On the application of the conservator, made at any time, which application may be included in a petition filed pursuant to Section 1754 of this code, the court may grant to a conservator of the estate or of the person and estate of a conservatee, the following additional powers, which may be exercised with or without notice, hearings, confirmation, or approval of the court:

To institute and maintain all actions and other proceedings for the benefit of and to defend all actions and other proceedings against the conservatee or the conservatorship estate; to take, collect and hold the property of the conservatee; to contract for the conservatorship and to perform outstanding contracts and thereby bind the conservatorship estate; to operate at the risk of the estate any business, farm or enterprise constituting an asset of the conservatorship, to grant and take options; to sell at public or private sale; to create by grant or otherwise easements and servitudes; to borrow money and give security for the repayment thereof; to purchase real or personal property; to alter, improve and repair or raze, replace and rebuild conservatorship property; to let or lease property for any purpose including exploration for and removal of gas, oil and other minerals and natural resources and for any period, including a term commencing at a future time; to loan money on adequate security; to exchange conservatorship property; to sell on credit provided that any unpaid portion of the selling price shall be adequately secured; to vote in person or by proxy all shares and securities held by the conservator; to exercise stock rights and stock options; to partici-

pate in and become subject and to consent to the provisions of any voting trust and of any reorganization, consolidation, merger, dissolution, liquidation or other modification or adjustment affecting conservatorship property; to effect necessary insurance for the proper protection of the estate, to pay, collect, compromise, arbitrate or otherwise adjust any and all claims, debts or demands upon the conservatorship, including those for taxes; to abandon valueless property, and to employ attorneys, accountants, investment counsel, agents, depositaries and employees and to pay the expense therefor from the conservatorship estate.

Said additional powers shall be in addition to the general powers of conservators. The granting of said additional powers shall be discretionary with the court. Notice of the hearing of the application therefor shall be given in the manner provided in Section 1200 of this code and whenever any conservatee is or has been during the conservatorship confined in a state hospital in this State, such notice also shall be given by the conservator to the Director of Mental Hygiene at his office in Sacramento. When additional powers have been granted to a conservator, his letters shall state that he has the powers authorized in this section. The grant of additional powers to the conservator shall not affect the right of the conservator to petition the court as provided in Section 1860.

SEC. 2. Section 1901 of said code is amended to read:

Filing of inventory, etc

1901. Within three months after his appointment, or within such further time as the court or judge for a reasonable cause may allow, the conservator of the estate or person and estate of a conservatee must file with the clerk of the court an inventory and appraisement of the estate of the conservatee, made as of the date of the appointment of the conservator, together with a copy of the same, which copy shall be delivered by the clerk to the county assessor. The conservator must make oath to the inventory and the property therein described other than money must be appraised, by an inheritance tax appraiser designated by the court. Whenever any conservatee is or has been during the conservatorship confined in a state hospital in this State, the conservator shall deliver or mail a copy of the inventory to the Director of Mental Hygiene at his office in Sacramento. Whenever any other property of the conservatee is discovered, or is inherited or acquired by the conservatee other than by the actions of the conservator in the investment and management of the estate, like proceedings must be had for the inventory and appraisement thereof as in the case of the original inventory.

CHAPTER 348

An act to amend Section 5654 of the Business and Professions Code, relating to landscape architecture.

[Approved by Governor May 11, 1959. Filed with Secretary of State May 11, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 5654 of the Business and Professions Code is amended to read:

5654. The board shall keep a record of the names and addresses of all certificate holders and such additional personal data as the board may require. A proper index and record of each certificate issued shall be kept by the board.

CHAPTER 349

An act to amend Section 5681 of, and to add Section 5657 to, the Business and Professions Code, relating to the practice of landscape architecture.

[Approved by Governor May 11, 1959. Filed with Secretary of State May 11, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 5657 is added to the Business and Professions Code, to read:

5657. Each certificate holder shall notify the secretary of the board of any change of address of his place of business. A penalty as provided in this chapter shall be paid by a certificate holder who fails to notify the secretary within 30 days after such change of address.

Notification of change of address

SEC. 2. Section 5681 of said code is amended to read:

5681. The amount of fees prescribed by this chapter is that fixed by the following schedule:

Fees

(a) The application fee for examination is twenty dollars ($20).

(b) The fee for an original certificate is ten dollars ($10).

(c) The fee for a temporary certificate is twenty-five dollars ($25).

(d) The fee for a duplicate certificate is ten dollars ($10).

(e) The annual license fee is twenty-five dollars ($25), but the state board may reduce the fee to not less than five dollars ($5).

(f) The penalty for failure to notify the board of a change of address is five dollars ($5).

CHAPTER 350

An act to amend Sections 911.23, 913, 914, 914.9, and 918.1 of the Agricultural Code, relating to agricultural and vegetable seeds.

In effect September 18, 1959

[Approved by Governor May 11, 1959. Filed with Secretary of State May 11, 1959.]

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

SECTION 1. Section 911.23 of the Agricultural Code is amended to read:

"Secondary noxious weeds"

911.23. "Secondary noxious weeds," as used in this article, means all species of noxious weeds not classified as primary noxious weeds.

Secondary noxious weeds include the following:

Alkali mallow (Sida hederacea).

Bermuda grass (Cynodon dactylon).

Dodder (Cuscuta spp.).

Halogeton (Halogeton glomeratus).

Italian thistle (Carduus pycnocephalus).

Italian thistle (Carduus tenuiflorus).

Johnson grass (Sorghum halepense) and other perennial Sorghum spp., including but not limited to Sorghum almum and perennial sweet Sudan grass.

Klamath weed (Hypericum perforatum).

Mediterranean sage (Salvia aethiopis).

Nutgrass, meaning yellow nutgrass (Cyperus esculentus) and purple nutgrass (Cyperus rotundus).

Poverty weed (Iva axillaris).

Puncture vine (Tribulus terrestris).

Sandbur grass (Cenchrus pauciflorus).

Wild morning glory (Convolvulus arvensis).

Yellow star thistle (Centaurea solstitialis).

Any other species which the director, as provided in Section 917.2, finds and declares to be a secondary noxious weed.

SEC. 2. Section 913 of said code is amended to read:

Information required on vegetable seed label

913. Each container of vegetable seed which is sold within this State for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the following information:

(1) Name of kind and variety of seed;

(2) For seeds which germinate less than the standard last established by the director under this article:

(A) Percentage of germination, exclusive of hard seed;

(B) Percentage of hard seed, if present;

(C) The calendar month and year the test was completed to determine such percentages;

(D) The words "Below Standard" in not less than eight-point type; and

(3) Name and address of the person who labeled said seed, or of the person who sells said seed within this State.

(4) In addition to the information required above, on each container of more than one-half pound the label shall include:

(A) Lot number or other lot identification;

(B) The calendar month and year the germination test was completed.

SEC. 3. Section 914 of said code is amended to read:

Prohibitions against transportation

914. It is unlawful to ship, deliver, transport, or sell any agricultural or vegetable seed within this State:

(1) Unless the test to determine the percentage of germination required by Sections 912 or 913 shall have been completed within the following period, exclusive of the calendar month in which the test was completed, immediately prior to shipment, delivery, transportation, or sale:

(A) In the case of agricultural or vegetable seeds shipped, delivered, transported, or sold to a dealer for resale, eight months;

(B) In the case of agricultural or vegetable seeds sold at retail, 15 months;

(C) In the case of agricultural or vegetable seeds packaged under conditions which the director finds and determines will prolong the viability of said seeds, the director may designate, in rules and regulations under this article, a longer period than otherwise specified in this section, and may require such additional labeling as may be necessary to maintain identification of said seed packaged under such conditions.

(2) Not labeled in accordance with the provisions of this article.

(3) Containing primary noxious weed seeds, subject to tolerances and methods of determination prescribed in the rules and regulations under this article.

(4) Having a false or misleading labeling, or pertaining to which there has been a false or misleading advertisement.

(5) Represented to be certified seed or registered seed, unless it has been produced and labeled in accordance with the procedures and in compliance with the rules and regulations of a seed-certifying agency officially recognized under the provisions of this article, if produced in this State, or under the provisions of the Federal Seed Act and rules and regulations thereunder, if produced outside of this State.

SEC. 4. Section 914.9 of said code is amended to read:

Treated seeds

914.9. It is unlawful to ship, deliver, transport, or sell grain or other crop seed treated after harvest with any substance likely to be poisonous or toxic to human beings or animals unless there is conspicuously shown on the analysis tag or label, or on a separate tag or label attached to each container, or plainly stenciled upon each container, the words "treated seed" or other appropriate warning, together with the common name of the substance. In addition, if the substance is highly toxic as determined by the rules and regulations of the director, the word "poison" and any other warning or caution

statement required by such regulations shall also be shown in the manner and place prescribed by such regulations. It is unlawful to sell or divert for use or for processing, either for human or animal consumption, any grain or other crop seed treated after harvest with any such toxic substance, unless there is an established state or federal pesticide residue tolerance for such toxic substance on the specific grain or crop seed, and such pesticide residue tolerance is not exceeded.

SEC. 5. Section 918.1 of said code is amended to read:

Discovery and limitation

918.1. A violation of this article for having shipped, delivered, transported or sold agricultural or vegetable seed having a false or misleading labeling shall be construed to have been committed at the time of discovery of such violation, and a complaint charging such violation must be filed within one year from the time of such discovery; but no complaint charging such violation shall be filed after two years from the date of sale.

CHAPTER 351

An act to amend Section 16091 of the Education Code, and Section 10651 of the Education Code as proposed by Senate Bill No. 2, relating to the provision for readers to assist blind students.

In effect September 18, 1959

[Approved by Governor May 11, 1959. Filed with Secretary of State May 11, 1959.]

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

SECTION 1. Section 16091 of the Education Code is amended to read:

Readers for blind students

16091. Whenever any blind person with the proper educational qualifications regularly matriculates, enters, and works for a degree, or for a diploma of graduation, in any university, college, or state college in this State, the Director of Education may provide, from any funds appropriated for the purpose or appropriated for the support of the California School for the Blind, a reader to assist him in his studies. Any reader whose services are provided pursuant to this section shall be deemed an independent contractor whose services shall have been contracted by the Director of Education for the benefit of such blind person, and not an employee of the Department of Education. No more than one thousand dollars ($1,000) per annum shall be expended for the instruction of any one student, except that for graduate students no more than one thousand two hundred dollars ($1,200) shall be expended for the instruction of any one student.

SEC. 2. Section 10651 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

Same

10651. Whenever any blind person with the proper educational qualifications regularly matriculates, enters, and works

for a degree, or for a diploma of graduation, in any university, college, or state college in this State, the Director of Education may provide, from any funds appropriated for the purpose or appropriated for the support of the California School for the Blind, a reader to assist him in his studies. Any reader whose services are provided pursuant to this section shall be deemed an independent contractor whose services shall have been contracted by the Director of Education for the benefit of such blind person, and not an employee of the Department of Education. No more than one thousand dollars ($1,000) per annum shall be expended for the instruction of any one student, except that for graduate students no more than one thousand two hundred dollars ($1,200) shall be expended for the instruction of any one student.

Effect. Stats 1959, Ch 3

SEC. 3. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No 2 takes effect; at which time Section 16091 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 352

An act to amend Section 12051 of the Education Code, and Section 13112 of the Education Code as proposed by Senate Bill No. 2, relating to certification documents.

[Approved by Governor May 11, 1959 Filed with Secretary of State May 11, 1959]

In effect September 18, 1959

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

SECTION 1. Section 12051 of the Education Code is amended to read:

Certification document

12051. Each certification document issued shall contain its date of expiration and shall be issued on a form prescribed by the State Board of Education, and shall bear the signatures of the secretary and the president of the board or their facsimile signatures.

SEC. 2. Section 13112 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

Same

13112. Each certification document issued shall contain its date of expiration and shall be issued on a form prescribed by the State Board of Education, and shall bear the signatures of the secretary and the president of the board or their facsimile signatures.

Effect Stats 1959, Ch 2

SEC. 3. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 12051 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 353

An act to add Section 13055 to the Health and Safety Code, relating to fires.

In effect September 18, 1959

[Approved by Governor May 11, 1959. Filed with Secretary of State May 11, 1959.]

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

SECTION 1. Section 13055 is added to the Health and Safety Code, to read:

13055. Any public agency authorized to engage in fire protection activities, including but not limited to a fire protection district, city, city and county, or county fire department, the State Division of Forestry, and the United States Forest Service, may use fire to abate a fire hazard.

CHAPTER 354

An act to amend Sections 74341, 74343, and 74345 of, and to add Section 74346.5 to, the Government Code, relating to the municipal court in a district embracing the City of San Diego.

In effect September 18, 1959

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.]

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

SECTION 1. Section 74341 of the Government Code is amended to read:

Salary: Judges

74341. There shall be 13 judges each of whom shall receive annually the same salary received by judges of the municipal court in the judicial district embracing the City of Los Angeles.

SEC. 2. Section 74343 of said code is amended to read:

Same: Clerks

74343. The clerk may appoint:

(a) One deputy clerk who shall be chief clerk of the criminal division and who shall receive seven hundred fifty dollars ($750) a month.

(b) One deputy clerk who shall be chief clerk of the civil division and who shall receive seven hundred fifty dollars ($750) a month.

(c) One deputy clerk who shall be chief clerk of the traffic division and who shall receive seven hundred fifty dollars ($750) a month.

(d) One deputy clerk who shall be chief clerk of the accounting division and who shall receive seven hundred fifty dollars ($750) a month.

(e) Four deputy clerks (assistant chief clerk of division), each of whom shall receive six hundred fifty dollars ($650) a month.

(f) Twenty deputy clerks IV, each of whom shall receive five hundred dollars ($500) a month as a beginning salary with an increment to five hundred seventy-five dollars ($575) a month after one year's service.

(g) Twenty deputy clerks III, each of whom shall receive four hundred five dollars ($405) a month as a beginning salary, with an increment to four hundred thirty-five dollars ($435) a month after one year's service.

(h) Twenty-four deputy clerks II, each of whom shall receive three hundred fifty-five dollars ($355) a month as a beginning salary, with an increment to three hundred seventy-five dollars ($375) a month after six months' service.

(i) Thirty-seven deputy clerks I, each of whom shall receive three hundred five dollars ($305) a month as a beginning salary, with an increment to three hundred twenty dollars ($320) a month after six months' service, and a further increment to three hundred thirty-five dollars ($335) a month after an additional year's service.

SEC. 3. Section 74345 of said code is amended to read:

74345. The marshal may appoint:

Same: Assistant and deputy marshal

(a) One assistant marshal who shall receive seven hundred fifty dollars ($750) a month.

(b) Two deputy marshals (lieutenant), each of whom shall receive six hundred thirty-five dollars ($635) a month.

(c) Five deputy marshals (sergeant), each of whom shall receive five hundred seventy-five dollars ($575) a month.

(d) One deputy marshal (female), who shall receive four hundred seventy-five dollars ($475) a month as a beginning salary, with an increment to four hundred ninety-five dollars ($495) a month after six months' service, and a further increment to five hundred fifteen dollars ($515) a month after an additional one year's service.

(e) Thirty-four senior deputy marshals, each of whom shall receive four hundred seventy-five dollars ($475) a month as a beginning salary, with an increment to four hundred ninety-five dollars ($495) a month after six months' service, and a further increment to five hundred fifteen dollars ($515) a month after an additional one year's service.

(f) Eleven deputy marshals (stenographer), each of whom shall receive three hundred seventy-five dollars ($375) a month as a beginning salary, with an increment to three hundred ninety-five dollars ($395) a month after six months' service, and a further increment to four hundred fifteen dollars ($415) a month after an additional year's service.

SEC. 4. Section 74346.5 is added to said code, to read:

Same: Court interpreter

74346.5. There shall be one court interpreter, who shall be a deputy clerk, to be appointed by a majority of the judges of the court, who shall receive a salary of four hundred fifteen dollars ($415) per month.

CHAPTER 355

An act to amend Section 653k of the Penal Code, relating to switch-blade knives.

In effect September 18, 1959

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.]

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

SECTION 1. Section 653k of the Penal Code is amended to read:

653k. Every person who carries upon his person, and every person who sells, offers for sale, exposes for sale, loans, transfers, or gives to any other person a switch-blade knife having a blade over two inches in length is guilty of a misdemeanor.

For the purposes of this section a "switch-blade knife" is a knife having the appearance of a pocketknife, and shall include a spring-blade knife, snap-blade knife, gravity knife or any other similar type knife; the blade or blades of which are two or more inches long and which can be released automatically by a flick of a button, pressure on the handle, flip of the wrist or other mechanical device, or is released by the weight of the blade or by any type of mechanism whatsoever

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CHAPTER 356

An act to amend Section 7972, and to repeal Section 7972.5 of the Elections Code, relating to election returns.

In effect September 18, 1959

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.]

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

SECTION 1. Section 7972 of the Elections Code is amended to read:

Returns for presidential primary

7972. The Secretary of State shall compile the returns for the presidential primary not later than the twenty-first day after the election.

Repeal

SEC. 2. Section 7972.5 of said code is repealed.

CHAPTER 357

An act to amend Sections 2500 and 7920 of the Elections Code, relating to city elections.

In effect September 18, 1959

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.]

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

SECTION 1. Section 2500 of the Elections Code is amended to read:

2500. This chapter does not apply to: Exceptions to chapter's application

(a) Recall elections.

(b) Special elections to fill vacancies.

(c) Nomination of officers of cities or counties whose charters provide a system for nominating candidates for such offices.

(d) Nomination of officers for any district not formed for municipal purposes.

(e) Nomination of officers for general law cities.

(f) Nomination of school district officers.

The provisions of this chapter governing the nomination of candidates for county offices shall also apply to the nomination of freeholders to be elected for the purpose of framing a charter under the authority of Article XI, Section 7½ of the Constitution; provided, however, that no candidate's name shall be printed on the ballot to be used at the election of such freeholders unless a declaration of his candidacy is filed not earlier than the day upon which the order calling such election is made and not later than 18 days prior to such election.

Where any person has been elected to the office of freeholder in accordance with the procedure specified herein, and such election has taken place on or after January 1, 1955, such person is hereby declared to be validly elected; all acts of such person are hereby legalized, ratified, confirmed, and declared valid for all intents and purposes.

SEC. 2. Section 7920 of said code is amended to read:

7920. This article applies to all elections except: Elections excepted

(a) Primaries.

(b) General law city elections.

(c) Elections for which provision is otherwise made by city charter.

(d) Other elections for which specific provision otherwise is made by law.

CHAPTER 358

An act to amend Section 6800 of, and to add Section 6807.5 to, the Elections Code, relating to electronic and electromechanical tabulation of ballots.

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.] In effect September 18, 1959

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

SECTION 1. Section 6800 of the Elections Code is amended to read:

6800. This chapter applies only in counties in which the board of supervisors provides, by resolution, that it shall apply. Counties included by resolution

SEC. 2. Section 6807.5 is added to said code, to read:

6807.5. The State Commission on Voting Machines shall prescribe the procedure to be followed in tabulating ballots by Procedure

means of any type of mechanical, electrical, electromechanical or electronic tabulating device approved by it, which procedure shall apply under this chapter. The procedure shall be devised to insure accuracy in tabulation.

CHAPTER 359

An act to amend Sections 944 and 945 of the Military and Veterans Code, relating to the burial of veterans and widows of veterans.

In effect September 18, 1959

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.]

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

SECTION 1. Section 944 of the Military and Veterans Code is amended to read:

Right to veteran's burial expenses

944. In the event a deceased veteran or a widow of a veteran has been interred other than by the person designated by the board of supervisors, the person so designated may pay the sum of two hundred fifty dollars ($250) toward the burial expenses of the person who would have been entitled to interment by the person designated by the supervisors.

SEC. 2. Section 945 of said code is amended to read:

Expense limitation

945. The expenses to the county of each burial or contribution shall not exceed the sum of two hundred fifty dollars ($250). Claims therefor and the proof required under the terms of this article may be made at any time within 60 days after the date of the death of the veteran or widow of a veteran.

CHAPTER 360

An act to amend Section 1944 of the Labor Code, relating to the employment of aliens by public agencies.

In effect September 18, 1959

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.]

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

SECTION 1. Section 1944 of the Labor Code is amended to read:

1944. This article shall not apply:

(a) To the employment as a member of the faculty or teaching force in public schools or in schools supported in whole or in part by the State, of any person who has declared his intention to become a citizen, or of any native-born woman of the United States who has married a noncitizen.

(b) To any member of the faculty or teaching force of any college or university supported in whole or in part by the State.

(c) To any specialist or expert temporarily employed by any department of the State or any county, or city, and engaged in special investigation.

(d) In an emergency when it is necessary to protect life, health, or property against fire, flood, or other calamity.

(e) To the employment by a county of an intern or resident physician for services in the county hospital under an exchange arrangement with medical facilities in foreign countries.

(f) To any professional person who has declared his intention to become a citizen.

(g) To any professional librarian, other than a chief librarian, employed for not more than one year.

(h) To the employment by hospital districts or a county hospital or in a hospital or clinic operated by the University of California of professional persons actually licensed by the State of California.

(i) To the employment of persons in positions pertaining to the care and guidance of children in a child care program or the supervision of a child care program supported in whole or in part by the State, of any person who has declared his intention to become a citizen, or of a native-born woman of the United States who has married a noncitizen.

CHAPTER 361

An act to amend Section 3800 of the Labor Code, relating to construction permits.

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 3800 of the Labor Code is amended to read:

3800. Every county or city which requires the issuance of a permit as a condition precedent to the construction, alteration, improvement, demolition or repair of any building or structure shall require that each applicant for such permit have on file or file

(1) A certificate of consent to self-insure issued by the Director of Industrial Relations, or

(2) A certificate of workmen's compensation insurance issued by an admitted insurer, or

(3) An exact copy or duplicate thereof certified by the director or the insurer.

The certificate of insurance shall state that there is in existence a valid policy of workmen's compensation insurance in a form approved by the Insurance Commissioner. The certificate

shall show the expiration date of the policy. No insurer shall issue such certificate unless the full deposit premium on the policy has been paid, and the insurer shall give the county or city at least 10 days' advance notice of the cancellation of the policy.

Each such county or city shall also require that each such applicant file as a condition precedent to the issuance of a permit a statement which he has prepared and signed stating that the applicant is licensed under the provisions of Chapter 9 (commencing at Section 7000) of Division 3 of the Business and Professions Code, giving the number of the license and stating that it is in full force and effect, or, if the applicant is exempt from the provisions of Chapter 9 (commencing at Section 7000) of Division 3 of the Business and Professions Code, the basis for the alleged exemption.

This section shall not apply if

(1) The permit is for one hundred dollars ($100) or less, or

(2) The applicant for the permit signs a certificate which reads as follows, or the wording of which has been approved by the Director of Industrial Relations:

"I certify that in the performance of the work for which this permit is issued I shall not employ any person in any manner so as to become subject to the workmen's compensation laws of California."

If, after making such certificate, the applicant for the permit should become subject to the workmen's compensation provisions of this code, he shall forthwith comply with the provisions of Section 3700 or his permit shall be deemed revoked.

CHAPTER 362

An act to add Section 638 to the Penal Code, relating to equipment employing roentgen rays.

In effect September 18, 1959

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.]

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

SECTION 1. Section 638 is added to the Penal Code, to read:

638. No person shall operate or maintain any X-ray, fluoroscope, or other equipment or apparatus employing roentgen rays, in the fitting of shoes or other footwear or in the viewing of bones in the feet. This section shall not apply to any licensed physician, surgeon, chiropodist, chiropractor, or any person practicing a licensed healing art, or any technician working under the direct and immediate supervision of such persons. Any person violating the provisions of this section shall be guilty of a misdemeanor.

CHAPTER 363

An act to add Article 8 (commencing at Section 10251) to Chapter 4 of Division 8 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to the disposal of old high school textbooks.

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.]

In effect September 18, 1959

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

SECTION 1. Article 8 (commencing at Section 10251) is added to Chapter 4 of Division 8 of the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

Article 8. Disposal of Old Textbooks

10251. The State Board of Education may provide for the disposition of such high school textbooks as are no longer in a fit condition to be used for purposes of instruction.

CHAPTER 364

An act to amend Section 75060 of the Government Code, relating to the retirement of judges.

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 75060 of the Government Code is amended to read:

75060. If the Governor finds that any judge is unable to discharge efficiently the duties of his office by reason of mental or physical disability that is, or is likely to be, of a permanent character, with the consent of a majority of the members of the commission on qualifications provided by Section 26 of Article VI of the Constitution, or if it is sought to retire a judge who is a member of the commission, with the consent of the two remaining members, he may retire such judge from office with or without his consent. The retirement shall be effective when there is filed with the Secretary of State a written certificate of retirement signed by the Governor and by the members of the commission whose consent is required. Upon the filing of the certificate, a successor shall be appointed to fill the vacancy.

SEC. 2. The deletion of "for filling a vacancy in the office held by such judge" from Section 75060 of the Government Code shall be construed as declaratory of, and not a change in, the existing law.

CHAPTER 365

An act to add Section 54907 to the Government Code, relating to the filing of statements and maps and plats for tax purposes by cities on annexation or change in boundaries, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.]

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

SECTION 1. Section 54907 is added to the Government Code, to read:

54907. This chapter does not apply with respect to any taxes levied for the Fiscal Year 1959-60 by any city to which any inhabited territory was annexed during the Fiscal Year 1958-59, if, on or before February 6, 1959, the city filed the statement and map or plat described in this chapter with the assessor whose assessment roll is used for the levy and with the State Board of Equalization.

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

A question has arisen as to the validity of any tax that may be levied for the 1959-60 Fiscal Year in inhabited territory that has been annexed to a city. Those directly concerned have been reasonably unaware that as a result of annexation to a city a change of boundaries may have resulted, requiring the filing of a statement and map or plat with the county assessor and State Board of Equalization as a condition to levying taxes for municipal purposes for the Fiscal Year 1959-60.

Unless such failure to file the statement and map or plat is corrected in accordance with this act, the annexing city will be without power to levy taxes or assessments in the area affected and services in said area will be jeopardized or seriously curtailed.

CHAPTER 366

An act to amend Section 15955 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to contracts by school district governing boards.

In effect September 18, 1959

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.]

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

SECTION 1. Section 15955 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

15955. Continuing contracts for work to be done, services to be performed, or for apparatus or equipment to be furnished, sold, built, leased, installed, or repaired for the district, or for materials or supplies to be furnished, sold or leased to the district may be made with an accepted vendor or lessor as follows: for work or services, or for apparatus or equipment, not to exceed five years; for materials or supplies, not to exceed one year.

CHAPTER 367

An act to amend Sections 12100, 12200.1 and 12304 of, and to add Section 12200.2 to the Financial Code, relating to check sellers and cashers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.] In effect immediately

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

SECTION 1. Section 12100 of the Financial Code is amended to read:

12100. The provisions of this division do not apply to any of the following: Exemptions

(a) Persons or their authorized agents doing business under license and authority of the Superintendent of Banks of the State of California, or under any law of this State or of the United States relating to banks, trust companies, building or savings and loan associations, industrial loan companies, personal property brokers, credit unions, title insurance companies or underwritten title companies (as defined in Section 12402 of the Insurance Code), escrow agents subject to Division 6 of the Financial Code, or California small loan companies.

(b) Persons or their authorized agents engaged in the business of paying to others bills, invoices, or accounts of an obligor, or of selling or cashing checks, including travelers' checks, drafts, or money orders issued by a person who has been licensed under and complied with, and continues to be licensed under and complies with, Article 3 of Chapter 14 of Division 1 of this code.

(c) The services of a person licensed to practice law in this State, when such person renders services in the course of his practice as an attorney at law, and the fees and disbursements of such person whether paid by the debtor or other person, are not charges or costs and expenses regulated by or subject to the limitations of this chapter; provided, such fees and disbursements shall not be shared, directly or indirectly with the prorater, check seller or casher.

(d) Any transaction in which money or other property is paid to a "joint control agent" for dispersal or use in payment of the cost of labor, materials, services, permits, fees, or

other items of expense incurred in construction of improvements upon real property.

(e) A merchant-owned credit or creditors association, or a member-owned or member-controlled or -directed association whose principal function is that of servicing the community as a reporting agency.

(f) Any person licensed under Chapter 1 of Part 6, Division 2 of the Labor Code, when acting in any capacity for which he is licensed under such part.

(g) Any person licensed under Part 1, Division 4, of the Business and Professions Code, when acting in any capacity for which he is licensed under that part.

(h) A common law or statutory assignment for the benefit of creditors or the operation or liquidation of property or a business enterprise under supervision of a creditor's committee.

(i) The services of a person licensed as a certified public accountant or a public accountant in this State, when such person renders services in a course of his practice as a certified public accountant or a public accountant, and the fees and disbursements of such person whether paid by the debtor or other person, are not charges or costs and expenses regulated by or subject to the limitations of this chapter; provided, such fees and disbursements shall not be shared, directly or indirectly, with the prorater, check seller or casher.

SEC. 2. Section 12200.1 of said code is amended to read:

Licenses to corporations

12200.1. A license to engage in the business of selling checks, drafts, or money orders, or of receiving money as agent of an obligor for the purpose of paying bills, invoices, or accounts of such obligor (except a business agent or special prorater), or to accept, without direct compensation, money for the purpose of forwarding it to others in payment of utility bills, shall only be issued to a corporation organized under the laws of this State for that purpose.

SEC. 3. Section 12200.2 is added to said code, to read:

License to individual

12200.2. A license as a business agent or special prorater may be issued to an individual.

SEC. 4. Section 12304 of said code is amended to read:

Annual certified audit report

12304. Each licensee except a special prorater shall annually on or before the fifteenth day of March file with the commissioner a certified audit report prepared by an independent public accountant containing such relevant information as the commissioner may reasonably require concerning the business and operations during the preceding calendar year of each licensed place of business conducted by a licensee.

Urgency

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

At the present time several administrative actions are pending before the Commissioner of Corporations which involve

matters covered by this act. For the guidance of the commissioner and the clarification of the law it is necessary that this act take effect before final decisions are rendered in these actions.

CHAPTER 368

An act making an appropriation to pay the expenses of Members of the Assembly, to take effect immediately.

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.] In effect immediately

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

SECTION 1. The sum of fifty thousand eight hundred fifty dollars ($50,850), or so much thereof as may be necessary, is hereby appropriated from the General Fund in the State Treasury in augmentation of Item 7 of the Budget Act of 1958 (Ch. 1, Stats. 1958, 2d Ex. Sess.), to pay the expenses of the Members of the Assembly.

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

CHAPTER 369

An act to amend Section 5093 of the Business and Professions Code, and to amend Section 5083 of the Business and Professions Code as proposed by Senate Bill No. 104, relating to accountancy.

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.] In effect September 18, 1959

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

SECTION 1. Section 5093 of the Business and Professions Code is amended to read:

5093. An applicant who successfully passes the examination shall receive a certificate as a certified public accountant if he has completed, or upon his completion of, any one of the following requirements: Requirements for certification

(a) Three years of public accounting experience, two years of which have been in the employ of a public accountant registered under this chapter or a certified public accountant or a partnership of which a majority of the partners are public accountants registered under this chapter or certified public accountants.

(b) Three and one-half years of public accounting experience, one year of which has been in the employ of a public accountant registered under this chapter or a certified public

accountant or a partnership of which a majority of the partners are public accountants registered under this chapter or certified public accountants.

(c) Four years of public accounting experience in cases in which none was acquired in the employ of a public accountant registered under this chapter or partnership of public accountants registered under this chapter or a certified public accountant or partnership of certified public accountants.

(d) Experience in private or governmental accounting or auditing work of a character and for a length of time sufficient in the opinion of the board to be substantially equivalent to the requirements of subsections (a), (b) or (c) hereof; provided, that the length of time that may be determined by the board shall not exceed four years.

Provided, the board shall grant one year's credit toward fulfillment of its public accounting experience requirement to a graduate of a college who has completed a four-year course with 30 or more semester hours or the equivalent thereof in the study of accounting, commercial law, economics and finance, of which at least 20 semester hours or the equivalent thereof shall be in the study of accounting.

The board shall waive the requirements of two years' college study provided for in Section 5091(e)(1) hereof or graduation from a junior college provided for in Section 5091(e)(2) hereof to members of the armed forces of the United States for six years subsequent to the date of their discharge from such forces.

The board shall prescribe rules establishing the character and variety of experience necessary to fulfill the experience requirements set forth in this section.

SEC. 2. Section 5083 of said code as proposed by Senate Bill No. 104 is amended to read:

Same

5083. An applicant who successfully passes the examination shall receive a certificate as a certified public accountant if he has completed, or upon his completion of, any one of the following requirements:

(a) Three years of public accounting experience, two years of which have been in the employ of a public accountant registered under this chapter or a certified public accountant or a partnership of which a majority of the partners are public accountants registered under this chapter or certified public accountants.

(b) Three and one-half years of public accounting experience, one year of which has been in the employ of a public accountant registered under this chapter or a certified public accountant or a partnership of which a majority of the partners are public accountants registered under this chapter or certified public accountants.

(c) Four years of public accounting experience in cases in which none was acquired in the employ of a public accountant

registered under this chapter or partnership of public accountants registered under this chapter or a certified public accountant or partnership of certified public accountants.

(d) Experience in private or governmental accounting or auditing work of a character and for a length of time sufficient in the opinion of the board to be substantially equivalent to the requirements of subdivisions (a), (b) or (c) hereof; provided, that the length of time that may be determined by the board shall not exceed four years.

SEC. 3. Section 2 of this act becomes operative only if Senate Bill No. 104 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said bill takes effect, at which time Section 5093 of the Business and Professions Code as amended by this act is repealed. Effect Stats 1959, Ch 310

CHAPTER 370

An act to add Division 19 (commencing at Section 70000) to the Water Code, relating to levee districts.

[Approved by Governor May 12, 1959 Filed with Secretary of State May 12, 1959] In effect September 18, 1959

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

SECTION 1. Division 19 (commencing at Section 70000) is added to the Water Code, to read:

DIVISION 19. LEVEE DISTRICTS

PART 1. LEVEE DISTRICT LAW OF 1959

CHAPTER 1. GENERAL PROVISIONS

70000. This part shall be known and may be cited as the Levee District Law of 1959. Short title

70001. Nothing in this part affects the provisions of any statute in relation to levee districts now in force. Present statutes excepted

70002. All books, maps, records, papers and contracts of the district shall be public records. Public records

CHAPTER 2. FORMATION

70030. The people of a county or a portion of a county, whether the portion includes unincorporated territory or not, may form a levee district for the protection of the lands of the district from overflow and for the purpose of conserving or adding water to the sloughs and drains in the district. Levee district

70031. The formation petition shall describe the boundaries of the proposed district and shall pray that it be incorporated into a district. Formation petition

Same. Signatures

70032. The formation petition shall be signed by at least 50 percent of the landowners and shall also be signed by the owners of 50 percent of the land to be included in the levee district. The petition may consist of any number of separate instruments. The petition shall be filed with the board of supervisors of the county.

Notice of hearing

70033. The county clerk of the county containing the proposed district shall publish notice of a hearing on the formation petition pursuant to Section 6066 of the Government Code.

Same Contents

70034. The notice of the hearing on the formation petition shall contain all of the following:

(a) The text of the petition, which need be set forth only once even though contained upon more than one instrument.

(b) The number of persons who have signed the petition.

(c) At least five of the names attached to the petition.

(d) The time of the meeting of the board of supervisors at which the petition will be presented and considered.

(e) A statement that all persons interested may then appear and be heard.

Defective notice

70035. No defects in the contents of the petition, or in the form of the required notice, shall vitiate the formation proceedings, if the petition has a sufficient number of qualified signatures attached.

Time of consideration

70036. The formation petition shall be presented and considered at a regular meeting of the board of supervisors of the county in which the proposed district is to be situated.

Appearance

70037. At the time stated in the notice of the hearing the board of supervisors shall hear the petition, and shall hear from any of those who signed the petition and who wish to appear, and shall consider any written protest filed with the clerk of the board prior to the hearing, by or on behalf of owners of taxable property situated within the proposed district. The board of supervisors may adjourn the hearing from time to time, not exceeding four weeks in all.

Hearing

70038. At the hearing of the formation petition the board of supervisors shall determine whether or not the petition complies with this part and for that purpose shall hear all competent and relevant testimony offered in support of or in opposition thereto. The determination shall be entered upon the minutes of the board of supervisors. A finding of the board of supervisors in favor of the genuineness and sufficiency of the petition and notice shall be conclusive against all persons, except the State in a suit by the Attorney General, commenced within one year after the order of the board of supervisors declaring the district formed.

Final hearing

70039. At the final hearing the board of supervisors may make changes in the boundaries of the proposed district, as may be deemed advisable, and shall then describe the boundaries of the proposed district. In doing this:

(a) No land included in the proposed district in the petition, which will be benefited by the district shall be excluded.

(b) No land which will not, in the judgment of the board, be benefited by the district shall be included.

(c) Upon the application of any person whose land was not included in the petition but whose land will be benefited by the proposed district, the land may, in the discretion of the board, be included.

Notice of formation election

70040. Upon the final determination of the boundaries of the proposed district, the board of supervisors shall call and give notice of a formation election to be held in the proposed district for the purpose of determining whether or not the district shall be formed. The date of the election shall be not less than 50 days nor more than 60 days from the date of the final hearing on the formation petition.

Contents of notice

70041. The notice of the formation election shall contain:

(a) The date of the election.

(b) A description of the boundaries of the proposed district.

(c) The name of the proposed district, which name shall contain the words "Levee District."

(d) A statement that the first directors will be elected at that election.

The county clerk shall publish the notice once a week for at least two weeks prior to the formation election in one newspaper printed and published in the county.

Formation election

70042. At the formation election:

(a) The measure "Shall the proposition to form _____ Levee District under the Levee District Law of 1959 be adopted?" shall be submitted.

(b) The first directors for the proposed district shall be elected.

Procedure

70043. The election shall be conducted, the vote canvassed, and the result declared in the same manner provided by the Elections Code, so far as applicable, except as otherwise provided in this part. Each person who wishes to have his name printed on the formation election ballot shall comply with Section 70124. The vote shall be canvassed by the board of supervisors at its next regular meeting, five or more days after the election.

Majority required

70044. If less than a majority of the votes cast are in favor of formation, the formation shall fail, but without prejudice to renewing proceedings at any time in the future.

Formation of district

70045. If a majority of the votes cast at the formation election are in favor of forming the district, the board of supervisors shall, by an order entered on its minutes, declare the territory formed as a district under the name designated for it, and the county clerk shall immediately cause to be recorded in the office of the county recorder of the county in which the district is situated, a certificate stating that the formation of the district was approved by the voters.

Formality not required

70046. No informality in any proceeding, including informality in the conduct of the formation election, not substantially adversely affecting the legal rights of any citizen shall

invalidate the organization of a levee district organized under this part.

Commencement of action against the district

70047. Except as provided in Section 70038, any proceeding, contesting the validity of the organization of a levee district pursuant to this part, shall be commenced within three months from the date of the recordation of the certificate; subsequently, the organization and legal existence of the district and all proceedings in respect thereto, shall be uncontestable.

CHAPTER 3. INTERNAL ORGANIZATION

Article 1. The Board of Directors

Board of directors

70070. A district shall have a board of three directors, each of whom shall be an elector of the district. The term of office of the directors shall be four years except that the directors first elected, upon the formation of the district, who shall serve only until their successors are elected and qualified.

Election of directors

70071. At the general election for the election of state and county officers three directors shall be elected and shall take office at 12 o'clock noon on the first Monday after the January 1st succeeding their election. Directors shall hold office until their successors are elected and qualified.

Vacancies

70072. The board of supervisors of the county in which a district is located shall fill by appointment any vacancies in the offices of the directors. An appointment to fill a vacancy shall be for the unexpired term of the office in which the vacancy exists.

Oath

70073. Each director shall, before entering upon the duties of his office, take an oath of office and file the same with the county clerk. The directors shall, at their first meeting after taking office, elect a chairman and a clerk from their own membership.

Quorum

70074. The majority of the members of the board of directors shall constitute a quorum for the transaction of business.

Records

70075. The directors shall keep a minute book in which shall be entered the proceedings of all meetings and shall keep an office for the transaction of the district's business.

Meetings

70076. The directors shall hold regular meetings on the second Monday of each and every month. Special meetings may be held when all members are present or may be ordered by a majority of the directors by an order in writing, signed by the directors calling such meeting. A one day's notice of a special meeting must be given to the member of the board not joining in the order. All meetings must be held at the office of the district.

Conflicting interests

70077. A director shall not be interested, directly or indirectly, in any property purchased for the use of the district, nor in the purchase or sale of any property belonging to the district, nor in any contract made by the district.

Compensation

70078. Each member of the board shall receive such compensation for services actually and necessarily performed, as

the board determines to be just and reasonable, and shall be reimbursed for expenses necessarily incurred in the performance of his duties as director. The salaries of all officers and employees of the district shall be fixed and determined by the directors. The board of directors shall fix the compensation that the election officers shall receive for district elections.

Article 2. Other Officers and Employees

70090. The treasurer of the county in which a district is located shall be the treasurer of the district. The tax collector of the county in which a district is located shall be the tax collector of the district. The auditor of the county in which a district is located shall be the auditor of the district. The assessor of the county in which a district is located shall be the assessor of the district. Officers

70091. The treasurer, tax collector, auditor, and assessor shall each enter into a bond to the district in an amount to be determined by the board of directors for the faithful performance of their official duties and they shall be filed with the board of directors. The premiums for the surety bonds required from the treasurer, tax collector, auditor and assessor shall be paid by the district. Performance bond

70092. The directors may appoint a district engineer. The construction or repair of any levees or associated works shall be under the direction, and to the satisfaction, of the engineer of the district and shall be subject to the approval of the board. Appointment of district engineer

70093. The directors shall have the power to employ an attorney or attorneys for the purpose of advising them or advising other officers of the district and to prosecute or defend actions brought by or against the district, or any of its officers relative to district matters. Power to employ attorney

Chapter 4. Elections

70120. All elections for directors shall be held at the same time and place as the general state and county elections are held. The elections shall be conducted by the same election officers that conduct the general state and county elections. Separate ballot boxes and poll lists shall be provided by the district. Separate returns of district elections shall be made to the board of supervisors. The returns shall be canvassed and the ballots disposed of as is provided for canvassing and disposing of the returns for the election of county officers. Election procedure, etc

70121. In order to vote at any district election, including the formation election, a person must be a qualified elector of the district. A "qualified elector of the district" is one who meets all of the following qualifications: Qualified elector of district

(a) He shall be a registered voter.

(b) He shall reside in the district.

(c) His name shall appear on the last equalized assessment roll of the county.

(d) He shall own property assessed within the boundaries of the district.

List of electors

70122. The directors shall, at least five days before a district election, prepare a list of electors arranged in alphabetical order. The list shall be certified and copies shall be delivered to the county clerk along with the necessary ballots and supplies. The qualifications of an elector are those prescribed in Section 70121. Only those persons whose names appear in the list of electors shall be entitled to vote.

Ballots

70123. The district shall furnish uniform ballots for the election of directors and no other ballot shall be used. The form of ballot shall be substantially as follows:

"Official Ballot provided by the Board of Directors of _____ (Name of District) for the Election of Directors." Immediately following the heading there shall be spaces in which shall be inserted the names of each candidate for director and blank spaces for the writing in of the name of any person for whom the elector desires to vote. The ballot shall be lined and each space shall have a blank square for the expression of the will of the voter.

Candidates

70124. Each person who wishes to have his name printed on the ballot as a candidate for director shall deliver to the office of the Board of Directors at least 20 days prior to the election, a petition stating his desire to run for the office of director and stating he is a qualified elector of the district.

Supplies for election

70125. The directors shall furnish to the county clerk all necessary supplies for the election. The ballots and supplies shall be distributed by the county clerk to the necessary voting precincts with the general election supplies.

Certificates of election

70126. The county clerk shall issue certificates of election to persons declared elected.

Removal

70127. Any director may be removed or recalled from office at any time by the electors in the manner, insofar as applicable, prescribed by Sections 11051 to 11066 of the Elections Code.

CHAPTER 5. POWERS AND PURPOSES

Article 1. Powers Generally

Powers

70150. The district may acquire by purchase, condemnation, gift or other action, drains, canals, sluices, bulkheads, watergates, levees, embankments, pumping plants and pipelines and to purchase, construct or otherwise acquire, maintain and keep in repair all things reasonable or convenient for the protection of the lands of the district from overflow and for the purpose of conserving or adding water to the sloughs and drains in the district.

Same

70151. The district may co-operate and contract with the United States, the State of California, or any department or

agency of either, in order to accomplish any of the purposes of the district.

Article 2. Contracts

70170. Contracts in excess of five hundred dollars ($500) for the construction or repair of any levees or associated works, unless the construction or repair is done under its own superintendence, shall be made pursuant to this chapter. Contracts in excess of $500

70171. The board shall give notice by publication, pursuant to Section 6063 of the Government Code, in calling for bids for the construction or repair of any of the levees or associated works of the district. Notice by publication

70172. The notice calling for bids shall contain: Bids

(a) A statement that the plans and specifications of the construction or repairs may be seen at the district office.

(b) A particular description of the construction or repair advertised if less than the whole construction or repair is advertised.

(c) A statement that the board will receive sealed bids for the construction or repairs advertised or any portion of them designated by the board.

(d) A statement that the contract or contracts for the construction or repair advertised will be awarded to the lowest responsible bidder or bidders, but that any and all bids may be rejected.

(e) A statement of the time and place for opening the bids. Awarding of contracts

70173. After opening the bids, and as convenient, the board shall award the contract or contracts for the construction or repair in portions, or as a whole, to the lowest responsible bidder or bidders, but the board may reject any and all bids and readvertise for proposals or may proceed to construct the works or any part thereof under its own superintendence.

70174. In case of emergency the board by unanimous vote of those present at any meeting may award a contract for construction or repair without advertising for bids. Contracts re emergencies

70175. Contracts for the purchase of material to be furnished or used by the district in the construction or repair of any of its levees or associated works shall be awarded to the lowest responsible bidder or bidders, after such notice as the board deems proper. Material contracts

70176. Any person to whom a contract may be awarded pursuant to this chapter, shall provide a bond with good and sufficient sureties, approved by the board, payable to the district for at least 50 percent of the estimated contract price, conditioned upon the faithful performance of the contract. Performance bond

Chapter 6. Financial Provisions

70200. All bills and accounts against the district shall be presented to the board of directors. The directors must approve all bills and accounts and such approval shall be noted thereon by the clerk before they can be paid. All claims and Approval of bills and claims

demands against the district shall be itemized and verified. Upon request from the directors the auditor is required to draw his warrant on the treasurer for the payment of claims and demands.

Records

70201. The auditor shall keep all necessary and proper books of account which shall contain all receipts and expenditures with their source and nature. The books and accounts of the district shall be audited once each year.

Money received

70202. All moneys received or collected for or on behalf of the district shall be paid to the treasurer in the same manner as county money is paid to the treasurer. Upon receipt of any money from the tax collector or from any other source the treasurer shall place the same to the credit of the district.

Warrants

70203. The treasurer shall pay out funds only on warrants drawn by the auditor upon district funds in the same manner as county money is paid out. Warrants presented and not paid for lack of funds shall be registered and bear interest at the rate of 6 percent per annum from date of registration to date of payment or call.

Claims for salaries, etc

70204. Claims for salaries and services shall be sworn and approved by the board of directors before a warrant is drawn for the same.

CHAPTER 7. TAXES

Assessment roll

70230. The assessor shall between the first Monday in March and the first Monday in July of each year assess at its actual cash value all the real property and the improvements thereon in the district, to the persons owning or claiming the same, at noon on the first Monday of March. The assessor shall enroll the valuations in separate columns on the assessment roll prepared by him. A mistake in the name of the owner of the property shall not render the assessment invalid. The assessor shall deliver the assessment roll, when completed, to the board of directors before the first Monday of July.

Equalization

70231. The board of directors shall meet on the first Monday of July of each year to equalize the assessment of the property of the district. The board of directors shall publish once in a newspaper of general circulation published in the county wherein the district is located, a notice that the board of directors shall sit as a board of equalization to equalize the assessment roll of the district. The notice shall be published not more than 10 days and not less than two days before the meeting. The notice shall give the time and place of the meeting. The board shall continue in session as a board of equalization for a period not to exceed 10 days.

Equalization board powers

70232. The board, meeting as an equalization board, may:

(a) Increase or lower the entire assessment roll or any assessment therein so as to equalize the roll or make the assessment conform to true value.

(b) Correct any errors, omissions or defects in form or description and direct the assessor to assess any property that has escaped assessment.

(c) Subpoena witnesses and hear and take evidence on the matters pending before it.

70233. The clerk of the board shall note all changes made in the assessment roll and within five days after the completion of the equalization session have the total values extended into columns and added up. The clerk after completing the assessment roll shall deliver it forthwith to the auditor. Changes in assessment roll

70234. The board of directors shall meet on the first Tuesday after the first Monday of September of each year to determine the rate of tax to be levied for district purposes for the next ensuing year. The amount of money to be raised shall be estimated by including the following: Time of meetings

(a) The amount necessary to pay the interest and the part of the principal of the funded debt that will become due in the current year.

(b) The amount needed for salaries, wages, repairs, maintenance and operation.

(c) The amount needed for salvage, fees and delinquencies.

(d) The amount of floating debt that it may be desirable to pay during the current year.

70235. The board shall, after fixing the tax rate, certify the same to the auditor. The auditor shall then compute and enter into a separate money column in the assessment book the respective sums in dollars and cents, not including fractions of a cent, to be paid as a tax on the property therein enumerated and foot out the column showing the total amount of such taxes. Tax rate

70236. The auditor shall, on or before the first of October of each year, deliver the assessment book to the tax collector. Delivery of assessment book

70237. The auditor shall, after delivery of the assessment book to the tax collector, charge him the full amount of the taxes levied. The taxes shall be a lien on the land upon which they are assessed from noon on the first Monday of March preceding their levy. Lien

70238. The district taxes shall be collected in the same manner as state and county taxes, except that all of the district taxes shall be collected in one installment at the same time as the first installment county taxes. Collection of taxes

70239. All of the provisions of law, relative to the collection of state and county taxes, including the time for their payment, the giving of notice as to such time of payment, when they become delinquent, the penalties, costs and interest that shall accrue for their nonpayment and the period and manner of redemption are made applicable to the collection, payment, delinquency and redemption of district taxes except when inconsistent with this part. Same

70240. The tax collector shall sell to the district, for the nonpayment of taxes, the property assessed at the same time and in the same manner as property assessed for state and county taxes is sold. If the delinquent property is not redeemed within the period provided for the redemption of property sold to the State, then the tax collector shall deed Delinquent property

the property to the district in the same manner as property is deeded to the State for nonpayment of taxes.

Presumptions applicable

70241. All acts of the officials of the district in the levy and collection of district taxes shall be given the same credence and shall have the same presumptions as to the regularity of such actions as are given by law to the acts of officials charged with the levy and collection of state and county taxes.

Deeds

70242. All deeds executed by the officers of the district shall be conclusive as to all recitals contained therein and that all acts required by law have been regularly done, and all steps required by law have been regularly taken.

Delinquent tax list

70243 The tax collector shall, when requested, furnish the board a complete list of all delinquent taxes, of the persons owing the same and a certified copy of the assessment contained in the assessment roll.

CHAPTER 8. REORGANIZATION

Reorganization of district

70270. Whenever any district formed under the Protection District Act of 1880 or any other act for the protection of lands from overflow desires to reorganize under this part the district may bring itself within the provisions of this part by unanimously adopting a resolution stating that they have elected to reorganize under this part. Upon the filing of a certified copy of such resolution with the county clerk and the county recorder of the county wherein said district is located the district shall thereafter be organized and shall operate under and pursuant to the provisions of this part.

Original district directors

70271. The original district directors shall be deemed the successors and legal representatives of the district so reorganized.

Impairment of obligation

70272. This reorganization shall in no manner impair any obligation heretofore legally incurred by the reorganized levee district.

CHAPTER 9. DISSOLUTION

Dissolution

70280. A district may be dissolved in the manner provided in Chapter 4 (commencing with Section 58950) of Division 1, Title 6 of the Government Code.

CHAPTER 371

An act to amend Section 963 of the Welfare and Institutions Code, relating to juvenile homes and camps.

In effect September 18, 1959

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.]

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

SECTION 1. Section 963 of the Welfare and Institutions Code is amended to read:

963. "Construction" includes construction of new buildings and acquisition of existing buildings and initial equipment of any such buildings. It does not include architects' fees or the cost of land acquisition.

CHAPTER 372

An act to add Section 2192.1 to the Revenue and Taxation Code, relating to the effect of tax.

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2192.1 is added to the Revenue and Taxation Code, to read:

2192.1. Every tax declared in this chapter to be a lien on real property, every public improvement assessment declared by law to be a lien on real property, and the lien of taxes and assessments upon real property of all taxing agencies as set forth in Section 3900 of this code, have priority over all other liens on the real property, regardless of the time of their creation.

SEC. 2. It is the intent of the Legislature that Section 2192.1 of the Revenue and Taxation Code be declaratory of the existing law and it is not intended nor shall it be construed as effecting any change thereof. It is enacted to avoid the interpretation of the federal case of Jefferson Standard Life Insurance Company v. United States, 247 F. 2d 777, that the existing law, as generally recognized for many years and as set forth in California cases, including California Loan and Trust Co. v. Weis, 118 Cal. 489, has been changed from that which is declared herein.

CHAPTER 373

An act to amend Sections 2619, 2705.5 and 2922 of the Revenue and Taxation Code, relating to the delinquent dates of taxes on property.

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2619 of the Revenue and Taxation Code is amended to read:

2619. If December 10th or April 10th falls on Saturday, Sunday or a legal holiday, the time of delinquency is 5 p.m. on the next business day.

Delinquency tax date

SEC. 2. Section 2705.5 of said code is amended to read:

Same

2705.5. If December 10th or April 10th falls on Saturday, Sunday or a legal holiday, the time of delinquency is 5 p.m. on the next business day.

SEC. 3. Section 2922 of said code is amended to read:

Same

2922. Taxes on the unsecured roll if unpaid are delinquent August 31st at 5 p.m., regardless of when the property is discovered and assessed, and thereafter a delinquent penalty of 8 percent attaches to them; provided, that taxes transferred to the unsecured roll under Section 2921.5 of this code shall not be subject to such 8 percent penalty, except where such taxes carried delinquent penalty on the "secured roll" at time the real estate involved was acquired by a political subdivision. If August 31st falls on Saturday, Sunday or a legal holiday, the time of delinquency is 5 p.m. on the next business day.

CHAPTER 374

An act to add Section 50022.9 to the Government Code, relating to the adoption of ordinances by cities.

In effect September 18, 1959

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.]

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

SECTION 1. Section 50022.9 is added to the Government Code, to read:

50022.9. A city may enact ordinances which adopt by reference county ordinances, codes, or any parts thereof and any amendments thereto by complying with the requirements of this article.

CHAPTER 375

An act to amend Section 145 of the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 18, 1959

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.]

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

SECTION 1. Section 145 of the Unemployment Insurance Code is amended to read:

145. With respect to individuals hired as commercial fishermen a "partially unemployed individual" means an individual who, during a particular week:

(1) Earned less than his weekly benefit amount;

(2) Was employed by his regular employer in the act of catching or attempting to catch fish;

(3) Was during such week continuously attached to his employer from the standpoint that there did not occur any severance of the employer-employee relationship; and

(4) (a) Worked less than normal customary full-time hours or full number of days per week for such regular employer because of lack of full-time work, or

(b) If normal customary full-time hours or full number of days per week are not determinable, he worked less than four (4) days during a payroll week for such regular employer because of lack of full-time work.

CHAPTER 376

An act to amend Sections 51360, 51361, 51362, and 51364 of the Water Code, relating to reclamation district operation and maintenance assessments.

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.]

In effect September 18, 1959

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

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

Estimate

51360. The board may furnish to the board of supervisors, or if district lands are located in more than one county, the board may furnish to the board of supervisors of each such county, on or before the date set for consideration of the budget, an estimate in writing of the amount of money needed for payment of maintenance, repair, operation, incidental expenses, and supplemental construction and replacement expenses by the district in lieu of levying an operation and maintenance assessment as provided in Article 3 (commencing at Section 51320) of this chapter.

SEC. 2. Section 51361 of said code is amended to read:

Special tax levy

51361. The board of supervisors, upon receipt of the estimate from the board, shall levy a special tax on all taxable land and improvements thereon shown on the county tax roll as lying within the district, sufficient to raise the estimated sum, or if district lands are located in more than one county, sufficient to raise the proportionate amount of the sum required. The proportionate amount to be raised by each county shall be determined by dividing the total valuation of all lands and improvements lying within the district, as shown on the combined tax rolls of all counties within which district lands are located, into the total valuation of district lands and improvements lying within each respective county, as shown on the tax roll of that county.

SEC. 3. Section 51362 of said code is amended to read:

Tax rate

51362. The tax shall not exceed the rate of one dollar and fifty cents ($1.50) on each one hundred dollars ($100)

of the value assessed on the county tax roll of all taxable land and improvements thereon within the district.

SEC. 4. Section 51364 of said code is amended to read:

Deposit of moneys received

51364. All money collected shall be paid into the treasury of the principal county to the credit of the maintenance fund of the district, and shall be held by the county treasurer for the benefit of the district and paid out by him upon warrants authorized by the board.

CHAPTER 377

An act to amend Section 1152 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to election notice to voters.

In effect September 18, 1959

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.]

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

SECTION 1. Section 1152 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

1152. In the case of any school district election called or conducted under the provisions of this code, the county clerk, or the registrar of voters if such office has been established, of the county in which the majority of the territory of the district is located, shall, at least 10 days before the day fixed for the election, mail to each registered voter residing within the district, a card designating the polling place and time of the election and containing a statement of the purposes of the election.

At least 60 days before the date of the election the governing board of the school district, county superintendent of schools, board of supervisors, or other authority calling the election, shall furnish the county clerk or registrar of voters with a list of precincts established for the election and the polling place in each such precinct, together with a copy of the statement of the purposes of the election. The same information shall be furnished the county superintendent of schools.

Costs incurred by the county clerk or the registrar of voters in connection with this section shall be paid out of the funds of the district.

CHAPTER 378

An act to amend Section 11100 of, and add Sections 11102 and 11121 to, the Elections Code, relating to municipal recall elections.

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 11100 of the Elections Code is amended to read:

11100. Proceedings may be commenced for recall of the holder of any elective office of any city by the service, filing and publication of a notice of intention to circulate a recall petition pursuant to Section 11104 of this article. Proceedings may not be commenced against the holder of an office unless, at the time of commencement, the holder has held office for at least six months, and no recall petition has been filed against such holder within the preceding six months.

Recall

SEC. 2. Section 11102 is added to said code, to read:

11102. If a vacancy occurs in an office after a recall petition has been filed, the election shall nevertheless proceed as provided in this chapter, except as provided in Section 11121.

Vacancy

SEC. 3. Section 1121 is added to said code, to read:

11121. If the officer sought to be recalled dies more than 40 days prior to the election, the period for filing nomination papers to succeed the officer shall be extended to the twenty-fifth day prior to the election.

Filing date extended by death

If the officer sought to be recalled resigns prior to the election, and at the close of the period for filing nomination papers only one person has been nominated for the office or no person has been nominated for the office, an election shall not be held. In such case the governing body of the city shall appoint to the office the person nominated, or, if no person has been nominated, shall appoint any qualified person.

CHAPTER 379

An act to amend Section 13104 of the Education Code, and to amend Section 13337 of the Education Code as proposed by Senate Bill No. 2, relating to employment and classification of personnel by public school districts.

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 13104 of the Education Code is amended to read:

Classification of personnel

13104. Governing boards of school districts shall classify as temporary employees those persons requiring certification qualifications, other than substitute employees, who are employed to serve from day to day during the first three school months of any school term to teach temporary classes not to exist after the first three school months of any school term or to perform any other duties which do not last longer than the first three school months of any school term, or to teach in special day and evening classes for adults or in schools of migratory population for not more than four school months of any school term. If the classes or duties continue beyond the first three school months of any school term or four school months for special day and evening classes for adults, or schools for migratory population, the certificated employee, unless a permanent employee, shall be classified as a probationary employee. The school year may be divided into not more than two school terms for the purposes of this section.

In any district, the governing board may, to prevent the stoppage of school district business when an actual emergency arises and persons are not immediately available for probationary classification, make an appointment to a position on a temporary basis for a period not to exceed 20 working days. The person so appointed shall be deemed to be a temporary employee who is employed to serve from day to day. Service by a person in such an appointment on a temporary basis shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.

SEC. 2. Section 13337 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

Same

13337. Governing boards of school districts shall classify as temporary employees those persons requiring certification qualifications, other than substitute employees, who are employed to serve from day to day during the first three school months of any school term to teach temporary classes not to exist after the first three school months of any school term or to perform any other duties which do not last longer than the first three school months of any school term, or to teach in special day and evening classes for adults or in schools of migratory population for not more than four school months of any school term. If the classes or duties continue beyond the first three school months of any school term or four school months for special day and evening classes for adults, or schools for migratory population, the certificated employee, unless a permanent employee, shall be classified as a probationary employee. The school year may be divided into not more than two school terms for the purposes of this section.

In any district, the governing board may, to prevent the stoppage of school district business when an actual emergency arises and persons are not immediately available for probationary classification, make an appointment to a position on a temporary basis for a period not to exceed 20 working days. The

person so appointed shall be deemed to be a temporary employee who is employed to serve from day to day. Service by a person in such an appointment on a temporary basis shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.

Effect. Stats. 1959, Ch. 2

SEC. 3. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 13104 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 380

An act to amend Sections 967 and 969 of, and to repeal Chapter 6 (commencing at Section 880) of Part 2 of Division 1 of the Health and Safety Code, relating to local health districts.

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 967 of the Health and Safety Code is amended to read:

Dissolution of district

967. A district may at any time be dissolved upon the vote of a majority of the votes cast at an election called by the district board upon the question of dissolution and the proposition which shall be submitted to the electors at the election shall be as follows: "Shall the district be dissolved?"

SEC. 2. Section 969 of said code is amended to read:

Certification of dissolution

969. If a majority of the votes cast at the election are in favor of dissolution, the district board shall certify the fact to the Secretary of State, and upon receipt of the certificate, the Secretary of State shall issue his certificate of dissolution reciting that the district (naming it) has been dissolved, and a copy of the certificate shall be transmitted to and filed with the county clerk of each county in which any portion of the district is situated.

SEC. 3. Chapter 6 (commencing at Section 880) of Part 2 of Division 1 of the Health and Safety Code is repealed.

Repeal

Notwithstanding such repeal, the organization, existence, or powers of any district created by, or organized pursuant to, the provisions of such Chapter 6 shall remain unaffected by such repeal, and any such district shall continue to exist and may exercise any of the powers conferred upon it by that chapter. No district shall be created or organized pursuant to that chapter after October 1, 1959.

Operative date

SEC. 4. Section 3 of this act shall become operative on October 1, 1959.

CHAPTER 381

An act to add Section 43.4 to the Civil Code, relating to causes of action for fraudulent promises to marry or cohabit.

In effect September 18, 1959

[Approved by Governor May 12, 1959. Filed with Secretary of State May 12, 1959.]

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

SECTION 1. Section 43.4 is added to the Civil Code, to read:

43.4. A fraudulent promise to marry or to cohabit after marriage does not give rise to a cause of action for damages.

CHAPTER 382

An act to amend Section 409 of the Code of Civil Procedure, relating to notice of pendency of actions affecting title to real property.

In effect September 18, 1959

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

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

SECTION 1. Section 409 of the Code of Civil Procedure is amended to read:

409. In an action concerning real property or affecting the title or the right of possession of real property, the plaintiff, at the time of filing the complaint, and the defendant, at the time of filing his answer, when affirmative relief is claimed in such answer, or at any time afterwards, may record in the office of the recorder of the county in which the property is situated, a notice of the pendency of the action, containing the names of the parties, and the object of the action or defense, and a description of the property in that county affected thereby. This section authorizes a notice of an action concerning real property pending in any United States district court to be recorded and indexed in the same manner and in the same place as herein provided with respect to notices of action pending in courts of this State. From the time of filing such notice for record only, shall a purchaser or encumbrancer of the property affected thereby be deemed to have constructive notice of the pendency of the action as it relates to the real property and only of its pendency against parties designated by their real names.

CHAPTER 383

An act to amend Section 12077 of the Penal Code, relating to records of pistol or revolver sales.

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 12077 of the Penal Code is amended to read:

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

FORM OF REGISTER
Original

Serial No. _____
Sheet No. _____

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

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

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

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

Series No. _____
Sheet No. _____

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

Notice to dealers: Two duplicate carbon copies are required. They must be mailed on the day of sale as set forth in the original of this registered page. Violation of this law is a misdemeanor.

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

(Any person signing a fictitious name or address to said register and any person violating any of the provisions of this section is guilty of a misdemeanor.)

CHAPTER 384

An act to amend Section 55916 of the Water Code, relating to county waterworks districts.

In effect September 18, 1959

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

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

SECTION 1. Section 55916 of the Water Code is amended to read:

55916. The board may upon the dissolution of the district convey all or any portion of the property of the dissolved district and all or any portion of the property which was acquired for the district to any municipal or other public corporation or district authorized to own and operate a water system, which includes within its boundaries at least three-fourths of the land constituting the district prior to its dissolution, for the use and benefit of the land. The conveyance may be made without compensation for the property conveyed. "Property" as used in this section includes ditches, canals, pipelines, pumping plants, equipment, funds and all other property both personal and real.

CHAPTER 385

An act to amend Sections 21822 and 21880 of, and to add Section 21880.5 to, the Business and Professions Code, relating to brake fluid.

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 21822 of the Business and Professions Code is amended to read:

Permit to sell brake fluid

21822. The department may cancel, refuse to issue, or refuse to renew any permit, if it finds, after due notice and a hearing, that the brake fluid is adulterated or misbranded, or that the registrant has failed to comply with the provisions of this chapter or the rules and regulations of the department. No permit shall be issued or renewed where the applicant or registrant has sold or furnished adulterated or misbranded brake fluid which has been confiscated and impounded pursuant to Section 21880.5 unless satisfactory proof is furnished to the department showing restitution has been made to all persons suffering a loss due to the confiscating and impounding of such brake fluid. The proceedings shall be conducted in accordance with Chapter 5 (commencing at 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

SEC. 2. Section 21880 of said code is amended to read:

Inspection, etc.

21880. The department, and each county sealer acting under the supervision and direction of the department, shall enforce the provisions of this chapter, and may sample, inspect, analyze, and test any brake fluid manufactured, packed, stored, sold, or distributed within this State. The department through its agents shall have free access by all legal means during business hours to all premises, buildings, vehicles, cars, and vessels used in the manufacture, packing, storage, sale, or transportation of brake fluid, and may by legal means open any box, carton, parcel, or container of brake fluid and take therefrom samples for analysis or for evidence.

SEC. 3. Section 21880.5 is added to said code, to read:

Confiscation of adulterated brake fluid

21880.5. Any enforcing officer is authorized to confiscate and impound any adulterated or misbranded brake fluid until such time as a court of competent jurisdiction shall order and direct the final disposition of the confiscated product. Such confiscation or impoundment shall not affect any rights of a retailer under a warranty of merchantability or a warranty of fitness.

CHAPTER 386

An act to add Article 4 (commencing at Section 12081) to Chapter 5 of Division 9 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to gate entrances to school grounds.

In effect September 18, 1959

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

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

SECTION 1. Article 4 (commencing at Section 12081) is added to Chapter 5 of Division 9 of the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

Article 4. Gate Entrances to School Grounds

12081. The governing board of every public school district, and the governing authority of every private school, which maintains any building used for the instruction or housing of school pupils on land entirely enclosed (except for building walls) by fences or walls, shall, through co-operation with the local law enforcement and fire protection agencies having jurisdiction of the area, make provision for the erection of gates in such fences or walls. The gates shall be of sufficient size to permit the entrance of the ambulances, police equipment, and fire fighting apparatus, used by the law enforcement and fire protection agencies. There shall be no less than one such access gate and there shall be as many such gates as needed to assure access to all major building and grounds areas. If such gates are to be equipped with locks, the locking devices shall be designed to permit ready entrance by the use of the chain or bolt cutting devices with which the local law enforcement and fire protection agencies may be equipped.

CHAPTER 387

An act to amend Sections 375.1, 377.1, and 377.6 of the Agricultural Code, relating to poultry.

In effect September 18, 1959

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

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

SECTION 1. Section 375.1 of the Agricultural Code is amended to read:

Definitions

375.1. As used in this article

(a) "Poultry" means domesticated fowl and domesticated rabbit to be used for human food. Fowl shall include chickens, turkeys, ducks, geese and other domesticated birds.

(b) "Poultry meat" means the carcass of poultry or any part thereof.

(c) "Poultry plant" means (a) any place where poultry is slaughtered, dressed or drawn, or (b) any place, other than a retail store or eating place, where poultry meat or poultry meat food products are cooked, cured, smoked, cut up, recut, packed or repacked or otherwise prepared for human food.

(d) "Sanitary" means free from unnecessary dirt, filth, and contamination and free from any other substance or organism known to be injurious to human health.

(e) "Marked" means plainly, legibly and conspicuously labeled, stamped, tagged, stenciled or branded to show the name and address of the poultry plant where or the name and address of the distributor in California for whom the poultry meat was slaughtered, prepared, packed or repacked, cut up or recut or handled as set forth above.

(f) "Mislabel" means the placing, or presence of any false, deceptive or misleading mark, tag, brand, design, inscription, statement, billing, invoice, placard, sign or other descriptive designation.

(g) "New York dressed fowl" means fowl from which the feathers have been removed and the blood drawn and which is offered for sale as a whole fowl, with head, feet, and entrails intact.

(h) "Producer" means any person who is engaged in the business of growing (that is, feeding and caring for) poultry, some of which poultry is marketed as poultry meat, for a period of three weeks or more for the purpose of increasing the size and weight of such poultry.

SEC. 2. Section 377.1 of said code is amended to read:

377.1. As used in this article: Same

(a) "Poultry" means domesticated fowl and domesticated rabbit to be used for human food. "Fowl" includes chickens, turkeys, ducks, geese, and other domesticated birds.

(b) "Poultry meat" means the carcass of poultry or any part thereof.

(c) "Poultry plant" means (1) any place where poultry is slaughtered, dressed or drawn, or (2) any place where poultry meat or poultry meat food products are cooked, cured, smoked, cut up, recut, packed or repacked or otherwise prepared for human food, other than a retail store or eating place.

(d) "Poultry meat inspector" means a person who after examination and demonstration has been issued a license by the director to inspect poultry meat for wholesomeness.

(e) "Wholesome" means that the poultry or poultry meat is free from:

(1) Physical evidence of disease injurious to human health;

(2) Diseases or conditions which have rendered or would render the poultry meat unsuited for human food;

(3) Serious destruction of the flesh by disease or injury; or

(4) Contamination by any substance injurious to human health.

(f) "Marked" means plainly, legibly and conspicuously labeled, tagged, stenciled, or branded in accordance with this article and regulations thereunder.

(g) "Mislabel" means the placing, or presence of any false, deceptive or misleading mark, tag, brand, design, inscription, statement, billing, invoice, placard, sign or other descriptive designation.

(h) "Regulations" means regulations of the director for carrying out the provisions of this article.

(i) "New York dressed fowl" means fowl from which the feathers have been removed and the blood drawn and which is offered for sale as a whole fowl with head, feet, and entrails intact.

(j) "Producer" means a person who is engaged in the business of growing (that is, feeding and caring for) poultry, some of which poultry is marketed as poultry meat, for a period of three weeks or more for the purpose of increasing the size and weight of such poultry.

SEC. 3. Section 377.6 of said code is amended to read:

Exemptions

377.6. This article does not apply to:

(a) Poultry meat which has been inspected and passed for wholesomeness by the United States Department of Agriculture, and the immediate container or carcass of which bears the official wholesomeness inspection mark of said department when sold or offered for sale; provided, that if any cooking, curing, smoking, packing, repacking, cutting up or recutting is done in California in other than a retail store or public eating house, it must be done in a poultry plant under federal or state inspection.

(b) Poultry meat bearing the official mark of a city, county, or state poultry meat inspection service for wholesomeness in another state which has requirements equal to those provided for in this article, when such out-of-state requirements have been approved by the director.

(c) Poultry meat which is slaughtered on the premises where produced and which poultry meat (1) is sold by the producer at retail on such premises, or (2) is sold at retail by the producer thereof off of such premises, either direct to consumers at their homes or at a retail stand operated by such producer in a farmers' market, or (3) is sold by the producer thereof, on or off the premises where produced, to retail stores or public eating houses. As used in this subdivision, "producer" includes only individual producers who do not employ, except in unforeseeable exigencies, any person other than members of their immediate families.

(d) Poultry meat derived from poultry which is slaughtered, dressed, and sold on the premises where produced for purposes other than resale, when the entire poultry meat output of the producer of such poultry is so sold.

CHAPTER 388

An act to amend Section 6 of the Del Norte County Flood Control District Act (Chapter 166 of the Statutes of 1955), relating to the powers of the Del Norte County Flood Control District.

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 6 of the Del Norte County Flood Control District Act is amended to read:

Sec. 6. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter, and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, and compromise, in the name of the district, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands

within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in or flowing into the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses and watersheds outside of the district of streams flowing into the district.

7. To co-operate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Del Norte, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or for the purpose of controlling or abating mosquitoes within said district or for other purposes of sanitation therein, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses of streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and locate the same; but such must be located in the manner which will be most compatible with the greatest public good and the least private injury. The district, or its

agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof, and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, wantonness, or malice.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the State, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair, or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Del Norte County Flood Control District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Del Norte County Flood Control District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to co-operate with, and to act in conjunction with, the State of

California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

CHAPTER 389

An act making an appropriation for the Santa Clara River Flood Control Project, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

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

SECTION 1. From the unexpended funds remaining in the appropriation made by Item 434(h), Budget Act of 1957, there is hereby reappropriated to the Department of Water Resources the sum of seven hundred fifty thousand dollars ($750,000), or so much thereof as may be required, for reallocation to the Ventura County Flood Control District in aid of the Santa Clara River Flood Control Project authorized in Section 12673 of the Water Code, pursuant to the provisions of Chapters 1 (commencing at Section 12570), 2 (commencing at Section 12639), and 3 (commencing at Section 12800) of Part 6 of Division 6 of the Water Code.

SEC. 2. The appropriation made by this act shall remain available for reallocation until June 30, 1959. Any unencumbered funds remaining thereafter shall revert to and be available for the purposes specified in Item 434(h), Budget Act of 1957.

SEC. 3. The total amount reallocated to the Ventura County Flood Control District pursuant to this act shall be deducted from the funds appropriated for reallocation to said district by Item 405(d), Budget Act of 1959, and trans-

ferred to and be available for the purposes specified in Item 434(h), Budget Act of 1957.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Corps of Engineers, United States Army, has scheduled construction of the Santa Clara River Flood Control Project to commence in March, 1959. In order that the Ventura County Flood Control District may provide the necessary lands, easements and rights-of-way, it is necessary that this act take effect immediately.

CHAPTER 390

An act to amend Sections 3370, 3371, and 3372 of the Financial Code, relating to loans by banks to officers, directors, or employees thereof.

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.] In effect September 18, 1959

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

SECTION 1. Section 3370 of the Financial Code is amended to read:

3370. A bank shall not make any loan to any officer of the bank, directly or indirectly, or to any corporation in which such officer is a stockholder, director, officer, or employee or to any partnership of which such officer is a partner, or for the benefit of such officer or on the endorsement, surety, or guaranty of such officer, except as follows: Restricted loans

A loan may be made to a corporation of which the officer is a director, officer, or a minority stockholder; provided, that:

If the officer is a director or officer of such corporation or owns or controls directly or indirectly more than 10 percent of the stock of such corporation or if two or more directors or officers of the bank own or control more than 20 percent of the capital stock of such corporation,

(a) The loan is authorized or is confirmed within 40 days after the same is made by a majority of all of the directors of such bank and the affirmative vote of two-thirds of the directors of such bank present at the meeting authorizing or confirming such loan; and

(b) The loan is reported to the superintendent in the manner provided in Section 3374.

SEC. 2. Section 3371 of said code is amended to read:

3371. A bank shall not make any loan to a director of the bank, directly or indirectly, or to any corporation of which such director is a stockholder, officer, or employee or to any Loans to directors

partnership of which such director is a partner or on the endorsement, surety, or guaranty of such director unless:

(a) The loan is secured by obligations of the United States or for the payment of which the faith and credit of the United States are pledged, obligations of the State of California or for the payment of which the faith and credit of the State of California are pledged, or bonds of any city, county, city and county, metropolitan water district, or school district of the State of California; or

(b) The loan is to a corporation of which such director is a stockholder, officer, or director and such director does not own or control more than 10 percent of the capital stock of the corporation and no two or more officers or directors of the bank together own or control more than 20 percent of the capital stock of the corporation; or

(c) The loan is authorized or is confirmed within 40 days after the same is made by a majority of all of the directors of the bank and the affirmative vote of two-thirds of the directors of the bank present at the meeting authorizing or confirming the loan other than the interested director who shall not vote or participate in any manner in the action of the board authorizing or confirming the loan, except that with the consent of the superintendent previously obtained in writing all directors may vote on such a loan made to any corporation or bank where all of the outstanding shares of stock of one are owned by or held in trust for the owners of not less than 90 percent of the outstanding shares of stock of the other and where all or a majority of the directors of the borrowing corporation or bank are directors of the loaning bank.

SEC. 3. Section 3372 of said code is amended to read:

Loans to employees

3372. A bank shall not make a loan to any employee of the bank, directly or indirectly, or to any corporation in which such employee or such employee together with one or more directors, employees, or officers of the bank own a controlling interest or to any partnership in which such employee is a partner, or on the surety, guaranty, or endorsement of such employee, unless:

(a) The loan, together with any previous loans to such employee or to any such partnership or corporation, does not exceed two thousand five hundred dollars ($2,500);

(b) The loan is secured by obligations of the United States or for the payment of which the faith and credit of the United States are pledged, or obligations of the State of California or for the payment of which the faith and credit of the State of California are pledged, or bonds of any city, county, city and county, metropolitan water district, or school district of the State of California; or

(c) The loan is authorized or confirmed by the vote of a majority of all of the directors of the bank and the affirmative vote of two-thirds of the directors of the bank present at the meeting authorizing or confirming such loan.

CHAPTER 391

An act to amend Sections 480 and 1802 of the Probate Code and Sections 106, 1580, 1581, 1586 and 1587 of the Financial Code, relating to conservatorship.

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 480 of the Probate Code is amended to read:

Appointment of corporation as executor, etc.

480. A corporation or association authorized to conduct the business of a trust company in this State may be appointed to act as an executor, administrator, guardian or conservator of an estate, or trustee, in like manner as an individual; but it shall not be appointed guardian or conservator of the person of a ward or conservatee.

SEC. 2. Section 1802 of said code is amended to read as follows:

Bond

1802. The court in the order appointing a conservator of the estate or of the person and estate of another may, in its discretion, in any case in which the proposed conservatee as petitioner has waived the filing of bond, dispense with the filing of bond. In all other cases the conservator of the estate or of the person and estate of another, before receiving letters of conservatorship, must give a bond for the protection of the conservatee and of all persons interested in his estate, in an amount fixed by the court, which amount shall not exceed the bond required of a person appointed administrator. The court may reduce the bond required in this section in the manner provided in Section 541.1 of this code. Unless required by the court in its discretion, no bond shall be required of a conservator appointed only as conservator of the person of the conservatee. Two or more conservators in one proceeding may give a joint bond.

SEC. 3. Section 106 of the Financial Code is amended to read as follows:

"Trust business"

106. "Trust business" means the business of acting as executor, administrator, guardian or conservator of estates, assignee, receiver, depositary or trustee under the appointment of any court, or by authority of any law of this or any other state or of the United States, or as trustee for any purpose permitted by law.

SEC. 4. Section 1580 of said code is amended to read as follows:

Powers of trust company

1580. A trust company has the following powers:

(a) It may act, or may be appointed by any court to act, in like manner as an individual, as executor, administrator, guardian or conservator of estates, assignee, receiver, depositary, trustee, custodian, or in any other fiduciary or representative capacity for any purpose permitted by law, may act

as transfer agent or registrar of corporate stocks and bonds, may buy and sell securities for the account of customers, and may accept and execute any trust business permitted by any law of this or any other state or of the United States to be taken, accepted, or executed by an individual; and

(b) A trust company, upon becoming a member of the Federal Reserve System, shall continue to have such powers as may then or thereafter be conferred upon it by the laws of this State, subject to such federal rules, regulations, and laws as may govern state banks exercising trust powers or trust companies which become members of the Federal Reserve System.

SEC. 5. Section 1581 of said code is amended to read as follows:

Classification of trusts

1581. For the purposes of this chapter, all trusts and other business permitted to be accepted or executed by a trust company are hereby classified and defined as either court trusts or private trusts.

A "court trust" is one in which a trust company acts under appointment, order, or decree of any court, as executor, administrator, guardian, conservator, assignee, receiver, depositary, or trustee, or in which it receives on deposit money or property from a public administrator, under any provision of this code, or from any executor, administrator, guardian, assignee, receiver, depositary, or trustee, under any order or decree of any court.

A "private trust" is every other trust, agency, fiduciary relationship, or representative capacity.

SEC. 6. Section 1586 of said code is amended to read as follows:

Court supervision

1586. Any court having jurisdiction of any executor, administrator, guardian, conservator, assignee, receiver, depositary, or trustee, upon the application of any such officer or trustee or upon the application of any person having an interest in the estate or property administered by such officer or trustee, after such notice to the other parties in interest as the court may direct, or without notice if all parties in interest consent thereto, and after a hearing upon such application, may authorize or direct such officer or trustee, whether such person has duly qualified or not, to deposit any moneys then in his hands or which may come into his hands thereafter, and such portion or all of the personal assets of such estate as the court shall deem proper for safekeeping, with any such trust company. Upon such deposit being made the court shall by an order of record reduce the bond to be given, or theretofore given, by such officer or trustee so as to cover only the estate remaining in the hands of such officer or trustee. The money and property so deposited shall thereupon and thereafter be held by such trust company under the order and direction of the court.

Such trust company shall not be required to give any bond or security, except as provided in this division, in case of

any deposit of moneys or other personal assets with it under this section. Its responsibility for the safekeeping of personal assets so deposited with it shall be that of a bailee for hire.

SEC. 7. Section 1587 of said code is amended to read as follows:

1587. Whenever an executor, administrator, guardian or conservator of estates, assignee, receiver, depositary, or trustee is required to qualify by taking and subscribing an oath or to make an affidavit, any trust company acting in any such capacity may satisfy such requirement by the oath or affidavit of its president, vice president, secretary, assistant secretary, manager, trust officer, or assistant trust officer. Any such trust company shall be liable for its failure to perform any of the duties required by law to be performed by an individual acting in like capacity and shall be subject to the same penalties for such failure as would be applicable to an individual. Oaths etc

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CHAPTER 392

An act to amend Section 766 and to repeal Section 767 of the Financial Code, relating to loans and investments by banks and trust companies.

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.] In effect September 18, 1959

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

SECTION 1. Section 766 of the Financial Code is amended to read:

766. For the purpose of determining whether any loan or investment is secured by a first lien on real property as required by any provision of this division, none of the following shall be deemed a prior encumbrance unless any installment or payment thereunder other than a rental or royalty under a lease, is due and delinquent: Loans etc., secured by lien on real property

(a) The lien of any tax, assessment, or bond levied or issued by any state or territory of the United States or by any district, political subdivision, or municipal corporation thereof, except the lien of an assessment levied against a particular parcel of real property and of any bond given or issued pursuant to law in lieu of the payment of such assessment.

(b) A lien created by a contract and given to secure the payment for water to be furnished under such contract for the irrigation of the real property or any part thereof.

(c) A lease of the real property under which all rents or royalties are reserved to the owner.

(d) The lien of a bond given or issued pursuant to law in lieu of the payment of an assessment levied against a particular parcel of real property and the lien of any assessment levied to pay such bond, if the unpaid balance of such bond and the amount of such loan or investment combined do not

exceed the percentage of the sound market value of the real property permitted to be so loaned or invested by any such provision of this division.

(e) A lien given to secure the payment of any assessment or subscription to meet the requirements of any law of the United States in respect to any irrigation project of the United States in any state or territory of the United States which may be levied, made, or received by any corporation or association formed to carry out the provisions of any such law, if the unpaid balance of such assessment or subscription and the amount of such loan or investment combined do not exceed the percentage of the sound market value of the real property permitted to be so loaned or invested by any such provision of this division.

Repeal

SEC. 2. Section 767 of said code is hereby repealed.

CHAPTER 393

An act to add Section 72090 of the Government Code, relating to the duties of the clerks of the municipal courts.

In effect September 18, 1959

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

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

SECTION 1. Section 72090 is added to the Government Code, to read:

72090 Notwithstanding any other provision of law, where payment of any fee, fine, deposit in lieu of bail or other obligation which is owing to the municipal court is remitted to the clerk by mail, the clerk in his discretion may either mail to the remitter or hold in his office for the remitter an official receipt for such payment, except that the clerk shall mail such receipt to the remitter in either of the following situations:

(a) When a receipt is specifically requested by the remitter;

(b) When the remittance or any part thereof consists of legal tender of the United States in the amount of five dollars ($5) or more.

CHAPTER 394

An act to amend Sections 26002, 26003, 26004, 26005, 26006, 26007, 26008, 26009, 26010, 26011, 26012, 26013, 26015, and 26016 of, and to add Section 26014.1 to, the Corporations Code, relating to fees under the Corporate Securities Law, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.] In effect immediately

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

SECTION 1. Section 26002 of the Corporations Code is amended to read:

26002. The fee for filing any application for a permit to negotiate for the sale of securities is twenty-five dollars ($25). Application fees

SECTION 2. Section 26003 of said code is amended to read

26003. (a) The fee for filing an original or supplemental application for a permit to issue securities (except applications for permits to issue certificates of deposit, any guarantee of any security, or securities evidencing any change in the rights, preferences, privileges, or restrictions on outstanding securities, the fees for which applications are fixed in Sections 26006, 26007, and 26008, respectively) is fifty dollars ($50), plus the sum of the following: Same Amount

(1) Twenty one-hundredths of 1 percent of the amount of any excess of the aggregate value of the securities sought to be issued over one thousand dollars ($1,000) and not exceeding fifty thousand dollars ($50,000).

(2) Ten one-hundredths of 1 percent of such amount in excess of fifty thousand dollars ($50,000) and not exceeding one hundred thousand dollars ($100,000).

(3) Five one-hundredths of 1 percent of such amount in excess of one hundred thousand dollars ($100,000) and not exceeding five hundred thousand dollars ($500,000).

(4) Two one-hundredths of 1 percent of such amount in excess of five hundred thousand dollars ($500,000) and not exceeding five million dollars ($5,000,000).

(5) One one-hundredth of 1 percent of such amount in excess of five million dollars ($5,000,000) and not exceeding ten million dollars ($10,000,000).

(6) One five hundredth of 1 percent of such amount in excess of ten million dollars ($10,000,000).

(b) For the purpose of determining the fees fixed in subdivision (a):

(1) The value of the securities shall be their par or face value unless the consideration for the securities, as alleged in the application or as determined by the commissioner, is in excess of their par or face value, or the securities when issued will have a value, as determined by the commissioner, in excess of their par or face value, in which case the value of the securities shall be the value of the consideration so

received or the value as determined by the commissioner, whichever is greater.

(2) Where the securities have no nominal or par value, the value of the securities shall be the price at which the company proposes to sell or issue the securities, or the value, as alleged in the application, or the actual value, as determined by the commissioner, of the consideration (if other than money) to be received in exchange therefor, or of the securities when issued, whichever is greater. However, until a new value has been established, each share of no par value stock shall have a value equal to the value which has been established by previous sales for money or other property of other shares of the same class.

(3) Interim or voting trust certificates shall have a value equal to the aggregate value of the securities to be represented by the interim or voting trust certificates.

(4) Rights, warrants, or other certificates evidencing the right to purchase additional securities shall have a value equal to the difference between the selling price of the securities represented by the rights, warrants, or other certificates and any higher market value of the securities so represented at the date of filing of the application; provided, the minimum filing fee for such an application is fifty dollars ($50)

(5) Where an application is made to issue securities containing a provision entitling the holders thereof to convert or exchange them for a different class of securities, the value of the securities to be so issued shall be an amount equal to twice the amount of the consideration to be received for the securities containing the conversion or exchange provision.

(6) In the case of a share dividend or share split the value of the securities to be issued shall be the amount of surplus proposed to be transferred to stated capital and any surplus account.

SEC. 3 Section 26004 of said code is amended to read:

Fee Escrow holder

26004. The fee for acting as escrow holder for securities is fifty dollars ($50). In addition a fee of two dollars and fifty cents ($2.50) shall be paid for the deposit with the commissioner of each new certificate or other document resulting from a transfer in escrow.

SEC. 4. Section 26005 of said code is amended to read:

Filing fees

26005. The fee for filing an application for an order consenting to the transfer in escrow of securities is ten dollars ($10) for each transferor.

SEC. 5. Section 26006 of said code is amended to read:

Same

26006 The fee for filing any application for a permit to issue certificates of deposit is fifty dollars ($50), plus a sum, as estimated by the commissioner, to cover the actual expense of noticing and holding any hearing held in connection therewith.

SEC. 6. Section 26007 of said code is amended to read:

Same

26007. The fee for filing any application for a permit to execute or issue any guarantee of any security is fifty dollars ($50).

SEC. 7. Section 26008 of said code is amended to read:

26008. The fee for filing any application for a permit to issue securities evidencing any change in the rights, preferences, privileges, or restrictions on outstanding securities is fifty dollars ($50), except where such issuance will result in an increase in the stated capital in which event the fee shall be in accordance with Section 26003(b)(6) Same

SEC. 8. Section 26009 of said code is amended to read:

26009. The fee for filing any application for an amendment to an existing permit to issue securities is twenty-five dollars ($25). Same

SEC. 9. Section 26010 of said code is amended to read:

26010. The fee for filing any application requesting the written consent of the commissioner to a proposed instrument amending, supplementing, or abrogating any portion of any mortgage, deed of trust, indenture, or other instrument under which bonds, debentures, or other evidences of indebtedness are issued or secured is twenty-five dollars ($25). Same

SEC. 10. Section 26011 of said code is amended to read:

26011. The fee for filing any application for an agent's certificate is twenty-five dollars ($25). Same

SEC. 11. Section 26012 of said code is amended to read:

26012. The fee for filing any application for a broker's certificate is one hundred dollars ($100) for the first office or location and fifty dollars ($50) for each additional office or location. Same

If, after a certificate has been issued to any broker operating as a partnership, there is a change of interest affecting less than twenty-five percent (25%) of the whole interest therein, a new application need not be made, but there shall be filed with the commissioner, accompanied by payment of a fee of ten dollars ($10), written notice of the change, stating the names and addresses of the partners and their respective interests, and any other information which may be required by the commissioner, together with evidence satisfactory to the commissioner that the bond theretofore filed by the broker is and will be maintained in good standing notwithstanding the change. The commissioner may in his discretion require a new application, in which event the procedure and fee shall be the same as upon an original application for a broker's certificate If the commissioner approves the change without a new application, the certificate theretofore issued and in force and any agents' licenses theretofore issued to agents of the partnership and then in force continue in full force and effect.

SEC. 12. Section 26013 of said code is amended to read:

26013. The fee for filing any application for an investment counsel's certificate is fifty dollars ($50). Same

SEC. 13. Section 26015 of said code is amended to read:

26015. The fee for copies of papers and records not required to be certified or otherwise authenticated by the commissioner is thirty cents ($0.30) per page, or fraction thereof. Copies of records, etc

SEC. 14. Section 26016 of said code is amended to read:

Certified copies

26016. The fee for certified copies of official documents, orders, and other papers filed in the office of the commissioner, for making and mailing copies of process served upon him under Chapter 8 of this division, and for transcript on appeal is thirty cents ($0.30) per page or fraction thereof and two dollars ($2) for each certificate under seal affixed thereto.

SEC. 15. Section 26014.1 is added to said code, to read:

Prospectus filing fee

26014.1. The fee for filing any prospectus or registration statement, except in connection with an application for a permit or in connection with securities for which a permit has been issued is one hundred dollars ($100).

Operative date

SEC. 16. This act shall become effective July 1, 1959.

Urgency

SEC. 17. This act is an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of Article IV of the Constitution and shall therefore go into effect immediately. The facts constituting such necessity are:

The regulation of the issuance and sale of securities is of vital interest to the people of this State, and in order for the Corporations Commissioner to maintain and improve his services in this area it is necessary that the fees for performing such services be increased. In order to avoid a delay of a full year or more in the initiation of this act it is necessary that its provisions become operative before the beginning of the new fiscal year, on July 1, 1959.

CHAPTER 395

An act to add Article 5 (commencing at Section 50920) to Chapter 4 of Part 1 of Division 1 of Title 5 of the Government Code, relating to extraterritorial law enforcement activities of local peace officers.

In effect September 18, 1959

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

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

SECTION 1. Article 5 (commencing at Section 50920) is added to Chapter 4 of Part 1 of Division 1 of Title 5 of the Government Code, to read:

Article 5. Extraterritorial Activities of County and City Peace Officers

"Peace officer"

50920. As used in this article, the term "peace officer" shall be deemed to include only a sheriff, undersheriff, deputy sheriff, constable, marshal or deputy marshal of a county, city and county or judicial district, a marshal or policeman of a city or town, regularly employed and compensated as such and not under suspension or otherwise lacking in good standing as such.

50921. Whenever any peace officer of a city, county, or city and county of this State is injured, dies or is disabled from performing his duties as a peace officer by reason of engaging in the apprehension or attempted apprehension of law violators or suspected law violators or protection or preservation of life or property, or the preservation of the peace anywhere in this State, including the local jurisdiction in which he is employed, but is not at the time acting under the immediate direction of his employer, he or his dependents, as the case may be, shall be accorded by his employer all of the same benefits including the benefits of the Workmen's Compensation Law, which he or they would have received had that peace officer been acting under the immediate direction of his employer. Any injury, disability or death incurred under the circumstances described in this section shall be deemed to have arisen out of and been sustained in the course of employment for purposes of workmen's compensation and all other benefits. Death or injury benefits

50922. Nothing in this article shall be deemed to: Exceptions

(a) Require the extension of any benefits to a peace officer who at the time of his injury, death, or disability is acting for compensation from one other than the city, county or city and county of his primary employment.

(b) Require the extension of any benefits to a peace officer employed by a city, county, or city and county which by charter, ordinance, or departmental regulation expressly prohibits the activity giving rise to the injury, disability or death, whether now in force or hereafter enacted or promulgated.

(c) Enlarge or extend the authority of any peace officer to make an arrest; provided, however, that illegality of the arrest shall not affect the extension of benefits by reason of this act if the peace officer reasonably believed that the arrest was not illegal.

SEC. 2. This act is mandatory and self-executing. If any part thereof for any reason should be invalid, such invalidity shall not affect the remaining provisions hereof, the various provisions being separable. If this act should be held inapplicable to any class of cities or other local governmental entities, this shall not affect its application to the remainder of such cities or other local governmental entities. Severability clause

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CHAPTER 396

An act to amend Section 575 of the Welfare and Institutions Code, relating to compensation of referees.

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.] In effect September 18, 1959

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

SECTION 1. Section 575 of the Welfare and Institutions Code is amended to read:

575. In counties of the first and the third class, such referees shall serve without compensation, save that in each county of the first class having a charter the board of supervisors shall fix the compensation for at least two such referees, and in each county of the third class the board of supervisors shall fix the compensation for at least one referee. In counties of the second class the compensation of each of the two referees shall be nine hundred seventy-five dollars ($975) per month.

CHAPTER 397

An act to authorize the bringing of a suit against the State of California to quiet title to land sold as salt marsh or tidelands by the State of California, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

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

SECTION 1. In all cases where the State of California has sold any salt marsh and tidelands under the provisions of the following named acts or of any of them, to wit: "An act to survey and dispose of certain salt marsh and tidelands, belonging to the State of California," approved March 30, 1868, and an act entitled "An act supplementary to and amendatory of an act entitled 'An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California,' approved March 30, 1868," approved April 1, 1870, and an act entitled "An act supplementary to and amendatory of an act supplementary to and amendatory of an act entitled 'An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California,' approved March 30, 1868; also, an act approved April 1, 1870," approved March 30, 1874, to any person or persons and the person or persons purchasing said lands has paid all of the installments required to be paid by him or them on the purchase price thereof prior to the enactment of an act entitled "An act to abolish the State Board of Tideland Commissioners, and to repeal Sections 365 and 698 of the Political Code," approved February 4, 1876, and where no deed was ever executed and delivered to such purchaser or purchasers conveying to him or them the lands so purchased, or where such deed, if delivered, has been lost by such purchaser or purchasers or has never been recorded, the person or persons so purchasing said lands, or his or their successor or successors in interest, is and are hereby authorized to bring suit against the State of California in any court of said State of competent jurisdiction to quiet title to said land, or to any portion thereof, and to prosecute the same to final judgment.

SEC. 2. The complaint in any such action must contain a statement of the time, place and conditions of sale of the lands concerning which title is shown to be quieted, together with a statement of all moneys paid under the terms of said sale and the date of such payments. The rules of practice in civil cases relating to suits to quiet title shall apply to such suits as may be brought under this authorization, except as otherwise herein provided. No costs against the State shall be allowed in any such suit.

SEC. 3. Service of summons in such suits shall be made upon the chairman of the State Lands Commission and upon the Attorney General, and it shall be the duty of the Attorney General to represent the State in all such suits.

SEC. 4. Any such suits to quiet title shall be commenced within one year after this act takes effect.

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The use of certain salt marsh and tidelands sold by the State of California is essential in connection with certain necessary public improvements being constructed in the City and County of San Francisco. In order that the title to this land may be cleared and the public improvements completed at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 398

An act to add Sections 3514, 3515, and 3516 to the Fish and Game Code, relating to exotic nonresident game birds.

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 3514 is added to the Fish and Game Code, to read:

3514. Exotic nonresident game birds are those birds of the order Galliformes (pheasant, grouse, quail) which are not established as a wild resident population in this State.

Exotic nonresident game birds

SEC. 2. Section 3515 is added to said code, to read:

Same Released in State

3515. Exotic nonresident game birds may be released in this State only on prior approval of the commission.

SEC. 3. Section 3516 is added to said code, to read:

3516. The commission may adopt such regulations as it deems necessary to govern the release, taking, and possession of exotic nonresident game birds.

Regulations

CHAPTER 399

An act to validate school district acts, proceedings, and bonds, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

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

SECTION 1. As used in this act, the term "bonds" means all instruments evidencing an indebtedness of a school district incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such district, and all instruments payable from revenues or special funds of such school districts, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All acts and proceedings heretofore taken by or on behalf of any school district under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such school district for any public purpose, or to increase the tax limit on the rate of taxation otherwise permitted by law in such school district, are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such school district and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds or increase in the tax limit on the rate of taxation.

All bonds of any school district heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the school district. All such bonds heretofore authorized to be issued and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the school district. Whenever an election has heretofore been called for the purpose of submitting to the voters of any school district the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the school district.

SEC. 3. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the authorization, issuance, sale or exchange of bonds or increase in the tax limit on the rate of taxation upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable.

This section shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

SEC. 4. (a) This act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) This act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) This act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

(e) This act shall be effective only with respect to acts, proceedings and bonds authorized at any election held between December 1, 1958, and February 1, 1959.

SEC. 5. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The peace, health and safety of citizens of the State require the orderly and unhampered functioning of school districts, and such functioning depends upon the validity of acts, proceedings, and bonds of school districts, and it is therefore imperative and essential that such matters be validated so that during the period before this act would otherwise become effective:

(1) Citizens of the State can be afforded the services and facilities provided by school districts;

(2) Public works and construction by school districts can be commenced and continued without delay or restriction to provide services and facilities required for the public peace, health, and safety, and immediately needed to provide for an increased population;

(3) School districts can issue and sell bonds heretofore authorized for the purpose of providing services and facilities required for the public peace, health, and safety, and immediately needed to provide for an increased population, which

cannot now be sold because of defects in the organization or boundaries of some school districts or in the authorization of such bonds, which defects will be cured by this act.

CHAPTER 400

An act to amend Section 8 of the Corporations Code, to add Section 11 to the Code of Civil Procedure, to amend Section 31 of the Education Code as enacted by the Legislature at the 1959 Regular Session, to amend Section 8 of the Financial Code, to amend Section 8 of the Labor Code, to add Section 5 to the Probate Code, to amend Section 8 of the Public Utilities Code, to amend Section 10 of the Vehicle Code, and to add Section 29 to the Vehicle Code as proposed by Assembly Bill No. 5, relating to the use of certified mail.

In effect September 18, 1959

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

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

SECTION 1. Section 8 of the Corporations Code is amended to read:

Writing

8. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this code, it shall be made in writing in the English language.

Wherever any notice or other communication is required by this code to be mailed by registered mail by or to any person or corporation, the mailing of such notice or other communication by certified mail shall be deemed to be a sufficient compliance with the requirements of law.

SEC. 2. Section 11 is added to the Code of Civil Procedure, to read:

Certified mail in lieu of registered mail

11. Wherever any notice or other communication is required by this code to be mailed by registered mail by or to any person or corporation, the mailing of such notice or other communication by certified mail shall be deemed to be a sufficient compliance with the requirements of law.

SEC. 3. Section 31 of the Education Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

Writing

31. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise.

Wherever any notice or other communication is required by this code to be mailed by registered mail by or to any person or corporation, the mailing of such notice or other communi-

cation by certified mail shall be deemed to be a sufficient compliance with the requirements of law.

SEC. 4. Section 8 of the Financial Code is amended to read:

8. "Writing" includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, petition, permit, statement, or record is required by this code, it shall be made in writing in the English language. "Writing"

Wherever any notice or other communication is required by this code to be mailed by registered mail by or to any person or corporation, the mailing of such notice or other communication by certified mail shall be deemed to be a sufficient compliance with the requirements of law.

SEC. 5 Section 8 of the Labor Code is amended to read:

8. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required by this code, it shall be made in writing in the English language. Same

Wherever any notice or other communication is required by this code to be mailed by registered mail by or to any person or corporation, the mailing of such notice or other communication by certified mail shall be deemed to be a sufficient compliance with the requirements of law.

SEC. 6. Section 5 is added to the Probate Code, to read:

5. Wherever any notice or other communication is required by this code to be mailed by registered mail by or to any person or corporation, the mailing of such notice or other communication by certified mail shall be deemed to be a sufficient compliance with the requirements of law. Certified mail in lieu of registered mail

SEC. 7. Section 8 of the Public Utilities Code is amended to read:

8. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, petition, or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise. "Writing"

Wherever any notice or other communication is required by this code to be mailed by registered mail by or to any person or corporation, the mailing of such notice or other communication by certified mail shall be deemed to be a sufficient compliance with the requirements of law.

SEC. 8. Section 10 of the Vehicle Code is amended to read:

10. Method of Giving Notice. Whenever a notice is required to be given under this code by the department or any division, officer or employee thereof, unless a different method of giving such notice is elsewhere otherwise expressly prescribed herein, such notice shall be given either by personal delivery thereof to the person to be so notified or by deposit in the United States mail of an envelope with postage prepaid which said envelope shall contain such notice and shall be addressed to such person at his address as shown by the Method of giving notice

records of the department. The giving of notice by personal delivery is complete upon delivery of a copy of said notice to said person. The giving of notice by mail is complete upon the expiration of four days after said deposit of said notice. Proof of the giving of such notice may be made by the certificate of any officer or employee of the department or of any peace officer, or by an affidavit of any person over 18 years of age, naming the person to whom such notice was given and specifying the time, place and manner of the giving thereof.

Wherever any notice or other communication is required by this code to be mailed by registered mail by or to any person or corporation, the mailing of such notice or other communication by certified mail shall be deemed to be a sufficient compliance with the requirements of law.

SEC. 9. Section 29 is added to the Vehicle Code as proposed by Assembly Bill No. 5, to read:

Same

29. Wherever any notice or other communication is required by this code to be mailed by registered mail by or to any person or corporation, the mailing of such notice or other communication by certified mail shall be deemed to be a sufficient compliance with the requirements of law.

Effect Stats 1959, Ch 3

SEC. 10. Section 9 of this act becomes operative only if the Vehicle Code as proposed by Assembly Bill No. 5 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said code takes effect, at which time Section 10 of the Vehicle Code adopted in 1935 is repealed.

CHAPTER 401

An act to add Section 6545.5 to the Business and Professions Code, relating to the practice of barbering.

In effect September 18, 1959

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

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

SECTION 1. Section 6545.5 is added to the Business and Professions Code, to read:

6545.5. Any person is qualified to receive a certificate of registration to practice barbering if he complies with each of the following:

(a) He ceased to engage in the practice of barbering not more than five years prior to July 30, 1927.

(b) He continuously engaged in the practice of barbering in California for a period of not less than five years prior to ceasing such practice.

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

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

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

Proof of the necessary practice of barbering and the dates thereof, shall be verified in writing by at least two responsible persons who resided in each community in which the person practiced barbering during the five-year period.

Proof of the ceasing of the practice of barbering and the date thereof, shall be verified in writing by at least two responsible persons who resided in the community where the applicant ceased such practice.

No application for a certificate of registration under this section shall be received after the expiration of ninety (90) days from the effective date of the section.

CHAPTER 402

An act to repeal Sections 31031 and 31031.5 of, and to add Section 31031 to, the Water Code, relating to county water districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.] In effect immediately

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

SECTION 1. Sections 31031 and 31031.5 of the Water Code are repealed. Repeals

SEC. 2. Section 31031 is added to said code, to read:

31031. A district may fix, on or before the first day of July in each calendar year, a water standby or availability charge of not to exceed ten dollars ($10) per acre per year for each acre of land within the district to which water is made available for any purpose by the district, whether the water is actually used or not. The board of directors of a district which fixes such a charge may establish schedules varying such charge according to the land uses and the degree of availability or quantity of use of such water to the affected lands, and may restrict such charge to lands lying within one or more improvement districts within such district. Water standby or availability charge

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

The fair and efficient distribution of the costs of furnishing water to water users is of great concern in areas of the State which are wholly dependent upon water provided by county water districts.

In order to provide for the immediate solution of existing inequities in water distribution costs and to permit the implementation of this act during the next fiscal year it is necessary that it take effect immediately.

CHAPTER 403

An act to amend Section 633 of the Vehicle Code, and Section 24404 of the Vehicle Code as proposed by Assembly Bill No. 5, relating to spotlamps on vehicles.

In effect September 18, 1959

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

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

SECTION 1. Section 633 of the Vehicle Code is amended to read:

Spotlamps

633. Spotlamps. (a) Any motor vehicle may be equipped with not to exceed two spotlamps which shall not be used in substitution of headlamps.

(b) Every spotlamp shall be so directed when in use:

(1) That no portion of the main substantially parallel beam of light will strike the roadway to the left of the prolongation of the left side line of the vehicle; and

(2) That the top of the beam will not strike the roadway at a distance in excess of 300 feet from the vehicle.

(c) No spotlamp shall be equipped with any lamp source exceeding 32 standard candlepower or 30 watts.

(d) No spotlamp shall project any glaring light into the eyes of an approaching driver.

(e) No spotlamp when in use shall be directed so as to illuminate any other moving vehicle.

(f) The provisions of this section shall not apply to spotlamps on authorized emergency vehicles.

SEC. 2. Section 24404 of the Vehicle Code as proposed by Assembly Bill No. 5 is amended to read:

Same

24404. (a) In addition, a motor vehicle may be equipped with not to exceed two spotlamps, which shall not be used in substitution of headlamps.

(b) No spotlamp shall be equipped with any lamp source exceeding 32 standard candlepower or 30 watts nor project any glaring light into the eyes of an approaching driver.

(c) Every spotlamp shall be so directed when in use:

(1) That no portion of the main substantially parallel beam of light will strike the roadway to the left of the prolongation of the left side line of the vehicle.

(2) That the top of the beam will not strike the roadway at a distance in excess of 300 feet from the vehicle.

(d) This section does not apply to spotlamps on authorized emergency vehicles.

(e) No spotlamp when in use shall be directed so as to illuminate any other moving vehicle.

Effect Stats 1959, Ch 3

SEC. 3. Section 2 of this act becomes operative only if the Vehicle Code as proposed by Assembly Bill No. 5 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said code takes effect, at which time Section 633 of the Vehicle Code adopted in 1935 is repealed.

CHAPTER 404

An act to amend Section 7 of the Penal Code, relating to the definition of "book."

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

In effect September 18, 1959.

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

SECTION 1. Section 7 of the Penal Code is amended to read:

7. Words used in this code in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word "person" includes a corporation as well as a natural person; the word "county" includes "city and county"; writing includes printing and typewriting; oath includes affirmation or declaration; and every mode of oral statement, under oath or affirmation, is embraced by the term "testify," and every written one in the term "depose"; signature or subscription includes mark, when the person cannot write, his name being written near it, by a person who writes his own name as a witness; provided, that when a signature is made by mark it must, in order that the same may be acknowledged or serve as the signature to any sworn statement, be witnessed by two persons who must subscribe their own names as witnesses thereto.

The following words have in this code the signification attached to them in this section, unless otherwise apparent from the context:

1. The word "willfully," when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act, or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire any advantage;

2. The words "neglect," "negligence," "negligent," and "negligently" import a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concerns;

3. The word "corruptly" imports a wrongful design to acquire or cause some pecuniary or other advantage to the person guilty of the act or omission referred to, or to some other person;

4. The words "malice" and "maliciously" import a wish to vex, annoy, or injure another person, or an intent to do a wrongful act, established either by proof or presumption of law;

5. The word "knowingly" imports only a knowledge that the facts exist which bring the act or omission within the provisions of this code. It does not require any knowledge of the unlawfulness of such act or omission;

6. The word "bribe" signifies anything of value or advantage, present or prospective, or any promise or undertaking to give any, asked, given, or accepted, with a corrupt intent to influence, unlawfully, the person to whom it is given, in his action, vote, or opinion, in any public or official capacity;

7. The word "vessel," when used with reference to shipping, includes ships of all kinds, steamboats, canalboats, barges, and every structure adapted to be navigated from place to place for the transportation of merchandise or persons;

8. The words "peace officer" signify any one of the officers mentioned in Section 817;

9. The word "magistrate" signifies any one of the officers mentioned in Section 808;

10. The word "property" includes both real and personal property;

11. The words "real property" are coextensive with lands, tenements, and hereditaments;

12. The words "personal property" include money, goods, chattels, things in action, and evidences of debt;

13. The word "month" means a calendar month, unless otherwise expressed; the word "daytime" means the period between sunrise and sunset, and the word "nighttime" means the period between sunset and sunrise;

14. The word "will" includes codicil;

15. The word "writ" signifies an order or precept in writing, issued in the name of the people, or of a court or judicial officer, and the word "process" a writ or summons issued in the course of judicial proceedings;

16. Words and phrases must be construed according to the context and the approved usage of the language; but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in law, must be construed according to such peculiar and appropriate meaning;

17. Words giving a joint authority to three or more public officers or other persons, are construed as giving such authority to a majority of them, unless it is otherwise expressed in the act giving the authority;

18. When the seal of a court or public officer is required by law to be affixed to any paper, the word "seal" includes an impression of such seal upon the paper alone, or upon any substance attached to the paper capable of receiving a visible impression. The seal of a private person may be made in like manner, or by the scroll of a pen, or by writing the word "seal" against his name;

19. The word "state," when applied to the different parts of the United States, includes the District of Columbia and the territories, and the words "United States" may include the district and territories;

20. The word "section," whenever hereinafter employed, refers to a section of this code, unless some other code or statute is expressly mentioned.

21. To "book" signifies the recordation of an arrest in official police records, and the taking by the police of fingerprints and photographs of the person arrested, or any of these acts following an arrest.

CHAPTER 405

An act to amend Sections 6914, 6915, and 6916 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to advance apportionment of state aid to school districts.

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 6914 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

Special training schools

6914. Whenever any school district maintains special training schools or classes for the education of mentally retarded minors who come within the provisions of Section 6903, or special schools, classes or integrated programs where a qualified special teacher is provided for the education of physically handicapped minors who come within the provisions of Sections 6801 and 6802, the governing board of the school district may apply to the Superintendent of Public Instruction for an apportionment pursuant to Sections 6914 to 6919, inclusive.

SEC. 2. Section 6915 of said code is amended to read:

Estimate for advance apportionment

6915. The application shall be made prior to September 1st of each school year in the form and manner prescribed by the Superintendent of Public Instruction and shall include an estimate of the average daily attendance that will be credited to such schools, classes or integrated programs during the school year for which an advance apportionment is requested. Such estimate shall be based upon the number of minors residing in the district or in an adjacent district that come within the provisions of Sections 6901, 6902, and 6903 and who will attend such schools, classes or integrated programs, and shall be subject to the approval of the Superintendent of Public Instruction.

SEC. 3. Section 6916 of said code is amended to read:

Apportionment

6916. Not later than 30 days after such application, the Superintendent of Public Instruction, if he approves, shall apportion to each applicant school district from the State General Fund, as an advance against future apportionments from the State School Fund to such district, an amount equal to the maximum amount allowable for each type of program included in the request per unit of average daily attendance to school districts for the excess expense of educating mentally retarded minors who come within the provisions of Section

6903, and physically handicapped minors who come within the provisions of Sections 6801 and 6802 multiplied by eight and the product thereof multiplied by the number of special classes or integrated programs maintained by the applicant school district for such minors.

CHAPTER 406

An act to add Section 20596.1 to, and to amend Section 20601 of, the Education Code; to add Section 24556.5 to, and to amend Section 24561 of, the Education Code as proposed by Senate Bill No. 2, relating to the State College Revenue Bond Act of 1947.

In effect September 18, 1959

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

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

SECTION 1. Section 20596.1 is added to the Education Code, to read:

Refunds

20596.1. Rent, charges, and fees collected in error may be refunded by the board in accordance with regulations prescribed by the board. Refunds of rent, charges, and fees collected for facilities requested by students and not utilized by them may be made for good cause by the board in such amounts and under such conditions as may be prescribed by regulations adopted by the board.

SEC. 2. Section 20601 of said code is amended to read:

Funds

20601. All revenues received from the operation of any project acquired or constructed by the board under the provisions of this article shall be transmitted by the board at least once in every calendar month, to the State Treasurer. On order of the State Controller, the said Treasurer shall deposit such revenues in the State Treasury to the credit of the State College Dormitory Revenue Fund, which fund is hereby created. Moneys in the State College Dormitory Revenue Fund shall be used to pay the costs of operation and maintenance of the projects authorized by this article, including refunds authorized by Section 20596.1, to provide the amounts required for interest and redemption of bonds as provided in this article, and for any other purposes authorized by resolution of the board approved by the State Board of Control, subject to any restrictions provided by law or the indenture.

SEC. 3. Section 24556.5 is added to the Education Code as proposed by Senate Bill No. 2, to read:

Refunds

24556.5. Rent, charges, and fees collected in error may be refunded by the board in accordance with regulations prescribed by the board. Refunds of rent, charges, and fees collected for facilities requested by students and not utilized by them may be made for good cause by the board in such

amounts and under such conditions as may be prescribed by regulations adopted by the board.

SEC. 4. Section 24561 of said proposed code is amended to read:

24561. All revenues received from the operation of any project acquired or constructed by the board under the provisions of this article (commencing at Section 24501) shall be transmitted by the board at least once in every calendar month, to the State Treasurer. On order of the State Controller, the said Treasurer shall deposit such revenues in the State Treasury to the credit of the State College Dormitory Revenue Fund, which fund is hereby created. Moneys in the State College Dormitory Revenue Fund shall be used to pay the costs of operation and maintenance of the projects authorized by this article, including refunds authorized by Section 24556 5, to provide the amounts required for interest and redemption of bonds as provided in this article, and for any other purposes authorized by resolution of the board approved by the State Board of Control, subject to any restrictions provided by law or the indenture. Funds

SEC. 5. Sections 3 and 4 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 20596.1 of the Education Code as added by Section 1 of this act and Section 20601 as amended by Section 2 of this act are repealed. Effect. Stats 1959, Ch 2

CHAPTER 407

An act to amend Sections 7068 and 7122 of, and to add Sections 7068.1, 7068.2, 7068.3, and 7122 5 to the Business and Professions Code, relating to contractors.

[Approved by Governor May 15, 1959 Filed with Secretary of State May 15, 1959] In effect September 18, 1959

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

SECTION 1. Section 7068 of the Business and Professions Code is amended to read:

7068. The board shall require an applicant to show such degree of experience, and such general knowledge of the building, safety, health and lien laws of the State and of the rudimentary administrative principles of the contracting business as the board deems necessary for the safety and protection of the public. Qualifications

An applicant may qualify in regard to his experience and knowledge in the following ways:

(a) If an individual, he may qualify by personal appearance or by the appearance of his responsible managing employee.

(b) If a copartnership or a limited partnership, it may qualify by the appearance of a general partner or a responsible managing employee.

(c) If a corporation, or any other combination or organization, it may qualify by the appearance of the responsible managing officer, the responsible managing employee, or a member of the personnel of such applicant.

SEC. 2. Section 7068.1 is added to said code, to read:

Individual responsibility

7068.1. The individual qualifying on behalf of an individual or firm under subdivisions (a), (b), or (c) of Section 7068 shall be responsible for exercising such direct supervision and control of his employer's or principal's construction operations as is necessary to secure full compliance with the provisions of this chapter and the rules and regulations of the board relating to such construction operations.

SEC. 3. Section 7068.2 is added to said code, to read:

Notice

7068.2. If the individual qualifying for the license is a responsible managing officer or responsible managing employee and ceases for any reason whatsoever to be connected with the individual or firm to whom the license is issued, the licensee and the responsible managing officer or responsible managing employee qualifying for such license shall notify the registrar in writing within 10 days from such cessation. If a notice is given the license shall remain in force for a reasonable length of time to be determined by rules of the board.

If the licensee or his responsible managing officer or responsible managing employee qualifying for the license fails to notify the registrar in writing within the 10-day period, at the end of the period the license shall be automatically suspended. The license shall be reinstated upon the filing of an application, executed by the licensee or a member of the licentiate firm and filed with the registrar, designating another individual to qualify as required by this chapter on behalf of the licensee. The application shall state that the individual qualifying has not had his license suspended or revoked or that he has not been connected with a licensee who has had a license suspended or revoked for reasons that would preclude such individual from personally qualifying as to the good character required of an applicant.

SEC. 4. Section 7068.3 is added to said code, to read:

Dissolution of partnership

7068.3. Dissolution of a partnership by the withdrawal of the qualifying partner or any other change in the personnel other than the replacement of the responsible managing employee shall terminate the license of such partnership as of the date of such dissolution. Any one partner of a licensed partnership may terminate the license by written notice to the registrar. The provisions of this section shall not apply where change in personnel of a partnership is effected by death pursuant to Section 7076.

SEC. 5. Section 7122 of said code is amended to read:

Disciplinary action

7122. The performance by any individual, partnership, corporation, firm, or association of any act or omission consti-

tuting a cause for disciplinary action, likewise constitutes a cause for disciplinary action against any licensee other than the individual qualifying on behalf of the individual or entity, if the licensee was a member, officer, director, or associate of such individual, partnership, corporation, firm or association at the time such act or omission occurred, and had knowledge of or participated in such prohibited act or omission.

SEC. 6. Section 7122.5 is added to said code, to read:

Same

7122.5. The performance by any individual, partnership, corporation, firm, or association of any act or omission constituting a cause for disciplinary action, likewise constitutes a cause for disciplinary action against any licensee who at the time such act or omission occurred was the responsible managing employee, qualifying partner, responsible managing officer, or qualifying member of such individual, partnership, corporation, firm, or association, whether or not he had knowledge of or participated in the prohibited act or omission.

CHAPTER 408

An act to amend Section 6731 of the Business and Professions Code, relating to the practice of engineering.

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 6731 of the Business and Professions Code is amended to read:

6731. Civil engineering embraces the following studies or activities in connection with fixed works for irrigation, drainage, waterpower, water supply, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and airways, purification of water, sewerage, refuse disposal, foundations, framed and homogeneous structures, buildings, or bridges:

(a) The economics of, the use and design of, materials of construction and the determination of their physical qualities.

(b) The supervision of the construction of engineering structures.

(c) The investigation of the laws, phenomena and forces of nature.

(d) Appraisals or valuations.

(e) The preparation and/or submission of designs, plans and specifications and engineering reports.

Civil engineering also includes city and regional planning insofar as any of the above features are concerned therein, and land surveying as defined in Chapter 15 (commencing at Section 8700) of Division 3.

CHAPTER 409

An act to add Section 8283 to the Fish and Game Code, relating to crabs.

In effect September 18, 1959

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

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

SECTION 1. Section 8283 is added to the Fish and Game Code, to read:

8283. Crab traps may be set and baited 18 hours in advance of the opening date of the crab season if no other attempt is made to take or possess the crabs.

CHAPTER 410

An act to amend Section 3475 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents.

In effect September 18, 1959

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

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

SECTION 1. Section 3475 of the Welfare and Institutions Code is amended to read:

3475. Notwithstanding any other provision of this chapter, whenever a former recipient of aid under this chapter whose aid has been canceled or discontinued for any cause requests restoration of aid before the expiration of one year from the date of such cancellation or discontinuance and if it is determined that he is eligible therefor, aid shall be granted to him as of the date of such request for restoration, and no new application shall be required.

CHAPTER 411

An act to amend Section 6826 of the Public Resources Code, relating to administration and control of state lands.

In effect September 18, 1959

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

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

SECTION 1. Section 6826 of the Public Resources Code is amended to read:

6826. The commission may permit geological or geophysical surveys on state lands and may grant permits therefor upon such terms and conditions as the commission shall specify by

regulation, but any such permit shall not give the permittee any preferential right to an oil and gas lease. The taking of cores and other samples may be conducted on and under tide and submerged lands of the State; provided, that the commission shall require that a permit first be obtained covering such types of drilling operations for the purpose of obtaining geological samples as the commission may determine by regulation, such permit to be issued upon such terms and conditions as the commission may specify by regulation, but any such permit shall not give the permittee any preferential right to an oil and gas lease.

The commission shall require, as a condition to the issuance of any permit under this section, that the permittee make available to the commission, upon request, all factual and physical exploration results, logs, and records resulting from the operations under the permit. Any such factual or physical exploration results, logs, or records which the permittee is required to make available to the commission shall be for the confidential use of the commission and shall not be open to inspection by any other person or agency without the written consent of the permittee.

It is a misdemeanor for any member of the commission, any officer or employee of the commission, or any person performing any function or work assigned to him by the commission, to disclose to any person who is not a member, officer, employee of the commission or to any person who is not performing any function or work assigned to him by the commission, any information obtained from the inspection of such factual or physical exploration results, logs, or records, or to use such information for purposes other than the administration of the functions, responsibilities, and duties vested in the commission by law, except upon the written consent of the permittee making available such information to the commission.

CHAPTER 412

An act to amend Sections 7231, 7232, 7235, 7236, and 7239 of, and to add Sections 7231.1 and 7240 to, the Education Code, and to amend Sections 20201, 20202, 20205, 20206, and 20209 of, and to add Sections 20201.1 and 20210 to, the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to junior college tuition, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.] In effect immediately

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

SECTION 1. Section 7231 of the Education Code is amended to read:

7231. Not later than August 8th of each year, the superintendent of schools of each county in which there is not a Annual certification

county junior college shall certify the following items to the board of supervisors and to the county auditor of the county in accordance with the rules and regulations of the Superintendent of Public Instruction, which he is hereby authorized to adopt:

(a) The total current expense of education, exclusive of the expense for transportation of pupils, during the next preceding fiscal year of all junior college pupils in grades 13 and 14 residing in the county and not in any school district maintaining a junior college, less state and federal apportionments received during the next preceding fiscal year for such pupils in grades 13 and 14.

(b) The actual expense of transportation of such pupils.

(c) An amount equal to three hundred dollars ($300) per unit of average daily attendance of such pupils during the preceding fiscal year for the use of buildings and equipment.

(d) The estimated amount needed as specified in subdivisions (a), (b), and (c) of this section for the current year.

The Superintendent of Public Instruction shall define, for the purposes of this section, the term "current total expense of education" and the term "actual expense of transportation."

If during any fiscal year the county superintendent of schools determines that an amount of at least one hundred dollars ($100) more or an amount at least one hundred dollars ($100) less than was required under either subsection (a), (b), or (c) of this section was certified to the board of supervisors and the county auditor during a prior fiscal year, such amount shall, not later than the third succeeding fiscal year, be deducted from or added to the amount otherwise certified for subdivisions (a), (b), or (c) for the current fiscal year, as appropriate.

SEC. 2. Section 7231.1 is added to said code, to read:

Supporting data

7231.1. The governing board of the district maintaining the junior college shall forward the data supporting the certification, required of the county superintendent of schools in Section 7231, to the county superintendent of schools of the county wherein the district is located not later than July 15th of each year. The county superintendent of schools of the county wherein the district is located shall certify such data to the county superintendent of the county wherein the pupil resides not later than July 25th of each year.

SEC. 3. Section 7232 of said code is amended to read:

Special tax

7232. The board of supervisors with whom the certificate is filed shall at the time of making the tax levy for that year for county purposes, levy a special tax upon all taxable property in the county not situated in any school district maintaining a junior college, sufficient in amount to defray all amounts specified in subdivisions (a), (b), and (c) of Section 7231.

SEC. 4. Section 7235 of said code is amended to read:

Apportionment of funds

7235. The auditor shall notify the superintendent of schools of the amount in the funds when allocated, but in no case, later

than the first Monday in February of each year for the first installment due on November 1st, and not later than the first Monday in June of each year for the second installment due on February 1st. The superintendent of schools shall thereupon apportion the funds to the several school districts maintaining junior colleges, in his county or in other counties, in proportion to the amounts specified for subdivisions (a), (b), and (c) of Section 7231 for each of the districts, and certify the apportionment to the auditor.

SEC. 5. Section 7236 of said code is amended to read:

Amount credited

7236. The amount apportioned to each school district under this article shall be paid into the treasury of the county whose superintendent of schools has jurisdiction over the district to the credit of the following funds of the district.

(a) An amount equal to the amounts specified in subdivisions (a) and (b) of Section 7231 shall be credited to the general fund of the district.

(b) Upon authorization by the governing board of the district, (1) all of the amount specified in subdivision (c) of Section 7231 may be credited to either the interest and sinking fund or the special reserve fund of the district; or (2) a portion of the amount may be credited to each of such funds. If no authorization is given by the governing board for the crediting of moneys to either fund, the amount shall be credited to the special reserve fund.

SEC. 6. Section 7239 of said code is amended to read:

Funds credited

7239. A superintendent of schools in whose favor the order is drawn shall pay the money into the county treasury to the credit of the following funds of the districts educating the students from the county paying the money:

(a) An amount equal to the amounts specified in subdivisions (a) and (b) of Section 7231 shall be credited to the general fund of the district.

(b) Upon authorization by the governing board of the district, (1) all of the amount specified in subdivision (c) of Section 7231 may be credited to either the interest and sinking fund or the special reserve fund of the district; or (2) a portion of the amount may be credited to each of such funds. If no authorization is given by the governing board for the crediting of moneys to either fund, the amount shall be credited to the special reserve fund.

SEC. 7. Section 7240 is added to said code, to read:

Forms and procedures

7240. The State Superintendent of Public Instruction shall furnish the forms and prescribe the procedures required of the school districts and county superintendent of schools under this article.

SEC. 8. Section 20201 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

Annual certification

20201. Not later than August 8th of each year, the superintendent of schools of each county in which there is not a county junior college shall certify the following items to the board of supervisors and to the county auditor of the county

in accordance with the rules and regulations of the Superintendent of Public Instruction, which he is hereby authorized to adopt:

(a) The total current expense of education, exclusive of the expense for transportation of pupils, during the next preceding fiscal year of all junior college pupils in grades 13 and 14 residing in the county and not in any school district maintaining a junior college, less state and federal apportionments received during the next preceding fiscal year for such pupils in grades 13 and 14.

(b) The actual expense of transportation of such pupils.

(c) An amount equal to three hundred dollars ($300) per unit of average daily attendance of such pupils during the preceding fiscal year for the use of buildings and equipment.

(d) The estimated amount needed as specified in subdivisions (a), (b), and (c) of this section for the current year.

The Superintendent of Public Instruction shall define, for the purposes of this section, the term "current total expense of education" and the term "actual expense of transportation."

If during any fiscal year the county superintendent of schools determines that an amount of at least one hundred dollars ($100) more or an amount at least one hundred dollars ($100) less than was required under either subsection (a), (b), or (c) of this section was certified to the board of supervisors and the county auditor during a prior fiscal year, such amount shall, not later than the third succeeding fiscal year, be deducted from or added to the amount otherwise certified for subdivisions (a), (b), or (c) for the current fiscal year, as appropriate.

SEC. 9. Section 20201.1 is added to said code, to read:

Supporting data

20201.1. The governing board of the district maintaining the junior college shall forward the data supporting the certification, required of the county superintendent of schools in Section 20201, to the county superintendent of schools of the county wherein the district is located not later than July 15th of each year. The county superintendent of schools of the county wherein the district is located shall certify such data to the county superintendent of the county wherein the pupil resides not later than July 25th of each year.

SEC. 10. Section 20202 of said code is amended to read:

Special tax

20202. The board of supervisors with whom the certificate is filed shall at the time of making the tax levy for that year for county purposes, levy a special tax upon all taxable property in the county not situated in any school district maintaining a junior college, sufficient in amount to defray all amounts specified in subdivisions (a), (b), and (c) of Section 20201.

SEC. 11. Section 20205 of said code is amended to read:

Apportionment of funds

20205. The auditor shall notify the superintendent of schools of the amount in the funds when allocated, but in no case, later than the first Monday in February of each year for the first installment due on November 1st, and not later than the first Monday in June of each year for the second

installment due on February 1st. The superintendent of schools shall thereupon apportion the funds to the several school districts maintaining junior colleges, in his county or in other counties, in proportion to the amounts specified for subdivisions (a), (b), and (c) of Section 20201 for each of the districts, and certify the apportionment to the auditor.

SEC. 12. Section 20206 of said code is amended to read:

Amount credited

20206. The amount apportioned to each school district under this article (commencing at Section 20201) shall be paid into the treasury of the county whose superintendent of schools has jurisdiction over the district to the credit of the following funds of the district:

(a) An amount equal to the amounts specified in subdivisions (a) and (b) of Section 20201 shall be credited to the general fund of the district.

(b) Upon authorization by the governing board of the district, (1) all of the amount specified in subdivision (c) of Section 20201 may be credited to either the interest and sinking fund or the special reserve fund of the district; or (2) a portion of the amount may be credited to each of such funds If no authorization is given by the governing board for the crediting of moneys to either fund, the amount shall be credited to the special reserve fund.

SEC. 13. Section 20209 of said code is amended to read:

Funds credited

20209. A superintendent of schools in whose favor the order is drawn shall pay the money into the county treasury to the credit of the following funds of the districts educating the students from the county paying the money:

(a) An amount equal to the amounts specified in subdivisions (a) and (b) of Section 20201 shall be credited to the general fund of the district.

(b) Upon authorization by the governing board of the district, (1) all of the amount specified in subdivision (c) of Section 20201 may be credited to either the interest and sinking fund or the special reserve fund of the district; or (2) a portion of the amount may be credited to each of such funds. If no authorization is given by the governing board for the crediting of moneys to either fund, the amount shall be credited to the special reserve fund.

SEC. 14. Section 20210 is added to said code, to read:

Forms and procedures

20210. The State Superintendent of Public Instruction shall furnish the forms and prescribe the procedures required of the school districts and county superintendent of schools under this article.

Operative date, Stats 1959, Ch 2

SEC. 15. Sections 8 to 14, inclusive, of this act shall become operative at the same time as the Education Code, as enacted by the Legislature at its 1959 Regular Session, at which time Sections 7231, 7231.1, 7232, 7235, 7236, 7239, and 7240 of the Education Code as amended and added by Sections 1 to 7, inclusive, of this act are repealed

Urgency

SEC. 16. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the uniform procedure for a county maintaining a junior college to bill a county without a junior college for the cost of educating junior college students residing in the latter county be in effect for the full 1959-1960 Fiscal Year, it is necessary that this act take effect immediately.

CHAPTER 413

An act to amend Section 1242 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to school districts.

In effect September 18, 1959

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

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

SECTION 1. Section 1242 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

1242. When such a vacancy occurs prior to February 1st of a school year, the county superintendent of schools having jurisdiction with the approval of the county board of education shall appoint an eligible person to hold the office until the following June 30th. At the next regular election for governing board members, in addition to filling the offices of members whose terms are expiring, an election shall be held to fill the vacancy for the unexpired term.

When such a vacancy occurs between February 1st and June 30th, inclusive, of a school year, the county superintendent of schools having jurisdiction with the approval of the county board of education shall appoint an eligible person to hold the office for the unexpired term or until June 30th of the next succeeding school year, whichever occurs first. At the regular election for governing board members held in such succeeding school year, in addition to filling the offices of members whose terms are expiring, an election shall be held to fill the vacancy for the remainder of the unexpired term.

CHAPTER 414

An act to amend Sections 17206, 17208, 17854, 18009, 18552, 18586, 18586.2, 18586.3, 18588, 18806, 19053, and 19062 of, to add Sections 17746, 18551.1, 18694, 18695, 19062.10, and 19408 to, and to repeal Section 18010 of, the Revenue and Taxation Code, relating to personal income taxes, to take effect immediately.

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.] In effect immediately

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

SECTION 1. Section 17206 of the Revenue and Taxation Code is amended to read:

17206. (a) There shall be allowed as a deduction any loss sustained during the taxable year and not compensated for by insurance or otherwise. Deductions

(b) For purposes of subsection (a), the basis for determining the amount of the deduction for any loss shall be the adjusted basis provided in Section 18041 for determining the loss from the sale or other disposition of property.

(c) In the case of an individual, the deduction under subsection (a) shall be limited to—

(1) Losses incurred in a trade or business;

(2) Losses incurred in any transaction entered into for profit, though not connected with a trade or business; and

(3) Losses of property not connected with a trade or business, if such losses arise from fire, storm, shipwreck, or other casualty, or from theft.

(d) Losses from wagering transactions shall be allowed only to the extent of the gains from such transactions.

(e) For purposes of subsection (a), any loss arising from theft shall be treated as sustained during the taxable year in which the taxpayer discovers such loss.

(f) Losses from sales or exchanges of capital assets shall be allowed only to the extent allowed in Section 18152.

(g) (1) If any security which is a capital asset becomes worthless during the taxable year, the loss resulting therefrom shall, for purposes of this part, be treated as a loss from the sale or exchange, on the last day of the taxable year, of a capital asset.

(2) For purposes of this subsection, the term "security" means—

(A) A share of stock in a corporation;

(B) A right to subscribe for, or to receive, a share of stock in a corporation; or

(C) A bond, debenture, note, or certificate, or other evidence of indebtedness, issued by a corporation or by a government or political subdivision thereof, with interest coupons or in registered form.

SEC. 2. Section 17208 of the Revenue and Taxation Code is amended to read:

Same

17208. In computing taxable income there shall be allowed as a deduction a reasonable allowance for the exhaustion, wear and tear of property used in the trade or business or of property held for the production of taxable income, including a reasonable allowance for obsolescence. A taxpayer may elect to claim a deduction for amortization of emergency facilities, as defined by Section 168 of the Internal Revenue Code of 1954, under regulations prescribed by the Franchise Tax Board. In the case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant. In the case of property held in trust the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income allocable to each. In the case of an estate, the allowable deduction shall be apportioned between the estate and the heirs, legatees, and devisees on the basis of the income of the estate allocable to each.

SEC. 3. Section 17854 of the Revenue and Taxation Code is amended to read:

Income of partnership

17854. (a) The taxable income of a partnership shall be computed in the same manner as in the case of an individual except that—

(1) The items described in Section 17852 shall be separately stated; and

(2) The following deductions shall not be allowed to the partnership:

(A) The standard deduction provided in Section 17171.

(B) The deductions for personal exemptions provided in Section 17181;

(C) The deduction for taxes provided in Section 17204(a) with respect to taxes, described in Section 18006, paid to another state;

(D) The deduction for charitable contributions provided in Section 17214 to 17216, inclusive; and

(E) The additional itemized deductions for individuals provided in Article 7 of Chapter 3.

(b) Any election affecting the computation of taxable income derived from a partnership shall be made by the partnership.

SEC. 4. Section 18009 of the Revenue and Taxation Code is amended to read:

Interest

18009. Interest shall be assessed, collected and paid in the same manner as the tax at the rate of 6 percent per year from the date the credit was allowed under this part to the date of payment.

SEC. 5. Section 18552 of the Revenue and Taxation Code is amended to read:

18552. If the tax amounts to more than fifty dollars ($50) the taxpayer may, on or before the date prescribed for payment, elect to pay the tax in three installments. Installment payments

The first installment shall not be less than fifty dollars ($50), or one-third of the balance due, whichever is greater, and shall be paid on or before the date prescribed for the payment of the tax, the second installment consisting of one-half of the balance of tax remaining unpaid, shall be paid on or before the fifteenth day of the fourth month, and the balance as the third installment on or before the fifteenth day of the eighth month after that date. Notwithstanding the provisions of this section, if the tax amounts to more than fifty dollars ($50) and the amount paid on or before the due date of the first installment is less than the tax as corrected in accordance with the provisions of Section 18601, the taxpayer shall if the amount paid amounts to more than fifty dollars ($50), be deemed to have elected to pay the tax in three installments in the manner provided herein. No election may be made under this section unless the tax amounts to more than fifty dollars ($50). See subdivision (b) of Section 18686 for the acceleration of payment if any installment is not paid on or before the date fixed for its payment.

SEC. 6. Section 18586 of the Revenue and Taxation Code is amended to read:

18586. Except in case of a fraudulent return and except as otherwise expressly provided in this article, every notice of a proposed deficiency assessment shall be mailed to the taxpayer within four years after the return was filed. No deficiency shall be assessed or collected with respect to the year for which the return was filed unless the notice is mailed within the four-year period or the period otherwise fixed. Notice of deficiency assessment

SEC. 7. Section 18586.2 of the Revenue and Taxation Code is amended to read:

18586.2. If a taxpayer shall fail to report a change or correction by the Commissioner of Internal Revenue or other officer of the United States or other competent authority or shall fail to file an amended return as required by Section 18451, a notice of proposed deficiency assessment resulting from such adjustment may be mailed to the taxpayer within four years after said change, correction or amended return is reported to or filed with the Federal Government. Notice of proposed deficiency assessment

SEC. 8. Section 18586.3 of the Revenue and Taxation Code is amended to read:

18586.3. If a taxpayer is required to report a change or correction by the Commissioner of Internal Revenue or other officer of the United States or other competent authority or to file an amended return as required by Section 18451 and does report such change or files such return, a notice of proposed deficiency assessment resulting from such adjustments may be mailed to the taxpayer within six months from the date when such notice or amended return is filed with the Franchise Tax Board by the taxpayer, or within the period pro- Same

vided in Sections 18586 and 18586.1, whichever period expires the later.

SEC. 9. Section 18588 of the Revenue and Taxation Code is amended to read:

Filing date

18588. For the purposes of Sections 18586, 18586.1 and 18587 a return filed before the last day prescribed by law for filing shall be considered as filed on that day. For purposes of Section 19053, payment of any portion of the tax made before the last day prescribed for the payment of the tax shall be considered made on such last day. For purposes of this section and Section 19053, the last day prescribed for filing the return or paying the tax shall be determined without regard to any extension of time granted the taxpayer and without regard to any election to pay the tax in installments.

SEC. 10. Section 18806 of the Revenue and Taxation Code is amended to read:

Failure to withhold, payment

18806. (a) Any person who fails to withhold from any payments any amount required to be withheld by the Franchise Tax Board pursuant to Section 18805 is liable for the amount withheld or the amount of taxes due from the taxpayer, to whom the payments are made to an extent not in excess of the amount required to be withheld, whichever is more, unless it is shown that the failure to withhold is due to reasonable cause.

(b) Whenever any person has withheld any amount pursuant to subsection (a), the amount so withheld shall be held to be a special fund in trust for the State of California. The amount of such fund shall be assessed, collected, and paid in the same manner and subject to the same provisions and limitations (including penalties) as are applicable with respect to the taxes imposed by this part.

SEC. 11. Section 19053 of the Revenue and Taxation Code is amended to read:

Credit or refund

19053. No credit or refund shall be allowed or made after four years from the last day prescribed for filing the return or after one year from the date of the overpayment, whichever period expires the later, unless before the expiration of the period a claim therefor is filed by the taxpayer, or unless before the expiration of such period the Franchise Tax Board certifies the overpayment to the State Board of Control for approval of the refunding or the crediting thereof.

SEC. 12. Section 19062 of the Revenue and Taxation Code is amended to read:

Interest on overpayments

19062. Interest shall be allowed and paid on any overpayment in respect of any tax, at the rate of 6 percent per annum as follows:

(a) In the case of a credit, from the date of the overpayment to the due date of the amount for which the credit is allowed. Any interest allowed on any credit shall first be credited on any taxes due from the taxpayer under this part.

(b) In the case of a refund, from the date of the overpayment to a date preceding the date of the refund warrant by

not more than 30 days, the date to be determined by the Franchise Tax Board.

SEC. 13. Section 17746 is added to the Revenue and Taxation Code, to read:

Deductions, taxable income

17746. Amounts allowable, under Sections 13986, 13987, 13988, or 13988.1 of this code, as a deduction in determining the net amount subject to inheritance tax shall not be allowed as a deduction in computing the taxable income of the estate, unless there is filed, within the time and in the manner and form prescribed by the Franchise Tax Board, a statement that the amounts have not been allowed as deductions under Sections 13986, 13987, 13988, or 13988.1 and a waiver of the right to have such amounts allowed at any time as deductions under Sections 13986, 13987, 13988, or 13988.1. This section shall not apply with respect to deductions allowed under Article 7 (relating to income in respect of decedents).

SEC. 14. Section 18551.1 is added to the Revenue and Taxation Code, to read:

Tax credits

18551.1. (a) (1) For purposes of this part, the amount deducted and withheld under Section 18805 during any calendar year shall be allowed to the person from whom such amount was deducted and withheld as a credit against the tax imposed by this part.

(2) The amount so withheld during any calendar year shall be allowed as a credit for the taxable year beginning in such calendar year. If more than one taxable year begins in a calendar year, such amount shall be allowed as a credit for the last taxable year so beginning.

(b) For purposes of Section 19053, any tax actually deducted and withheld during any calendar year under Section 18805 shall, in respect of the person from whom such amount was deducted and withheld, be deemed to have been paid by him on the fifteenth day of the fourth month following the close of his taxable year.

SEC. 15. Section 18694 is added to the Revenue and Taxation Code, to read:

Overpayment as credit

18694. If any portion of a tax is satisfied by credit of an overpayment, then no interest shall be imposed under this article on the portion of the tax so satisfied for any period during which, if the credit had not been made, interest would have been allowable with respect to such overpayment.

SEC. 16. Section 18695 is added to the Revenue and Taxation Code, to read:

Interest

18695. Interest prescribed under this article on any tax may be assessed and collected at any time during the period within which the tax to which such interest relates may be collected.

SEC. 17. Section 19062.10 is added to the Revenue and Taxation Code, to read:

Applicability of provisions

19062.10. The provisions of Section 18588 applicable in determining the period of limitation on credit or refund, shall

be applicable in determining the date of payment for purposes of Section 19062 and 19091.

SEC. 18. Section 19408 is added to the Revenue and Taxation Code, to read:

Felony

19408. Any person required under this part to collect, account for, and pay over any tax or amount required to be withheld who willfully fails to collect or truthfully account for any pay over such tax or amount shall, in addition to other penalties provided by law, be guilty of a felony, and, upon conviction thereof, shall be fined not more than two thousand dollars ($2,000) or imprisoned in the state prison for not more than five years, or both.

Repeal

SEC. 19. Section 18010 of the Revenue and Taxation Code is hereby repealed.

Legislative intent

SEC. 20. Sections 6, 7, 8, 9, and 16 are hereby declared to be merely a clarification of the original intention of the Legislature, rather than a substantive change, and such sections shall be construed for all purposes as though they had always read as hereinabove set forth.

Tax levy

SEC. 21. This act provides for a tax levy within the meaning of Article IV of the Constitution, and shall go into effect immediately.

CHAPTER 415

An act to amend Section 19574.5 of the Government Code, relating to leave of absence for state civil service employee while charges are investigated.

In effect September 18, 1959

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

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

SECTION 1. Section 19574.5 of the Government Code is amended to read:

19574.5. Pending investigation by the appointing power of accusations against an employee involving misappropriation of public funds or property, drug addiction, mistreatment of persons in a state institution, immorality, or acts which would constitute a felony or a misdemeanor involving moral turpitude, the appointing power may order the employee on leave of absence for not to exceed 15 days. The leave may be terminated by the appointing power by giving 48 hours' notice in writing to the employee.

If punitive action is not taken on or before the date such a leave is terminated, the leave shall be with pay.

If punitive action is taken on or before the date such leave is terminated, the punitive action may be taken retroactive to any date on or after the date the employee went on leave. Notwithstanding the provisions of Section 19574, the punitive action, under such circumstances, shall be valid if written notice is served upon the employee and filed with the board not later than 15 calendar days after the employee is notified of the punitive action.

CHAPTER 416

An act to add Section 6021 to the Revenue and Taxation Code, relating to sales taxes in respect to vending machines.

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 6021 is added to the Revenue and Taxation Code, to read:

6021. Notwithstanding any other provision of law, the sales tax applies to the receipts of operators of vending machines located on Army, Navy or Air Force installations and dispensing tangible personal property of a kind the gross receipts from the retail sale of which are subject to tax. This section shall not be deemed to require payment of sales tax measured by receipts of such operators who lease the machines to exchanges of the Army, Air Force, Navy or Marine Corps which acquire title to and sell the merchandise through the machines to authorized purchasers from such exchanges.

The term "operator," as used herein, means any person who owns or possesses vending machines and who controls the operations of the machines, as by placing the merchandise therein or removing the coins therefrom, and who has access thereto for any purpose connected with the sale of merchandise through the machines, and whose compensation is based, in whole or in part, upon receipts from sales made through such machines.

CHAPTER 417

An act to amend Section 459.2 of the Vehicle Code, and to amend Section 21106 of the Vehicle Code as proposed by Assembly Bill No. 5, relating to establishment of crosswalks by local authorities.

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 459.2 of the Vehicle Code is amended to read:

459.2. Establishment of Crosswalks. (a) The provisions of this division shall not prevent local authorities, by ordinance or resolution, from establishing crosswalks between intersections.

Crosswalks, signs

(b) Local authorities may authorize the installation of signs at or adjacent to an intersection in respect to any crosswalk directing that pedestrians shall not cross in the crosswalk so indicated. When signs are so erected it shall be unlawful for

any pedestrian to cross a roadway at such location in the manner prohibited by said sign.

Same

SEC. 2. Section 21106 of the Vehicle Code as proposed by Assembly Bill No. 5 is amended to read:

21106. (a) Local authorities, by ordinance or resolution, may establish crosswalks between intersections.

(b) Local authorities may install signs at or adjacent to an intersection directing that pedestrians shall not cross in a crosswalk indicated at the intersection. It is unlawful for any pedestrian to cross at the crosswalk prohibited by a sign.

Effect. Stats 1959, Ch 3

SEC. 3. Section 2 of this act becomes operative only if the Vehicle Code as proposed by Assembly Bill No. 5 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said code takes effect, at which time Section 459.2 of the Vehicle Code adopted in 1935 is repealed.

CHAPTER 418

An act to amend Section 21809 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to bonds of school districts.

In effect September 18, 1959

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

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

SECTION 1. Section 21809 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

21809. The board of supervisors by an order entered upon its minutes shall prescribe the form of the bonds and of the interest coupons attached thereto, if any. Said bonds shall be signed by the chairman of the board of supervisors, or by such other member thereof as the board of supervisors shall, by resolution adopted by a four-fifths vote of all of its members, authorize and designate for that purpose, and also signed by the treasurer or auditor of the county, and shall be countersigned by the county clerk or the clerk of the board of supervisors or by a deputy of either of such officers. The coupons of said bonds shall be signed by the treasurer or auditor. Unless the board of supervisors otherwise provides, all such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically reproduced. All expense incurred for the preparation, sale, and delivery of the school bonds, including the preparation of the certified copy of the transcript for the successful bidder and legal fees of independent bond counsel retained by the school district issuing the bonds, are legal charges against the funds of the school district issuing the bonds and may be paid from the proceeds of sale of the bonds.

CHAPTER 419

An act to add Section 26506 to the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, relating to airbrakes for vehicles.

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 26506 is added to the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, to read:

26506. Every motor vehicle equipped with an airbrake system shall be equipped with a sound alarm or a distinctive red light signal, or other effective device, readily visible or audible to the driver, which shall give a satisfactory warning when the air pressure drops to 60 pounds or less per square inch. A gauge indicating pressure shall not satisfy this requirement.

The provisions of this section shall not be construed as requiring any device not required under the rules of the Interstate Commerce Commission.

SEC. 2. This act shall become operative on January 1, 1960.

CHAPTER 420

An act to add Article 3 (commencing at Section 26500) to Chapter 3 of Division 12 of the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, relating to airbrakes on vehicles.

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

In effect September 18, 1959

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

SECTION 1. Article 3 (commencing at Section 26500) is added to Chapter 3 of Division 12 of the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, to read:

Article 3. Airbrakes

26500. Every motor vehicle equipped with airbrakes shall have the braking system so arranged that one application valve shall, when applied, operate all the service brakes on the power unit and combination of vehicles. This requirement shall not be construed to prohibit motor vehicles from being equipped with an additional valve to be used to operate the brakes on the trailer or trailers.

SEC. 2. This act shall become operative on January 1, 1960.

CHAPTER 421

An act to amend Section 11715 of the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, relating to vehicle license plates for manufacturers and dealers.

In effect September 18, 1959

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

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

SECTION 1. Section 11715 of the Vehicle Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

11715. (a) A manufacturer or dealer owning any vehicle of a type otherwise required to be registered hereunder may operate or move the same upon the highways without registering each such vehicle upon condition that any such vehicle display thereon special plates issued to such owner as provided in this chapter, in addition to other license plates or permits already assigned and attached to the vehicle in the manner prescribed in Sections 5200 to 5203, inclusive. Such vehicles may also be moved or operated for the purpose of towing or transporting by any lawful method other vehicles when the towing or transporting vehicle is being delivered for sale only.

(b) A transporter may operate or move any owned or lawfully possessed vehicle of like type by any lawful method upon the highways solely for the purpose of delivery upon condition that there be displayed upon each vehicle in contact with the highway special license plates issued to such transporter as provided in this chapter, in addition to any license plates or permits already assigned and attached to the vehicle in the manner prescribed in Sections 5200 to 5203, inclusive. Such vehicles may be used for the purpose of towing or transporting by any lawful method other vehicles when the towing or transporting vehicle is being delivered for sale or to the owner thereof.

(c) The provisions of this section do not apply to any manufacturer, transporter or dealer operating or moving a vehicle as provided in Section 11716.

(d) The provisions of this chapter do not apply to work or service vehicles owned by a manufacturer, transporter or dealer. They do not apply to vehicles owned and leased by dealers, nor to any unregistered vehicles used to transport more than one load of other vehicles for the purpose of sale.

(e) The provisions of this section do not apply to vehicles currently registered in this State which are owned and operated by a licensed dealer when the notice of transfer has been forwarded to the department by the former owner of record pursuant to Section 5900 and when a copy of the notice is displayed in the same manner as is required of registration certificates.

CHAPTER 422

An act to amend Section 40355 of the Water Code, relating to water storage districts.

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 40355 of the Water Code is amended to read:

40355. A director when sitting on the board or acting under its orders shall receive not exceeding:

(a) Twenty-five dollars ($25) per day.

(b) Ten cents ($0.10) per mile for each mile traveled from his place of residence to the office of the board.

(c) Actual and necessary expenses while engaged in official business under the order of the board.

CHAPTER 423

An act to repeal Section 13105 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to licensing of certified school personnel.

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 13105 of the Education Code is repealed.

CHAPTER 424

An act to repeal Section 10710 of the Fish and Game Code, relating to razor clams.

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 10710 of the Fish and Game Code is repealed.

CHAPTER 425

An act to amend Section 2924b of the Civil Code, relating to the use of certified mail for notices of default and sale under deeds of trust or mortgages.

In effect September 18, 1959

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

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

SECTION 1. Section 2924b of the Civil Code is amended to read:

2924b. Any person desiring a copy of any notice of default and of any notice of sale under any deed of trust or mortgage with power of sale upon real property, as to which deed of trust or mortgage the power of sale cannot be exercised until such notices are given for the time and in the manner provided in Section 2924 may, at any time subsequent to recordation of such deed of trust or mortgage and prior to recordation of notice of default thereunder, cause to be filed for record in the office of the recorder of any county in which any part or parcel of the real property is situated, a duly acknowleged request for a copy of any such notice of default and of sale. This request shall set forth the name and address of the person requesting copies of such notices, shall identify the deed of trust or mortgage by stating the names of the parties thereto, the date of recordation thereof and the book and page where the same is recorded or the recorder's number and shall be in substantially the following form:

"In accordance with Section 2924b, Civil Code, request is hereby made that a copy of any notice of default and a copy of any notice of sale under the deed of trust (or mortgage) recorded _____, 19___ in Book _____ page _____ records of _____ County, (or filed for record with recorder's serial number _____, _____ County) California, executed by _____ as trustor (or mortgagor) in which _____, is named as beneficiary (or mortgagee) and _____ as trustee be mailed to _____ at _____.
Name Address

Signature _____"

Upon the filing for record of such request, the recorder shall index in the general index of grantors the names of the trustors (or mortgagor) recited therein and the names of persons requesting copies.

The mortgagee, trustee or other person authorized to record the notice of default, shall within 10 days following recordation of such notice of default deposit or cause to be deposited in the United States mail an envelope, registered, or certified, and with postage prepaid, containing a copy of such notice with the recording date shown thereon, addressed to each person whose name and address are set forth in a duly recorded request therefor, directed to the address designated in said

request, and at least 20 days before date of sale the mortgagee, trustee or other person authorized to make the sale shall deposit or cause to be deposited in the United States mail an envelope, registered, or certified, and with postage prepaid, containing a copy of the notice of the time and place of sale, addressed to each person whose name and address are set forth in a request therefor recorded, within the time herein provided.

Any deed of trust or mortgage with power of sale hereafter executed upon real property may contain a request that a copy of any notice of default and a copy of any notice of sale thereunder shall be mailed to any person a party thereto at the address of such person given therein, and a copy of any notice of default and of any notice of sale shall be mailed to each such person at the same time and in the same manner required as though a separate request therefor had been filed by each of such persons as herein authorized. If, in any deed of trust or mortgage with power of sale hereafter executed, except a deed of trust or mortgage of any of the classes excepted from the provisions of Section 2924, no address of the trustor or mortgagor is therein set forth and if no request for notice by such trustor or mortgagor has been recorded as herein provided, a copy of the notice of default shall be published once a week for at least four weeks in a newspaper of general circulation in the county in which the property is situated, such publication to commence within 10 days after the filing of the notice of default. In lieu of such publication a copy of the notice of default may be delivered personally to the trustor or mortgagor within such 10 days or at any time before publication is completed.

A recital in the deed executed pursuant to the power of sale of compliance with all requirements of law regarding the mailing of copies of notices for which requests have been recorded or the publication of a copy of the notice of default or of personal delivery of the copy of the notice of default shall constitute prima facie evidence of compliance therewith and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value and without notice.

No request for copy of any notice filed for record pursuant to this section nor any statement or allegation in any such request nor any record thereof shall affect the title to real property or be deemed notice to any person that any person requesting copies of notice has or claims any right, title or interest in, or lien or charge upon the property described in the deed of trust or mortgage referred to therein.

CHAPTER 426

An act to add Section 17 to the Civil Code, to add Section 11 to the Code of Civil Procedure, to amend Section 8 of the Corporations Code, to amend Section 31 of the Education Code as enacted by the Legislature at the 1959 Regular Session, to amend Section 8 of the Financial Code, to amend Section 8 of the Labor Code, to add Section 5 to the Probate Code, to amend Section 8 of the Public Utilities Code, and to amend Section 10 of the Vehicle Code, and to add Section 29 to the Vehicle Code as proposed by Assembly Bill No. 5, relating to the use of certified mail.

In effect September 18, 1959

[Approved by Governor May 15, 1959. Filed with Secretary of State May 15, 1959.]

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

Mailed notice

SECTION 1. Section 17 is added to the Civil Code, to read:

17. Wherever any notice or other communication is required by this code to be mailed by registered mail, the mailing of such notice or other communication by certified mail shall be deemed to be a sufficient compliance with the requirements of law.

SEC. 2. Section 11 is added to the Code of Civil Procedure, to read:

Same

11. Wherever any notice or other communication is required by this code to be mailed by registered mail by or to any person or corporation, the mailing of such notice or other communication by certified mail shall be deemed to be a sufficient compliance with the requirements of law.

SEC. 3. Section 8 of the Corporations Code is amended to read:

"Writing"

8. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this code, it shall be made in writing in the English language.

Wherever any notice or other communication is required by this code to be mailed by registered mail by or to any person or corporation, the mailing of such notice or other communication by certified mail shall be deemed to be a sufficient compliance with the requirements of law.

SEC. 4. Section 31 of the Education Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

Same

31. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise.

Wherever any notice or other communication is required by this code to be mailed by registered mail by or to any person or corporation, the mailing of such notice or other communica-

tion by certified mail shall be deemed to be a sufficient compliance with the requirements of law.

SEC. 5. Section 8 of the Financial Code is amended to read:

8. "Writing" includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, petition, permit, statement, or record is required by this code, it shall be made in writing in the English language. Same

Wherever any notice or other communication is required by this code to be mailed by registered mail by or to any person or corporation, the mailing of such notice or other communication by certified mail shall be deemed to be a sufficient compliance with the requirements of law.

SEC. 6. Section 8 of the Labor Code is amended to read:

8. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required by this code, it shall be made in writing in the English language. Same

Wherever any notice or other communication is required by this code to be mailed by registered mail by or to any person or corporation, the mailing of such notice or other communication by certified mail shall be deemed to be a sufficient compliance with the requirements of law.

SEC. 7. Section 5 is added to the Probate Code, to read:

5. Wherever any notice or other communication is required by this code to be mailed by registered mail by or to any person or corporation, the mailing of such notice or other communication by certified mail shall be deemed to be a sufficient compliance with the requirements of law. Mailed notice

SEC. 8. Section 8 of the Public Utilities Code is amended to read:

8. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, petition, or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise. "Writing"

Wherever any notice or other communication is required by this code to be mailed by registered mail by or to any person or corporation, the mailing of such notice or other communication by certified mail shall be deemed to be a sufficient compliance with the requirements of law.

SEC. 9. Section 10 of the Vehicle Code is amended to read:

10. Method of Giving Notice. Whenever a notice is required to be given under this code by the department or any division, officer or employee thereof, unless a different method of giving such notice is elsewhere otherwise expressly prescribed herein, such notice shall be given either by personal delivery thereof to the person to be so notified or by deposit in the United States mail of an envelope with postage prepaid which said envelope shall contain such notice and shall be addressed to such person at his address as shown by the records Method of giving notice

of the department. The giving of notice by personal delivery is complete upon delivery of a copy of said notice to said person. The giving of notice by mail is complete upon the expiration of four days after said deposit of said notice. Proof of the giving of such notice may be made by the certificate of any officer or employee of the department or of any peace officer, or by an affidavit of any person over 18 years of age, naming the person to whom such notice was given and specifying the time, place and manner of the giving thereof.

Wherever any notice or other communication is required by this code to be mailed by registered mail by or to any person or corporation, the mailing of such notice or other communication by certified mail shall be deemed to be a sufficient compliance with the requirements of law.

SEC. 10. Section 29 is added to the Vehicle Code as proposed by Assembly Bill No. 5, to read:

Same

29. Wherever any notice or other communication is required by this code to be mailed by registered mail by or to any person or corporation, the mailing of such notice or other communication by certified mail shall be deemed to be a sufficient compliance with the requirements of law.

Effect Stats 1959, Ch 3

SEC. 11. Section 10 of this act becomes operative only if the Vehicle Code as proposed by Assembly Bill No. 5 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said code takes effect, at which time Section 10 of the Vehicle Code adopted in 1935 is repealed.

CHAPTER 427

An act to amend Sections 1091 and 36526 of, to add Sections 1091.5 and 36526.5 to, and to repeal Section 1092.5 of, the Government Code, relating to conflicts of interests of public officers.

In effect September 18, 1959

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

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

SECTION 1. Section 1091 of the Government Code is amended to read:

Remote interest in contracts

1091. (a) An officer shall not be deemed to be interested in a contract entered into by a body or board of which he is a member within the meaning of this article if he has only a remote interest in the contract and if the fact of such interest is disclosed to the body or board of which he is a member and noted in its official records, and thereafter the body or board authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest.

(b) As used in this article "remote interest" means:

(1) That of a nonsalaried officer of a nonprofit corporation;

(2) That of an employee of the contracting party, if such contracting party has 10 or more other employees and if the officer was an employee of said contracting party for at least three years prior to his initially accepting his office.

(3) That of a parent in the earnings of his minor child for personal services;

(4) That of a landlord or tenant of the contracting party;

(5) That of an attorney of the contracting party; or

(6) That of a member of a nonprofit corporation formed under the Agricultural Code or a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products.

(c) The provisions of this section shall not be applicable to any officer interested in a contract who influences or attempts to influence another member of the body or board of which he is a member to enter into the contract.

(d) The willful failure of an officer to disclose the fact of his interest in a contract pursuant to this section shall be punishable as provided in Section 1097. Such violation shall not void the contract however, unless the contracting party had knowledge of the fact of the remote interest of the officer at the time the contract was executed.

SEC. 2. Section 1091.5 is added to said code, to read:

Officer's interest in contract

1091.5. An officer shall not be deemed to be interested in a contract if his interest is:

(a) The ownership of less than 3 percent of the shares of a corporation for profit;

(b) That of an officer in being reimbursed for his actual and necessary expenses incurred in the performance of official duty.

Repeal

SEC. 3. Section 1092.5 of said code is repealed.

SEC. 4. Section 36526 of said code is amended to read:

Remote interest in contracts

36526. (a) An officer shall not be deemed to be interested in a contract entered into by a body or board of which he is a member within the meaning of Section 36525 if he has only a remote interest in the contract and if the fact of such interest is disclosed to the body or board of which he is a member and noted in its official records, and thereafter the body or board authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest.

(b) As used in this article "remote interest" means:

(1) That of a nonsalaried officer of a nonprofit corporation;

(2) That of an employee of the contracting party, if such contracting party has 10 or more other employees and if the officer was an employee of said contracting party for at least three years prior to his initially accepting his office;

(3) That of a parent in the earnings of his minor child for personal services;

(4) That of a landlord or tenant of the contracting party;

(5) That of an attorney of the contracting party; or

(6) That of a member of a nonprofit corporation formed under the Agricultural Code or a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products.

(c) The provisions of this section shall not be applicable to any officer interested in a contract who influences or attempts to influence another member of the body or board of which he is a member to enter into the contract.

(d) The willful failure of an officer to disclose the fact of his interest in a contract pursuant to this section shall be punishable as provided in Section 36528. Such violation shall not void the contract however, unless the contracting party had knowledge of the fact of the remote interest of the officer at the time the contract was executed

SEC. 5. Section 36526.5 is added to said code, to read:

Officer's interest in contract

36526.5. An officer shall not be deemed to be interested in a contract if his interest is:

(a) The ownership of less than 3 percent of the shares of a corporation for profit;

(b) That of an officer in being reimbursed for his actual and necessary expenses incurred in the performance of official duty.

CHAPTER 428

An act to amend Sections 58850 and 58851 of the Government Code, relating to county boundary commissions.

In effect September 18, 1959

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

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

SECTION 1. Section 58850 of the Government Code is amended to read:

Boundary commission

58850. There is in each county a county boundary commission consisting of:

(a) The chairman of the board of supervisors, or some other supervisor designated by the board, who is chairman of the commission.

(b) The county assessor.

(c) The county auditor.

(d) The county surveyor, or, if there is none, the county engineer, if any.

(e) The county planning engineer, or, if there is none, the director of planning of the county, if any.

(f) The county clerk or registrar of voters in those counties in which the latter office has been established.

SEC. 2. Section 58851 of the Government Code is amended to read:

Clerk as secretary

58851. The clerk of the board of supervisors is secretary of the commission.

CHAPTER 429

An act to amend Section 8046 of the Fish and Game Code, relating to privilege taxation of commercial fish packers and processors.

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 8046 of the Fish and Game Code is amended to read:

8046. Every person operating under a license pursuant to this article shall, in addition to the license fee and the tax imposed by Section 8045, pay a privilege tax of five cents ($0.05) for each 100 pounds, or fraction thereof, of sardines, Pacific mackerel, jack mackerel, squid, herring, or anchovies purchased, received, or taken by him until December 31, 1961.

The money received shall be deposited in the Fish and Game Preservation Fund for use by the Marine Research Committee pursuant to Sections 729 and 730.

The committee shall pay the department for accounting and other services rendered to the committee by the department. The fiscal year cost of such services shall not be in excess of 2 percent of the money so collected each fiscal year under this section.

CHAPTER 430

An act to amend Section 28126 of the Health and Safety Code, relating to license fees for cold storage plants.

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 28126 of the Health and Safety Code is amended to read:

28126. Each application for a license under this chapter shall be accompanied by a fee of fifty dollars ($50). Each license issued under this chapter shall expire on December 31st of each calendar year. License fees of fifty dollars ($50) are due on the first of January of each year. The fee for licenses initially issued after January 1st of each year shall not be prorated.

CHAPTER 431

An act to amend Section 538e of the Penal Code, relating to misrepresentation in sales of fire fighting equipment.

In effect September 18, 1959

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

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

SECTION 1. Section 538e of the Penal Code is amended to read:

538e. Any person, other than an officer or member of a fire department, who willfully wears, exhibits, or uses the authorized badge, insigne, emblem, device, label, certificate, card, or writing of an officer or member of a fire department or a deputy state fire marshal, with the intent of fraudulently personating an officer or member of a fire department or the Office of the State Fire Marshal, or of fraudulently inducing the belief that he is an officer or member of a fire department or the Office of the State Fire Marshal, is guilty of a misdemeanor.

Any person who willfully wears, exhibits, or uses any badge, insigne, emblem, device, or any label, certificate, card, or writing, which falsely purports to be for the use of an officer or member of a fire department or deputy state fire marshal, or which so resembles the authorized badge, insigne, emblem, device, label, certificate, card, or writing of an officer or member of a fire department as would deceive an ordinary reasonable person into believing that it is authorized for use by an officer or member of a fire department or a deputy state fire marshal, is guilty of a misdemeanor.

Any person who, for the purpose of selling, leasing or otherwise disposing of merchandise, supplies or equipment used in fire prevention or suppression, falsely represents, in any manner whatsoever, to any other person that he is a fire marshal, fire inspector or member of a fire department, or that he has the approval, endorsement or authorization of any fire marshal, fire inspector or fire department, or member thereof, is guilty of a misdemeanor.

CHAPTER 432

An act to amend Section 2353 of the Fish and Game Code, relating to the importation of fish and game.

In effect September 18, 1959

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

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

SECTION 1. Section 2353 of the Fish and Game Code is amended to read:

2353. No birds, mammals, fish, or amphibia may be brought into this State unless legally taken and, if taken under the authority of a sport fishing or hunting license, legally possessed outside of this State and a declaration is made at the time of entry with the nearest judge of a justice court or notary public, or any state or federal agency designated by the department.

Such declaration shall be in a form prescribed by the department. One copy shall be carried by the person bringing in the birds, mammals, fish, or amphibia while they are in his possession and one copy shall be left on file with the person or agency before whom the declaration is made.

Birds, mammals, fish, or amphibia legally taken and, if taken under the authority of a sport fishing or hunting license, legally possessed outside this State may be imported into this State without such a declaration if the shipment is handled by a common carrier under a bill of lading or as supplies carried into this State by common carriers for use as food for the passengers.

CHAPTER 433

An act to amend Section 27281 of the Government Code, relating to documents to be recorded.

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 27281 of the Government Code is amended to read:

27281. Deeds or grants conveying any interest in or easement upon real estate to a political corporation or governmental agency for public purposes shall not be accepted for recordation without the consent of the grantee evidenced by its certificate or resolution of acceptance attached to or printed on the deed or grant. If a certificate of acceptance is used, it shall be in substantially the following form:

This is to certify that the interest in real property conveyed by the deed or grant dated_____from_____to_____, a political corporation and/or governmental agency is hereby accepted by order of the_____on_____, (or by the
(legislative body) (date)
undersigned officer or agent on behalf of the _____
(legislative body)
pursuant to authority conferred by resolution of the_____
(legislative)
_____adopted on _____,) and the grantee consents to rec-
(body) (date)
ordation thereof by its duly authorized officer.

Dated_____ By_____

A political corporation or governmental agency, by a general resolution, may authorize an afficer or agent to accept and consent to such deeds or grants.

SEC. 2. Any deed or grant conveying any interest in or easement upon real estate to a political corporation or governmental agency for public purposes to which is attached a resolution of acceptance by the grantee and which has been accepted for recordation during the period from September 11, 1957 to the effective date hereof, is hereby validated as being a document entitled to recordation provided that any such deed or grant was in other respects acceptable for recordation. Any such deed or grant that has been so recorded during such period shall impart and shall be deemed to have imparted from the date of recordation, notice of its contents to subsequent purchasers and encumbrancers.

CHAPTER 434

An act to amend Sections 74692 and 74693 of the Government Code, relating to the officers and attaches of the municipal courts established in districts in Santa Cruz County.

In effect September 18, 1959

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

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

SECTION 1. Section 74692 of the Government Code is amended to read:

Salaries Clerk

74692. There shall be one supervising clerk who shall receive a minimum salary of three hundred seventy-three dollars ($373) monthly with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-two dollars ($22) to a maximum of four hundred fifty-five dollars ($455) monthly.

SEC. 2. Section 74693 of said code is amended to read:

74693. The clerk may appoint:

Deputy clerks

(a) One deputy supervising clerk who shall receive a minimum salary of three hundred fifty-five dollars ($355) monthly, with annual increments of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), and twenty-one dollars ($21) to a maximum of four hundred thirty-three dollars ($433) monthly.

(b) One typist-clerk, grade III, who shall receive a minimum salary of three hundred seven dollars ($307) monthly, with annual increments of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), and eighteen dollars ($18), to a maximum of three hundred seventy-three dollars ($373) monthly.

(c) Five typist-clerks, grade II, each of whom shall receive a minimum salary of two hundred sixty-five dollars ($265) monthly, with annual increments of thirteen dollars ($13),

fourteen dollars ($14), fifteen dollars ($15), and fifteen dollars ($15), to a maximum of three hundred twenty-two dollars ($322) monthly.

(d) Three typist-clerks, grade I, each of whom shall receive a minimum salary of two hundred forty dollars ($240) monthly, with annual increments of twelve dollars ($12), thirteen dollars ($13), thirteen dollars ($13), and fourteen dollars ($14), to a maximum of two hundred ninety-two dollars ($292) monthly.

CHAPTER 435

An act to amend Section 346 of the Streets and Highways Code, relating to state highway routes.

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 346 of the Streets and Highways Code is amended to read:

346. Route 46 is from a point on Route 3 near Klamath River Bridge to Route 1. Notwithstanding the provisions of Section 81 of this code, the department may maintain a traversable highway located in portions of the area between the termini of and approximately on this route even though the highway is not continuous.

CHAPTER 436

An act to amend Section 1038 of the Agricultural Code, relating to agricultural mineral sales.

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

In effect September, 18, 1959

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

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

1038. Upon any sale not exempt from the provisions of this article, of commercial fertilizer, the registered person selling the same shall pay fifteen cents ($0.15) per ton or fraction thereof, and upon such a sale of agricultural minerals, ten cents ($0.10) per ton or fraction thereof, except that during the period from October 1, 1957, to and including September 30, 1961, the amount shall be three cents ($0.03) per ton or fraction thereof, except where the agricultural mineral is sold to be used and is used in the manufacture of commercial fertilizer. A commercial fertilizers registrant selling agricultural minerals to an unregistered person in the original and properly labeled lots or packages of an agricultural minerals regis-

trant shall pay thereon the agricultural minerals tonnage tax required by this section. Each registered person shall keep accurate accounts of sales of commercial fertilizers and/or agricultural minerals, and such accounts shall be open at all times to inspection by the director. A statement of sales shall be rendered to the director quarterly within one calendar month after March 31st, June 30th, September 30th, and December 31st, of each year, and shall be accompanied by the amount of tonnage license tax required by this section. Any delinquency in making a statement and return, or any deficiency in any return, shall subject the registrant to the payment of a penalty of ten percent (10%) of the amount due.

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

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

CHAPTER 437

An act to amend Sections 55632 and 55634, and to repeal Section 55633 of the Government Code, relating to supplementary fire and police protection.

In effect September 18, 1959

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

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

SECTION 1. Section 55632 of the Government Code is amended to read:

Supplemental fire or police protection

55632. The legislative body of any local agency may contract with any other local agency for the furnishing of supplementary fire or police protection to such other local agency.

Repeal

SEC. 2. Section 55633 of said code is repealed.

SEC. 3. Section 55634 of said code is amended to read:

Applicability of other provisions

55634. All the privileges and immunities from liability, exemptions from laws and rules, and all pension, relief, disability, workmen's compensation and all other benefits granted the fire or police force of any local agency performing its functions within the territorial limits of such local agency shall extend and apply to such fire or police force performing its function within the territorial limits of any other local agency, and while traveling to and from such other local agency under and by virtue of any contract with such other local agency entered into under the provisions of this article.

CHAPTER 438

An act to add Section 19406 to the Government Code, relating to reinstatement rights to the state civil service after military training.

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 19406 is added to the Government Code, to read:

19406. Any permanent or probationary state civil service employee in good standing who is an enlistee with no prior military service and who is ordered into six months' training under the Reserve Forces Act of 1955 and any subsequent amendments shall have the right of reinstatement upon his return without unreasonable delay following such training. Upon such reinstatement he shall be granted only the rights and privileges granted employees reinstated under the provisions of Government Code Section 19390.

CHAPTER 439

An act to add Section 4.5 to, and to amend Section 35.5 of the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927), relating to water conservation districts.

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 4.5 is added to the Water Conservation Act of 1927, to read:

Sec. 4.5. If the board of supervisors finds that protests have been made, prior to its final determination for formation of the district, by the owners of real property within the proposed district, the assessed valuation of which, as shown by the last equalized assessment roll, constitutes more than one-half of the total assessed value of the real property within the proposed district, the proceeding shall terminate. The board of supervisors shall order the proceeding terminated when such protests are received.

SEC. 2. Section 35.5 of the Water Conservation Act of 1927 is amended to read:

Sec. 35.5. Co-operation. A. Contracts pursuant to the powers and for the purposes set forth in Section 2, subdivision E of this act, shall be made as in this section provided, and not otherwise, except that pursuant to the general powers of the district the board of directors by a majority vote may enter into any contracts which do not require the levy of the special

assessment provided for in this section, and the provisions of this section shall not apply to any such contracts.

B. The board of directors must call a special election and submit to the qualified voters of the district the question of whether or not a proposal to enter into any contract pursuant to Section 2, subsection E of this act requiring the levy of special assessments on lands within the district, in addition to any other district tax or assessment, for the purpose of raising money required under any such contract, shall be authorized. Notice of such election shall be given, and the same shall be held, and the result thereof determined and declared, in conformity with the provisions of this act governing the biennial elections of directors, insofar as applicable. The notice must specify the maximum amount of money required under the proposed contract and state, generally, the nature and terms of the proposed contract. At such election the ballots shall contain the words "Contract—Yes" and "Contract—No." If the votes cast as "Contract—Yes" constitute a majority of the total number of votes cast at such election, then, but not otherwise, the board shall proceed with such other and further steps as may be required to enter into, validate, perform and carry out said contract, including the levy and collection of special assessments for the purpose, as provided in subdivision C of this Section 35.5 of this act.

C. Notwithstanding any provision of this act or other law, when any district has contracted pursuant to this act or any other law for the purposes set forth in this act, if the revenue of the district from water tolls or charges are, or in the judgment of the board are likely to be, inadequate to pay all charges payable under the contract, then any tax or special assessment levied for the payment of any such contract charges shall be levied only upon land within the district, exclusive of improvements and personal property. When collected, the moneys shall be paid into the district treasury for the purpose set forth in the notice at such special election. If the money raised by any such assessment shall exceed the amount necessary to be expended under the contract, the excess shall be held in a special fund of the district and shall be used for fulfilling the obligations of the district under such contract in the next succeeding year. Except as in this Section 35.5 provided, such special tax or assessment shall be assessed, levied, collected, and disbursed in conformity with the provisions of this act relating to the annual general tax as set forth in Sections 30 to 34, inclusive, of this act.

D. Any person having an interest in land within the district claiming that such land will not be benefited under any contract for which a special assessment is required under the terms of this Section 35.5 may file with the secretary a verified petition alleging all of the following:

(1) That his land, or a described portion of it, is not and will not be benefited by the operations of the district

in a manner that would justify his taxation at the special contract rate of taxation.

(2) That said land is entitled to a reduced rate of taxation.

Such petition shall request that the board determine what percentage of the special contract rate of taxation of the district should be used in levying such special contract tax on the land described in the petition. No such petition may be filed or considered with reference to the annual general assessment of the district provided for in Section 30 of this act.

The petitioner shall pay all cost of publication of the notice and other expenses of the hearing, and such hearing shall be reported and transcribed by a phonographic reporter, and such transcript shall be filed with the board. If more than one petition shall be heard at the same time or upon the same notice, the cost and expenses of such hearing shall be equitably divided among all petitioners in such manner as may be determined by the board.

The board shall set a time and place for the hearing of the petition, or of all the petitions if more than one has been filed, and shall give notice of such hearing by publication pursuant to Section 6066 of the Government Code in a newspaper published in the county where the office of the district is situated, the first publication shall be at least 14 days before the date of such hearing. Such notice shall state all of the following:

(1) Petitions have been presented to the board praying for a determination that certain land, which need not be described in the notice, is entitled to a reduced rate of taxation.

(2) The names of the petitioners.

(3) The time and place set for the hearing.

The board shall meet at the time and place set for the hearing and proceed in the order it deems proper to hear the petitions, and shall hear all competent and relevant evidence offered in support of any petition or in opposition to it, and may adjourn the hearing from time to time.

After the conclusion of the hearing, if the board finds that any of the land described in any petition is not and will not be benefited by the operations of the district in a manner that would justify its taxation at the special contract rate of taxation, the board shall reduce the rate of taxation on the land in a resolution entered in full upon its minutes.

The resolution shall:

(1) Describe the land entitled to a reduced rate of taxation, or the respective parcels of it if separate parcels are to be assessed.

(2) Fix the percentage of the special contract rate of taxation which shall be applied in levying such taxes on the land described, or on each parcel of it if various parcels are found to be entitled to different reduced rates, in order that such taxes to be levied on such land will be proportionate with the benefits which it receives or will receive from the contract for which such special assessments are levied; and if any such

parcel receives and will receive no such benefits, fix such percentage at zero.

A certified copy of the resolution determining that any land is entitled to a reduced rate of taxation shall be delivered to the assessor, and thereafter until notified of a change in the determination, he shall enter the land described in the resolution separately on the assessment roll and so designate it and the percentage of the special contract rate of taxation to which it is entitled so that it may readily be distinguished from other land not entitled to a reduced rate.

After a copy of the resolution is delivered to the assessor, the officer charged with the duty of entering on the assessment roll the amount of district taxes on the land shall in making the entry observe and conform to the resolution.

If the board determines that any of the land described in any petition is not entitled to any reduced rate of taxation, such determination shall be entered in full upon its minutes.

The determination of the board granting or denying a reduced rate of taxation as to any land after a hearing pursuant to this article shall not be changed by the board unless the board, on petition by a party affected, consents to another hearing, or on its own motion causes notice to be served on the owner of the land to show cause why the determination should not be changed, in either of which cases another hearing shall be advertised and held as provided in this subsection E; provided, however, that any person aggrieved by the determination of the board granting or denying a reduced rate of taxation may commence, at any time within 30 days after the entry of such determination on the minutes of the board, a proceeding in the superior court of the county in which the principal office of the district is located to have such determination corrected, modified or annulled.

CHAPTER 440

An act to amend Section 10202.7 of the Insurance Code, relating to group life insurance for trade associations.

In effect September 18, 1959

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

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

SECTION 1. Section 10202.7 of the Insurance Code is amended to read:

10202.7. A group life policy conforming to all of the following conditions may be issued to the trustee of a fund established by employer members of a trade association or by a trade association and maintained by contributions of such members for the sole benefit of their employees:

(a) The trade association (1) must have been formed for purposes other than obtaining insurance and have been in

existence for five years or longer prior to issuance of the policy or (2) must be a statewide association having over 500 members, which has been in existence for 10 years or longer and consists of employer members engaged in any one or more of the manufacturing, fabricating, or processing industries.

(b) The policy must cover at date of issue not less than 75 percent of the eligible employees of at least 50 percent of the total employer members of the trade association unless the total number of lives covered at date of issue exceeds 600, in which event the policy must cover when issued 75 percent of the eligible employees of at least 25 percent of the employer members of the trade association; provided, however, that in determining the total of the employer members of the trade association there shall be excluded any member whose employees are already covered by group life insurance.

The policy may provide that the term "employees" shall include retired employees and the individual proprietor or partners if an employer is an individual proprietor or a partnership.

(c) The group life policy must be issued pursuant to Section 10202 and the trustee shall be deemed to be the employer for purposes of administration.

(d) The group policy must cover when issued at least 100 lives.

CHAPTER 441

An act to add Section 25100.5 to the Government Code, relating to the clerk of the board of supervisors in counties of over 2,000,000 population.

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 25100.5 is added to the Government Code, to read:

25100.5. In any county having a population over 2,000,000, the clerk of the board of supervisors shall be appointed by the board of supervisors in the same manner as other county officers are appointed. In such counties, the county clerk is not ex officio clerk of the board of supervisors.

The clerk of the board of supervisors shall perform those duties prescribed by law for the county clerk as ex officio clerk of the board of supervisors or for the clerk of the board of supervisors and such additional duties as the board of supervisors shall prescribe by ordinance. He may perform all the duties vested in the county clerk other than those vested in the county clerk as ex officio clerk of the superior court and may take acknowledgments and administer and certify oaths in the performance of his official duties.

CHAPTER 442

An act to add Chapter 5 (commencing at Section 31585) to Part 6 of Division 12 of the Water Code, relating to county water districts.

In effect September 18, 1959

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

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

SECTION 1. Chapter 5 (commencing at Section 31585) is added to Part 6 of Division 12 of the Water Code, to read:

CHAPTER 5. ALTERNATIVE PROCEDURE FOR FORMATION OF IMPROVEMENT DISTRICTS

Article 1. In General

Additional provisions

31585. The provisions of this chapter are in addition to the provisions of Sections 31388 and 31389, the provisions of Sections 31500 to 31548, inclusive, and the provisions of Sections 31575 to 31577, inclusive.

Div. 4 not applicable

31586. Division 4 (commencing at Section 2800) of the Streets and Highways Code shall not be applicable to the formation of any improvement district pursuant to this chapter.

Article 2. Formation and Projects

Improvement districts Formation

31595. Improvement districts may be formed to undertake projects to investigate, study, analyze, appraise, finance, acquire, and carry out any of the objects or purposes of this division of special benefit to such improvement districts, including, without limitation, projects to construct, operate, maintain, extend, repair or improve any work or improvement of special benefit to such improvement districts.

Resolution

31596. The formation of an improvement district shall be instituted by a resolution of the board which shall contain the following:

(a) A description of the boundaries of the improvement district proposed to be formed;

(b) A brief general description of the project to be undertaken within such improvement district;

(c) A finding that the project will be a special benefit to such improvement district;

(d) A statement of the board's intention to undertake the project;

(e) An estimate of the cost of the project;

(f) The method by which the project is proposed to be financed. To the extent that the project is to be financed by taxes levied in such improvement district, for purposes other than the payment of the principal of and interest on bonds, the proposed maximum amount of such tax which may be

levied in any year, which maximum shall not exceed seventy-five cents ($0.75) per one hundred dollars ($100) of the assessed value of the taxable property in such improvement district. To the extent that the project is to be financed by incurring a bonded indebtedness the resolution shall also comply with Section 31370.

(g) The time and place for a hearing by the board on the formation of the proposed improvement district, on the boundaries thereof, on the project proposed to be undertaken therein and on the method by which the project is proposed to be financed.

Notice of hearing

31597. The secretary shall give notice of the time and place of the hearing by causing a notice thereof to be published for the time provided by Section 31371 in a newspaper of general circulation printed and published within the proposed improvement district, but if there is no such newspaper, then one within the district, but if there is no such newspaper, then one within the county in which the proposed improvement district is situated. Said publication shall be completed at least seven days prior to said hearing. The secretary shall also cause the notice to be posted in five conspicuous places within the proposed improvement district at least 10 days prior to said hearing.

Contents

31598. The notice shall contain a copy of the resolution and a designation of a public place within the district where a copy of a map of the proposed improvement district may be seen by any interested person.

Hearing

31599. At the time and place fixed for the hearing, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing and shall consider all written and oral objections to any matters set forth in the resolution. Any person may appear at the hearing and present any matters material to the subject thereof.

Termination of proceedings

31600. If prior to the conclusion of the hearing written protests against the formation of the proposed improvement district and the proposed project signed by a majority in number of the holders of title to taxable property within the proposed improvement district and who are also the holders of title to not less than 51 percent of the area thereof are filed with the board, further proceedings relating to the proposed improvement district and the proposed project shall be terminated and no proceedings for the formation of any improvement district to undertake the proposed project shall be instituted for a period of not less than six months following the date of the conclusion of the hearing.

Ownership

31601. In all matters referred to in this article, the last equalized assessment roll of the district, if any, otherwise of the county, shall be prima facie evidence as to the ownership of taxable property, the names and number of the persons who are the holders of title, or assessable rights therein, and as to the assessed valuation of taxable property within the proposed improvement district.

Protest

31602. (a) Each signature on a protest shall be acknowledged or proved in the manner required to entitle deeds to be recorded.

(b) A guardian, executor, administrator, or other person holding property in a trust capacity under appointment of court may sign a protest when authorized by the proper court, which authorization may be made without notice. A certified copy of such authorization shall be filed with such protest.

(c) Where property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to sign the protest.

(d) The protest of any public or quasi-public corporation, private corporation, or unincorporated association may be signed by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing, attested by its seal, and duly acknowledged, and shall be filed with the board.

(e) The owner of any property or interest therein, appearing upon the assessment role, which has been assessed in the wrong name or to unknown owners, or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy executed and acknowledged by such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles, certifying that a search of the official records of the county since the date of the conveyance discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

(f) Where the property has been contracted to be sold, the vendee shall be entitled to sign the protest, unless such real property is assessed in the name of the vendor, in which event the vendor shall be entitled to do so, unless the contract of sale otherwise expressly provides.

Evidence

31603. The board may inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto. Unless satisfactory evidence is furnished, the right to file said protest may be denied.

Declaration of formation

31604. At the conclusion of the hearing if proceedings relating to the proposed improvement district have not been terminated in the manner set forth in Section 31600 the board may, by resolution, declare that the proposed improvement district is formed.

Property equally benefitted

31605. No improvement district shall be formed pursuant to this chapter unless the board shall, in the resolution declaring such improvement district to be formed, find and declare that all taxable property located within the improvement district is equally benefited by the project proposed

therefor, and if the board so finds and declares such determination shall be final and conclusive.

Resolution's contents

31606. The resolution declaring an improvement district to be formed shall contain:

(a) A description of the boundaries thereof and the name of such improvement district which shall thereupon constitute and be known as "Improvement District No. _____ of _____ County Water District."

(b) A brief description of the project which may be undertaken within the improvement district.

(c) The maximum amount of any improvement district tax, exclusive of taxes for the payment of principal of and interest on bonds, which may be levied in any year, which maximum amount shall not exceed the amount estimated in the resolution adopted pursuant to Section 31596.

Boundaries

31607. The boundaries of an improvement district determined and established by the board in the resolution declaring the improvement district to be formed may be the whole or a part of the proposed improvement district described in the resolution adopted pursuant to Section 31596 and may include such additional lands, the owners of which have, by written petition filed with the board, requested be included within the improvement district. The territory of an improvement district need not be contiguous, but must be entirely within the district.

Effective date

31608. The resolution declaring the improvement district to be formed shall become effective 30 days after its adoption.

Protest petition reconsideration

31609. If a petition protesting against the adoption of the resolution declaring the improvement district to be formed is presented to the board prior to its effective date, the resolution shall be suspended and the board shall reconsider it. The petition shall be signed by not less than 10 percent of the registered voters within the proposed improvement district on the date of adoption of said resolution. If the board does not repeal the resolution against which a petition is filed, the board shall submit the resolution to the voters within such improvement district at a regular election or a special election for the purpose. The resolution shall not become effective unless and until a majority of the voters vote in favor thereof. Such election shall be conducted in the manner provided in Article 3 (commencing at Section 31405) of Chapter 2 of Part 6 of this division insofar as applicable, except that if a majority of the votes cast at said election are in favor of the resolution then the cost of such election shall be borne by the improvement district. This section shall not apply to any improvement district containing less than 100 registered voters as of the date of adoption of the resolution referred to in Section 31596.

Bond authorization, etc

31610. After the formation of an improvement district pursuant to this chapter and if any portion of the cost of the project proposed therefor is to be financed by the issuance of bonds by the district on behalf of the improvement district, proceedings may be taken by the board for the authorization,

issuance, and sale of bonds of the district on behalf of the improvement district pursuant to Section 31391. In taking such proceedings, the board shall not be required to comply with Sections 31370 to 31372, inclusive, or Sections 31385 to 31390, inclusive, but it shall proceed pursuant to Sections 31405 to 31416, inclusive, and Sections 31425 to 31429, inclusive. Any bonds issued may be refunded pursuant to Sections 31440 to 31446, inclusive, and may be made callable pursuant to Sections 31460 and 31461.

Inclusion of additional lands

31611. After the formation of an improvement district, additional lands may be included therein upon the written petition of the owners thereof and a resolution of the board.

Article 3. Taxes

Taxes

31615. Subject to such limitations as may be contained in the resolution declaring the improvement district to be formed, the board shall have the power in any year to cause taxes to be levied and collected in any improvement district to finance any project of such improvement district or to pay the principal of and interest on bonds issued by the district on behalf of such improvement district for the purpose of financing any project in such improvement district.

Procedure

31616. The procedure for estimating, levying, and collecting taxes in any improvement district shall be the same as is provided in Part 7 (commencing at Section 31650) of this division for taxes on property in improvement districts.

Allocation of taxes

31617. All taxes collected pursuant to this article shall be expended only for the payment of bond principal and interest or only for the improvement district project for which levied, except that any surplus tax proceeds levied otherwise than for payment of bond principal and interest which remain after the completion of any improvement district project for which levied shall be transferred to the bond interest and redemption fund of such improvement district, if any, otherwise to the district's general fund.

Benefit to property

31618. For the purpose of any tax levied under this article, the properties within any improvement district shall be deemed to be equally benefited.

CHAPTER 443

An act to amend Sections 1101, 1102.1, and 1104.1 of the Agricultural Code, relating to egg standards.

In effect September 18, 1959

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

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

SECTION 1. Section 1101 of the Agricultural Code is amended to read:

1101. As used in this article with relation to eggs: Definitions

(a) "Addled" or "white rot" means putrid or rotten.

(b) "Adherent yolk" means the yolk has become fastened to the shell.

(c) "Blood" means the presence of blood rings or blood veins due to embryo development, or blood diffused into the white.

(d) "Candling" means the examination of the interior of eggs by the use of transmitted light.

(e) "Clean" means that no dirt or foreign substance may be adhering to the surface of the eggshell and no stain or discoloration other than that caused by processing oil shall exceed an aggregate area of one-quarter inch in diameter.

(f) "Reasonably clean" means that no dirt or foreign substance may be adhering to the surface of the eggshell and no stain or discoloration other than that caused by processing oil shall exceed an aggregate area of one-half inch in diameter.

(g) "Eggs" means eggs in the shell from chickens, turkeys, ducks, geese, or any other species of fowl.

(h) "Moldy" or "black spot" or "black rot" means the presence of mold or bacteria inside the shell.

(i) "Processed" means that the shell has been treated with oil or other preservative preparation.

(j) "Sound" means that the shell is free from cracks.

(k) "Uniform in size" means that the eggs in any one container shall not vary more than three-eighths of an ounce in weight.

(*l*) "Visible germ development" means that there has been some development of the germ which is slightly visible as a deeper colored area on the yolk as shown by candling the egg.

(m) "Firm white" means that the white is sufficiently thick or viscous to permit but little movement of the yolk from the center of the egg.

(n) "Checks" are eggs with shells which are not sound as determined by candling, appearance, or other means; provided, no exudation is present.

(o) "Dirties" are eggs with shells which are not reasonably clean as determined by appearance.

(p) "Inedible eggs" are eggs which, as determined by candling or any other means, contain black spot, black rot, white rot, mixed rot (addled), adherent yolks, bloody or green white, blood, embryo chicks, sour eggs, musty eggs, or which are moldy, filthy, decomposed, putrid, or otherwise unfit for human consumption in whole or in part.

Eggs with the shell cracked to the extent that the contents of the egg exude to the outside surface of the shell shall not be considered to be "inedible eggs" as defined herein, unless the exuded portion of the egg is moldy, filthy, decomposed, putrid, or otherwise unfit for human consumption in whole or in part.

(q) "Denatured" means eggs (1) made unfit for human food by treatment or the addition of a foreign substance, or

(2) with one-half or more of the shell's surface covered by a permanent black, dark purple or dark blue dye.

(r) "Clear white" means that the white is free from discoloration or foreign bodies.

SEC. 2. Section 1102.1 of said code is amended to read:

Tolerances for eggs

1102.1. The tolerances for eggs in any container or bulk lot as determined by count, of the quality grades "Grade AA," "Grade A" and "Grade B," shall be as follows:

(a) "Grade AA": Eggs of this grade may contain 5 percent of eggs which are not sound; and 10 percent of the eggs may be of the quality "Grade A."

(b) "Grade A": Eggs of this grade may contain 5 percent of eggs which are not reasonably clean or sound; 10 percent of the eggs may be of the quality "Grade B."

(c) "Grade B": Eggs of this grade may contain 15 percent of eggs which are not reasonably clean or sound or of Grade C; provided, that the total percentage of Grade C eggs shall not exceed 5 percent.

No part of the tolerances for eggs provided in this section shall be allowed for eggs with the shell cracked to the extent that the contents of the egg exude to the outside surface of the shell.

SEC. 3. Section 1104.1 of said code is amended to read:

"Grade C"

1104.1. It is unlawful to sell eggs of the quality grade of "Grade C" to retailers, consumers, restaurants, institutions or labor camps except as provided in the tolerance for Grade B eggs as provided in Section 1102.1, subsection (c).

CHAPTER 444

An act to add Section 3008 to the Fish and Game Code, relating to dogs.

In effect September 18, 1959

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

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

SECTION 1. Section 3008 is added to the Fish and Game Code, to read:

3008. The physical control of a dog by its owner while the dog is engaged in hunting in an area where the owner is otherwise authorized to hunt, shall be as required by this code or regulations made pursuant thereto.

Dogs which are used for hunting which have been vaccinated for rabies in their county of residence in conformity with state law regulating vaccinations in rabies areas are not subject to rabies vaccination requirements of local ordinances outside their county of residence.

CHAPTER 445

An act to repeal Sections 2001, 2002, 2003, 2004, 2005, 2007, 2008, 2009, and 2010 of, to amend Sections 1851 and 2021 of, and to add Section 2001 to, the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to school district organization.

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

In effect September 18, 1959

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

SECTION 1. Sections 2001, 2002, 2003, 2004, 2005, 2007, 2008, 2009, and 2010 of the Education Code as enacted by the Legislature at its 1959 Regular Session are repealed. Repeals

SEC. 2. Section 1851 of said code is amended to read:

1851. An elementary school district of any kind or class may be annexed to another elementary school district of any kind or class pursuant to this article (commencing at Section 1851), and upon such terms as may be agreed upon between the governing boards of the school districts. Annexation of school districts

SEC. 3. Section 2021 of said code is amended to read:

2021. Any school district contained in a union or joint union school district may withdraw from the union or joint union district by action of the board or boards of supervisors of the county, or counties, in which the union or joint union district is located. A district may withdraw in the same manner as provided in Sections 1851 to 1857, inclusive, for annexation to elementary school districts. Withdrawal of school districts

SEC. 4. Section 2001 is added to said code, to read:

2001. Any school district annexed to a union or joint union school district under the provisions of Sections 1851 to 1857, inclusive, shall be considered to be a component of the union or joint union school district to which it is annexed. Component part

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CHAPTER 446

An act to add Section 1711 to the Streets and Highways Code, relating to agreements between cities and counties for street construction, repair or maintenance.

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1711 is added to the Streets and Highways Code, to read:

1711. A county and a city may agree that the county shall construct, repair or maintain designated county highways, or portions thereof, within the unincorporated territory of the county, the cost thereof to be paid in whole or in part by the city to the county.

CHAPTER 447

An act to amend Sections 8751 and 8765 of the Business and Professions Code, relating to land surveying.

In effect September 18, 1959

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

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

SECTION 1. Section 8751 of the Business and Professions Code is amended to read:

Representation as surveyor, etc

8751. No person shall represent himself as, or use the title of, licensed land surveyor, land surveyor, professional engineer in land surveying, land survey engineer, survey engineer, geodetic engineer, or geometronic engineer unless he is the holder of a valid, unsuspended and unrevoked license.

SEC. 2. Section 8765 of said code is amended to read:

Record of survey

8765. A record of survey is not required of any survey:

(a) When it has been made by a public officer in his official capacity and a reproducible copy thereof, showing all data required by subdivisions (a), (b), (c), and (d) of Section 8764, has been filed with the county surveyor of the county in which the land is located. Any map so filed shall be indexed and kept available for public inspection, except that a record of survey shall not be required of a survey made by the United States Bureau of Land Management.

(b) When it is of a preliminary nature.

(c) When a map is in preparation for recording or shall have been recorded under the provisions of the Subdivision Map Act.

CHAPTER 448

An act to amend Section 8276 of the Fish and Game Code, relating to crabs.

In effect September 18, 1959

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

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

SECTION 1. Section 8276 of the Fish and Game Code is amended to read:

8276. Notwithstanding any other provisions of this code or any regulations made pursuant to this code:

(a) Crabs may be taken in Districts 6, 7, 8, and 9 only between December 15th and July 15th.

(b) Crabs may be taken in all other districts only between the second Tuesday in November and May 31st.

(c) Crabs may not be taken for commercial purposes in any district or part of a district lying within the portions of Crescent City Harbor between the south sand barrier and the breakwater.

This section shall remain in effect until the ninety-first day after the final adjournment of the 1961 Regular Session of the Legislature.

CHAPTER 449

An act to add Sections 4008.2, 4008.3, and 4008.4 to the Business and Professions Code, relating to pharmacy.

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 4008.2 is added to the Business and Professions Code, to read:

Rules and regulations

4008.2. The board may by rule or regulation adopt, amend, or repeal rules of professional conduct appropriate to the establishment and maintenance of a high standard of integrity and dignity in the profession.

The adoption, amendment, or repeal of such rules or regulations shall be made in accordance with the provisions of Chapter 4 (commencing at Section 11370) of Part 1 of Division 3 of Title 2 of the Government Code.

Every person who holds a certificate or permit to practice pharmacy in this State shall be governed and controlled by the rules of professional conduct adopted by the board.

SEC. 2. Section 4008.3 is added to said code, to read:

Application blanks

4008.3. The rules of professional conduct adopted by the board shall be printed as a part of the application blanks for permits and registration and for renewals thereof, and every applicant shall subscribe thereto when making an application.

SEC. 3. Section 4008.4 is added to said code, to read:

Exception

4008.4. Nothing contained in Sections 4008.2 and 4008.3 shall be construed as authorizing the board to adopt rules of professional conduct relating to price fixing or advertising of commodities.

CHAPTER 450

An act to amend Sections 21362 and 21404 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to the reflectorizing of railroad warning approach signs.

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 21362 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

Railroad warning approach signs

21362. Railroad warning approach signs shall be erected by local authorities upon the right-hand side of each approach of every highway under their jurisdiction to a grade crossing of a railroad or electric interurban railway at a reasonable distance from the crossing.

SEC. 2. Section 21404 of said code is amended to read:

Specifications

21404. Every railroad warning approach sign erected after January 1, 1951, shall consist of a disk and shall conform approximately to the specifications of this section. The disk shall be 24 inches in diameter. The face of the disk shall have a yellow background upon which there shall be placed a black borderline one-half inch wide and a black 90-degree crossbuck "X" $2\frac{3}{8}$ inches wide. In each of the side quarters thus formed, there shall appear in black the letter "R" $5\frac{5}{8}$ inches high and $4\frac{3}{8}$ inches wide, drawn in lines of one-inch stroke Every sign shall be reflectorized. Reflectorization shall be by white or clear reflecting units in the crossbuck and letters, or by a yellow reflecting coating in the background. Signs may be made of larger dimensions, in which event the size and stroke of letters and lines shall be increased in the proper proportion.

CHAPTER 451

An act to amend Section 11255 of the Government Code, relating to payments between state agencies and between appropriations.

In effect September 18, 1959

[Approved by Governor May 16, 1959 Filed with Secretary of State May 18, 1959.]

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

SECTION 1. Section 11255 of the Government Code is amended to read:

11255. The Controller may establish procedures whereby some or all of the payments between funds and appropriations within a state agency and between funds and appropriations of different state agencies may be made by transfers upon his accounts in lieu of making such payments by claims and warrants. Corresponding entries shall be made on the accounts of the agency or agencies concerned.

CHAPTER 452

An act to amend Section 1228 5 of, and to add Section 19330.5 to, the Government Code, relating to leaves of absence from the State Civil Service, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959] In effect immediately

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

SECTION 1. Section 1228.5 of the Government Code is amended to read:

1228.5. The governing board of any local agency may grant to any employee of such local governmental agency, upon request, a leave of absence without pay of not to exceed two years to accept a temporary position with the United States Government for service in a foreign country in a technical co-operation program, and upon termination of such service, and for three months thereafter, such employee shall have the right to be restored to his former position. Authorization Leaves of absence

SEC. 2. Section 19330.5 is added to said code, to read:

19330.5. The appointing power, with the approval of the board, may grant to a permanent or probationary employee under his jurisdiction a leave of absence without pay for not to exceed two years for service in a foreign country in a technical co-operation program as a temporary employee of another governmental agency, a nonprofit organization, or a recognized college or university upon the request of such agency. Upon termination of such service, and for three months thereafter, such employee shall have the right to be restored to his former position. Same

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

The provisions of state law relating to the loan of state employees for service in technical co-operation programs in a foreign country are out of date. Currently, the Federal Government frequently contracts with universities to staff technical co-operation programs. Typically, the services of state employees loaned for such staffs are needed for two years. However, not more than a one-year leave of absence can be granted to a state employee who is loaned to a university to perform such services. Under existing law, only when the employee is hired directly by the Federal Government can he be granted a two-year leave of absence. Under the proposed amendment, an appointing power would be able to extend for an additional year any such one-year leave already granted. If this is not permitted, the State of California may lose the services of some valuable employees whose one year of absence will expire within the next few months.

CHAPTER 453

An act to add Section 23428.9 to the Business and Professions Code, relating to alcoholic beverages.

In effect September 18, 1959

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

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

SECTION 1. Section 23428.9 is added to the Business and Professions Code, to read:

23428.9. For the purpose of this article "club" also means any nonprofit social club which has more than 100 bona fide members, serves daily meals to its members and guests, owns or leases, operates and maintains a club room or rooms for its membership and has operated the club room or rooms for a period of not less than 10 years and has regular membership dues of not less than fifty dollars ($50) per year per member.

CHAPTER 454

An act to add Section 26505 to the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, relating to airbrakes for vehicles.

In effect September 18, 1959

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

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

SECTION 1. Section 26505 is added to the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, to read:

26505. The pressure gauge of every motor vehicle equipped with airbrakes shall be of reliable and satisfactory construction and maintained in an efficient working condition, accurate within 10 percent of the actual pressure, and visible and legible to the driver at all times.

SEC. 2. This act shall become operative on January 1, 1960.

CHAPTER 455

An act to add Section 26503 to the Vehicle Code as enacted by Chapter 3, Statutes of 1959, relating to airbrakes for vehicles.

In effect September 18, 1959

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

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

SECTION 1. Section 26503 is added to the Vehicle Code as enacted by Chapter 3, Statutes of 1959, to read:

26503. Every service brake installation actuated by compressed air shall be equipped with a standard-type safety valve which shall be installed so as to have an uninterrupted connection with the air reservoir or tank. It shall be adjusted and maintained so that it will open and discharge the air system under any condition at a pressure of not to exceed 150 pounds per square inch and close and reseat itself at a point above the maximum air governor setting. The department may by regulation prescribe a higher maximum opening pressure for air pressure systems designed for, and capable of safely operating with, pressure safety valves with a higher opening pressure.

CHAPTER 456

An act to amend Section 13002 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to travel expenses of school district employees.

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 13002 of the Education Code is amended to read:

13002. The governing board of any school district shall provide for the payment of the actual and necessary traveling expenses of any employee of the district when performing services for the district under the direction of the governing board. The board may authorize an advance of funds to cover such necessary traveling expense. Such advance shall be repaid or adjusted upon filing of a regular claim for the actual and necessary traveling expenses incurred. The governing board may direct any employee of the district to attend any convention or conference or to visit schools for the discussion or observation of any school matter appertaining to the duties of the employee or any question of interest to the school district.

CHAPTER 457

An act to amend Section 10202.8 of the Insurance Code, relating to group life insurance.

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 10202.8 of the Insurance Code is amended to read:

10202.8. A group life policy conforming to all the following conditions may be issued to the trustees of a fund estab-

lished by one employer, or by two or more employers in the same industry, or by an association of employers in the same industry, or by one or more labor unions, or by one or more employers and one or more labor unions, or by an association of employers and one or more labor unions, to insure employees of the employers or members of the unions for the benefit of persons other than the employers or the unions:

(a) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to both. The policy may provide that the term "employees" shall include retired employees, and the individual proprietor or partners if an employer is an individual proprietor or a partnership. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employee of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless he is actively engaged in and devotes a substantial part of his time to the conduct of the business of the proprietor or partnership. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship.

(b) The premium for the policy shall be paid by the trustees either: (a) wholly from funds contributed by the employer or employers of the insured persons, or by the union or unions, or by both; or (b) partly from such funds and partly from funds contributed by either all of the insured persons or by one or more classes thereof. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured persons specifically for their insurance.

A policy on which part of the premium is to be derived from funds contributed by all of the insured persons may be placed in force only if at least 75 percent of the then eligible employees of any employer unit participating in the trust, or 75 percent of the then eligible members of any participating union if no employer unit is participating in the trust, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured persons must insure all eligible persons. A policy on which part of the premium is to be derived from funds contributed by one or more classes of insured persons but not from all the insured persons, must insure all eligible persons from whom no contributions are required and must extend insurance to each class from whom contributions are required when 75 percent of the then eligible persons of any such class elect to make the required contributions. Any eligible person as to whom evidence of individual insurability is not satisfactory to the insurer shall be excluded.

(c) The policy must cover at the date of issue at least 50 persons. If the fund is established by the members of an association of employers the policy may be issued only if (i) either (a) the participating employers constitute at date of issue at least 60 percent of those employer members whose employees are not already covered for group life insurance or (b) the total number of persons covered at date of issue exceeds 600; and (ii) the policy shall not require that, if a participating employer discontinues membership in the association, the insurance of his employees shall cease solely by reason of such discontinuance.

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection by the insured persons or by the trustees, employers or unions. No policy may be issued which provides term insurance on any person which together with any other term insurance under any group life insurance policy or policies issued to the employers, or any of them, or to the trustee of a fund established in whole or in part by the employers, or any of them, exceeds fifty thousand dollars ($50,000).

Such insurance may be issued with or without medical examination. For the purpose of this section the word "industry" shall not include licensed professions, such as medicine, dentistry, pharmacy, law and accountancy.

SEC. 2. Nothing in this act, as it amends the introductory paragraph of Section 10202.8, shall be construed so as to broaden the scope of the type of employer who may participate in a trust.

CHAPTER 458

An act to amend Sections 1551 and 13566 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to powers and duties of superintendents of school districts.

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1551 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

1551. The superintendent of each school district shall, in addition to any other powers and duties granted to or imposed upon him:

School district superintendents

(a) Be the chief executive officer of the governing board of the district.

(b) Excepting in districts where the governing board has appointed or designated an employee other than the superintendent, or a deputy, or assistant superintendent, to prepare

and submit a budget, prepare and submit to the governing board of the district, at such time as it may direct, the budget of the district for the next ensuing school year, and revise and take such other action in connection with the budget as the board may desire.

(c) Subject to the approval of the governing board, assign all employees of the district employed in positions requiring certification qualifications, to the positions in which they are to serve.

(d) Determine that each employee of the district in a position requiring certification qualifications has a valid certificated document registered as required by law authorizing him to serve in the position to which he is assigned.

(e) Enter into contracts for and on behalf of the district pursuant to Section 15961.

SEC. 2. Section 13566 of said code is amended to read:

Annual report

13566. Each city or district superintendent of schools shall make an annual report of the schools under his jurisdiction to the county superintendent of schools on forms furnished by the Superintendent of Public Instruction, which report shall include an affidavit that all employees in positions requiring certification qualifications were properly certificated for the work performed.

CHAPTER 459

An act to amend Section 17829 of the Health and Safety Code, relating to housing.

In effect September 18, 1959

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

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

SECTION 1. Section 17829 of the Health and Safety Code is amended to read:

17829. At the time fixed for the hearing of the statement of expense the governing board of the enforcement agency shall consider the statement, together with any objections or protests which may be raised by any of the property owners liable to be assessed for the doing of the work and any other interested persons and thereupon said governing board may make such revision, correction or modification in the statement as it may deem just, after which, by motion or resolution, said report as submitted, or in the event any revisions, corrections or modifications have been ordered made by said governing board then said statement as revised, corrected or modified, shall be confirmed. The board may adjourn said hearings from time to time and its decisions on said statement and on all protests and objections which may be made shall be final and conclusive.

In the event that the cost of razing or removing said nuisance exceeds the proceeds received from the sale of any materials, then the amount of the net expense of abating such nuisance, if not paid within five days after the decision of said governing board on said statement, shall constitute a lien on the real property upon which the same was abated or removed, which lien shall continue until the amount thereof and interest thereon at the rate of 6 percent per annum, computed from the date of confirmation of the statement until paid, has been paid, or until it is discharged of record. Such lien shall, for all purposes, be upon a parity with the lien of state, county and municipal taxes. In the event of nonpayment the governing board shall, at any time within 60 days after the decision of the governing board on the statement, cause to be filed in the office of the county recorder of the county in which such property is located a certificate substantially in the following form, to wit:

NOTICE OF LIEN

Pursuant to the authority vested in the undersigned by Chapter 27 (commencing at Sec. 17800), Part 1, Division 13, of the Health and Safety Code of the State of California, the undersigned did on the _____ day of _____, 19___, cause a nuisance to be abated on the real property hereinafter described and the undersigned did on the _____ day of _____, 19___, by action duly recorded in its official minutes as of said date, assess the cost of such abatement, less the amount received from the sale of any building materials, upon the real property hereinafter described, and the same has not been paid nor any part thereof and the said _____ (enforcement agency) does hereby claim a lien on said real property for the net expense of the doing of said work in the sum of $_____, and the same shall be a lien upon said real property until the said sum, with interest at the rate of 6 percent per annum, from the said _____ day of _____, 19 __ (insert date of confirmation of statement), has been paid in full and discharged of record.

The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain piece or parcel of land lying and being in the City of _____, County of _____, State of _____, and particularly described as follows, to wit:
Dated_____

_____
(Enforcement agency)
By _____
(Name of officer)

From and after the date of the recording of said notice of lien all persons shall be deemed to have had notice of the contents thereof. The statute of limitations shall not run against

the right of the enforcement agency to enforce the payment of said lien.

In the event that the amount received from the sale of materials exceeds the expense of razing or removing such building, then such excess shall be deposited with the treasurer of the enforcement agency to the credit of the owner of said property or to such other person legally entitled thereto and such excess shall be payable to said owner or other person on demand and upon producing evidence of ownership satisfactory to said treasurer.

CHAPTER 460

An act to amend Sections 10953, 10954, and 10955 of, and to repeal Section 10956 of, the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to attendance of pupils in the public schools.

In effect September 18, 1959

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

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

SECTION 1. Section 10953 of the Education Code is amended to read:

Days of attendance

10953. The total days of attendance of a pupil upon a regular full-time day kindergarten, elementary school, high school, junior college, or schools or classes maintained by the county superintendent of schools during the fiscal year shall be the number of days school was actually taught for not less than the minimum school days during the fiscal year less the sum of his absences due to causes other than those specified in this article.

SEC. 2. Section 10954 of said code is amended to read:

Absences verified

10954. Absences due to illness or quarantine shall be verified by the district or the county superintendent of schools in such manner as the Superintendent of Public Instruction may provide.

SEC. 3. Section 10955 of said code is amended to read:

Excused absences

10955. No absence of a pupil from school:

(a) Due to his illness, or

(b) Due to quarantine under the direction of a county or city health officer, or

(c) For the purpose of having medical, dental, or optometrical services rendered,

shall be deemed an absence in computing the attendance of a pupil.

Repeal

SEC. 4. Section 10956 of said code is repealed.

CHAPTER 461

An act to amend Section 5555 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to evening high school and junior college classes.

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 5555 of the Education Code is amended to read:

5555. Evening high schools and evening junior colleges shall consist of classes for adults. Minors may be admitted to such classes pursuant to Section 6355.

CHAPTER 462

An act to amend Section 5203 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to school holidays.

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 5203 of the Education Code is amended to read:

5203. All public schools and educational institutions throughout the State shall, on the school day next preceding February 12th and February 22d, hold the customary exercises in memory of Abraham Lincoln and George Washington, respectively.

CHAPTER 463

An act to amend Section 5902 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to vocational courses.

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 5902 of the Education Code is amended to read:

5902. The governing board of any high school district, subject to the provisions of this code relating to courses of

study for high schools, may establish and maintain, in connection with any high school under its jurisdiction, co-operative vocational courses in accordance with standards prescribed by the State Board of Education.

CHAPTER 464

An act to amend Section 16519 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to school supplies.

In effect September 18, 1959

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

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

SECTION 1. Section 16519 of the Education Code is amended to read:

16519. Writing and drawing paper, pens, inks, blackboards, blackboard erasers, crayon, lead pencils, and other necessary supplies for the use of the schools, shall be furnished under direction of the governing boards of the school districts.

CHAPTER 465

An act to amend Section 5606 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to junior high schools.

In effect September 18, 1959

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

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

SECTION 1. Section 5606 of the Education Code is amended to read:

5606. If the tuition is not fixed before the time fixed for the county superintendent of schools to submit the budgets of the district to the board of supervisors, the county superintendent having jurisdiction over the elementary school district shall fix the amount of the tuition and shall incorporate the amount in the budgets of the districts concerned.

CHAPTER 466

An act to amend Section 24071 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 18, 1959

[Approved by Governor May 16, 1959. Filed with Secretary of State May 18, 1959.]

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

SECTION 1. Section 24071 of the Business and Professions Code is amended to read:

24071. The license or licenses of one spouse may be transferred to the other spouse when the application for transfer is made prior to the entry of a final decree of divorce, and the license or licenses of a decedent, minor ward, incompetent person, bankrupt person, person for whose estate a receiver is appointed, or assignor for the benefit of creditors may be transferred by or to the surviving partner or partners of a deceased licensee, the executor, administrator, or guardian of an estate of a licensee, the surviving spouse of a deceased licensee in the event that the deceased licensee leaves no estate to be administered, the trustee of a bankrupt estate of a licensee, a receiver of the estate of a licensee, or an assignee for the benefit of creditors of a licensee with the consent of the assignor, or licenses may be transferred between partners where no new partner is being licensed, or licenses may be transferred between corporations whose outstanding shares of stock are owned by the same natural persons, or a licensee may transfer upon compliance with Section 24073 any license to a corporation whose entire stock is owned by the licensee, or his spouse, and the fee for transfer of each license is twenty-seven dollars and fifty cents ($27.50). The regular transfer fee provided in Section 24070 shall be due and payable upon the subsequent transfer of 25 percent of the stock in a corporation to which a license has been transferred by a licensee or his spouse pursuant to this section. In no case shall a fee be charged for the transfer of an importer's license. If the annual fee for a license is less than twenty-seven dollars and fifty cents ($27.50), the fee to be charged for the transfer thereof in any case shall be in the amount of the fee payable upon an original application as provided under Sections 23320 and 23322 of this division.

CHAPTER 467

An act to add Article 5 (commencing with Section 12050) to Chapter 1, Part 2, Division 3, Title 2 of, the Government Code, relating to the protection of consumer interests.

[Approved by Governor May 18, 1959. Filed with Secretary of State May 18, 1959.]

In effect September 18, 1959

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

SECTION 1. Article 5 is added to Chapter 1, Part 2, Division 3, Title 2 of the Government Code, to read:

Article 5. Consumer Counsel

12050. There is in the Office of the Governor a Consumer Counsel, who shall be appointed by the Governor and shall serve at his pleasure.

Consumer counsel

Salary

12051. The Consumer Counsel shall receive a salary as fixed by the Governor but not to exceed fifteen thousand dollars ($15,000) per year.

Same
Assistants

12052. The Governor may also appoint and fix the salaries of such assistants and employees for the Consumer Counsel as the Governor may deem necessary. Such salaries shall be fixed as nearly as possible to conform to the the salaries established by the State Personnel Board for classes of positions in the state civil service involving comparable duties and responsibilities.

Duties

12053. The Consumer Counsel shall advise the Governor as to all matters affecting the interests of the people as consumers. The Consumer Counsel shall recommend to the Governor and to the Legislature the enactment of such legislation as he deems necessary to protect and promote the interests of the people as consumers.

Studies

12054. The Consumer Counsel in carrying out his functions under Section 12053, shall make such studies as he deems necessary, or as directed by the Governor, and may render reports thereon from time to time to the people of the State.

12055. In carrying out the provisions of this article, the Consumer Counsel may:

(a) Appear before governmental commissions, departments, and agencies to represent and be heard on behalf of consumers' interests.

(b) Co-operate and contract with public and private agencies for the obtaining of statistical surveys, printing, economic information, and such similar services as may be necessary and proper.

(c) Do such other acts as may be incidental to the exercise of his powers and functions as conferred by this article.

Co-operation
of other
agencies

12056. Each agency, officer, and employee of the State shall co-operate with the Consumer Counsel in carrying out his functions under this article.

Advisory
committees

12057. The Governor, by executive order, may create such advisory committees as he deems necessary to assist the Consumer Counsel in carrying out his functions under this article. The Governor shall appoint the members thereof and they shall serve at his pleasure The committees shall be under the direction of the Consumer Counsel. The members of such advisory committee shall receive no compensation for their services except that they shall receive their actual and necessary expenses incurred in the discharge of their duties.

CHAPTER 468

An act to amend Section 660 of the Code of Civil Procedure, relating to motions for new trials.

[Approved by Governor May 19, 1959. Filed with Secretary of State May 19, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 660 of the Code of Civil Procedure is amended to read:

660. On the hearing of such motion, reference may be had in all cases to the pleadings and orders of the court on file, and when the motion is made on the minutes, reference may also be had to any depositions and documentary evidence offered at the trial and to the report of the proceedings on the trial taken by the phonographic reporter, or to any certified transcript of such report or if there be no such report or certified transcript, to such proceedings occurring at the trial as are within the recollection of the judge; when the proceedings at the trial have been phonographically reported, but the reporter's notes have not been transcribed, the reporter must upon request of the court or either party, attend the hearing of the motion and shall read his notes, or such parts thereof as the court, or either party, may require.

The hearing and disposition of the motion for a new trial shall have precedence over all other matters except criminal cases, probate matters and cases actually on trial, and it shall be the duty of the court to determine the same at the earliest possible moment.

Except as otherwise provided in Section 12a of this code, the power of the court to pass on motion for a new trial shall expire 60 days from and after service on the moving party of written notice of the entry of the judgment, or if such notice has not theretofore been served, then 60 days after filing of the notice of intention to move for a new trial. If such motion is not determined within said period of 60 days, or within said period as thus extended, the effect shall be a denial of the motion without further order of the court. A motion for a new trial is not determined within the meaning of this section until an order ruling on the motion (1) is entered in the permanent minutes of the court or (2) is signed by the judge and filed with the clerk. The entry of a new trial order in the permanent minutes of the court shall constitute a determination of the motion even though such minute order as entered expressly directs that a written order be prepared, signed and filed. The minute entry shall in all cases show the date on which the order actually is entered in the permanent minutes, but failure to comply with this direction shall not impair the validity or effectiveness of the order.

CHAPTER 469

An act to amend Sections 659, 663a, and 953d of the Code of Civil Procedure, relating to procedure after trial in civil cases.

In effect September 18, 1959

[Approved by Governor May 19, 1959. Filed with Secretary of State May 19, 1959.]

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

SECTION 1. Section 659 of the Code of Civil Procedure is amended to read:

Motion for new trial

659. The party intending to move for a new trial must file with the clerk and serve upon the adverse party a notice of his intention to move for a new trial, designating the grounds upon which the motion will be made and whether the same will be made upon affidavits or the minutes of the court or both, either

1. Before the entry of judgment and, where a motion for judgment notwithstanding the verdict is pending, then within five days after the making of said motion; or

2. Within 30 days after the entry of the judgment or 10 days after service upon him by any party of written notice of the entry of judgment, whichever is earlier.

Said notice shall be deemed to be a motion for a new trial on all the grounds stated in the notice. The time above specified shall not be extended by order or stipulation.

SEC. 2. Section 663a of said code is amended to read:

Service

663a. The party intending to make the motion mentioned in the last section must, within 30 days after the entry of judgment or within 10 days after service upon him by any party of written notice of the entry of judgment, whichever is earlier, serve upon the adverse party and file with the clerk of the court a notice of his intention, designating the grounds upon which, and the time at which the motion will be made, and specifying the particulars in which the conclusions of law are not consistent with the finding of facts, or in which the judgment or decree is not consistent with the special verdict. The time designated for the making of the motion must not be more than 60 days from the time of the service of the notice. An order of the court granting such motion may be reviewed on appeal in the same manner as a special order made after final judgment.

SEC. 3. Section 953d of said code is amended to read:

Notice of entry of judgment

953d. Any notice of entry of judgment required by the provisions of Section 659 or 663a of this code must be given in writing, unless written notice thereof be waived in writing or by oral stipulation made in open court and entered in the minutes.

CHAPTER 470

An act to repeal Sections 715.1, 770, 771, 774, 775, and 777 of, to amend Sections 715.3, 716, and 724 of, and to add Section 771 to, the Civil Code, relating to future interests in property.

[Approved by Governor May 19, 1959. Filed with Secretary of State May 19, 1959.]

In effect September 18, 1959.

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

SECTION 1. Section 715.1 of the Civil Code is repealed. Repeal

SEC. 2. Section 715.3 of said code is amended to read:

715.3. No trust heretofore or hereafter created forming part of a retirement system established pursuant to the laws of California authorizing such systems shall be deemed invalid as violating Section 715.2 of this code; and the income arising from such property, real or personal, held in such trust may be permitted to accumulate until the fund is sufficient, in the opinion of the trustee or trustees thereof, to accomplish the purposes of the trust. Retirement trust

SEC. 3. Section 716 of said code is amended to read:

716. The period of time during which an interest is destructible pursuant to the uncontrolled volition and for the exclusive personal benefit of the person having such a power of destruction is not to be included in determining the permissible period for the vesting of an interest within the rule against perpetuities. Rule against perpetuities

SEC. 4. Section 724 of said code is amended to read:

724. An accumulation of the income of property may be directed by any will, trust or transfer in writing sufficient to pass the property or create the trust out of which the fund is to arise, for the benefit of one or more persons, objects or purposes, but may not extend beyond the time in this title permitted for the vesting of future interests. Accumulation of income

SEC. 5. Sections 770 and 771 of said code are repealed. Repeals

SEC. 6. Section 771 is added to said code, to read:

771. A trust is not invalid, either in whole or in part, merely because the duration of the trust may exceed the time within which future interests in property must vest under this title, if the interest of all the beneficiaries must vest, if at all, within such time. Vesting of interest

If a trust is not limited in duration to the time within which future interests in property must vest under this title, a provision, express or implied, in the instrument creating the trust that the trust may not be terminated is ineffective insofar as it purports to be applicable beyond such time. A provision, express or implied, in an instrument creating an inter vivos trust that the trust may not be terminated shall not prevent termination by the joint action of all of the creators of the trust and all of the beneficiaries thereunder if all concerned

are competent and if the beneficiaries are all of the age of majority.

Whenever a trust has existed longer than the time within which future interests in property must vest under this title

(1) It shall be terminated upon the request of a majority of the beneficiaries

(2) It may be terminated by a court of competent jurisdiction upon the petition of the Attorney General or of any person who would be affected thereby if the court finds that such termination would be in the public interest or in the best interest of a majority of the persons who would be affected thereby.

Repeals

SEC. 7. Sections 774, 775, and 777 of said code are repealed.

CHAPTER 471

An act to amend Section 19 of the Vallejo Sanitation and Flood Control District Act (Chapter 17, Statutes of 1952 First Extraordinary Session), relating to annexation of land to the Vallejo Sanitation and Flood Control District, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 19, 1959. Filed with Secretary of State May 19, 1959.]

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

SECTION 1. Section 19 of the Vallejo Sanitation and Flood Control District Act (Chapter 17, Statutes of 1952 First Extraordinary Session) is amended to read:

Sec. 19. The boundaries of said district may be altered and additional land may be annexed to the district if the land will be benefited thereby, and any tract of land within the district may be excluded if not benefited thereby. The procedure for the annexation and exclusion of territory shall be as set forth in Sections 58230 to 58243, inclusive, of the Government Code, and all provisions of the District Organization Act, constituting Title 6, Division 1, Chapter 1, of the Government Code and amendments thereto are hereby adopted as part of this act insofar as the same relate to the annexation and exclusion of territory; provided, however, that no change in the boundaries of said district shall impair or affect its organization or its rights in or to property or any of its rights or privileges of whatsoever kind or nature, or shall affect, impair or discharge any contract, obligation, lien or charge for or upon any lands in the district or for which the district was or might become liable or chargeable had such change of boundaries not been made; and provided further, that said district may annex land across a county boundary line but only with the consent of the board of supervisors of the county in which such annexed land is situated given by its resolution

prior to the adoption by the board of trustees of its resolution of annexation.

The requisite number of petitioners required under Section 58231 of the Government Code may be, (a) if such petitioners are landowners, that number of persons owning more than one-half of the area of land sought to be annexed or excluded or (b), alternatively, if there are at least 12 electors residing on the land, and the petitioners are electors, that number of persons constituting a majority of such electors.

The requisite number of petitioners required under Section 58238 of the Government Code shall be, (a) if the petitioners are landowners, that number of persons owning more than one-fourth of the area of land sought to be annexed or excluded or (b), alternatively, if there are at least 12 electors residing on the land, and the petitioners are electors, that number of persons constituting one-fourth of the electors. However, no election shall be called under Section 58238 if there are less than 12 electors residing on the land, but instead the board shall determine the matter as provided in Section 58237 of the Government Code.

Whenever the district annexes land situated in a county other than Solano County, the board of supervisors, county assessor, county tax collector, and county auditor of the county in which the additional land is situated shall have all of the powers and duties in relation to the making, equalizing and collection of taxes for district purposes which are given to the same county officials of Solano County by Sections 16 and 17.

The taxes of the district levied in any county other than Solano County shall be collected at the same time and in the same manner as county taxes. When collected, the amount shall be paid to the Treasurer of Solano County and shall be held by him in the fund provided for in Section 16.

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

Dwellings are being constructed on 100 acres of land in Napa County which require sewerage disposal service. This service can be supplied by the Vallejo Sanitation and Flood Control District of Solano County if the property can be annexed to said district, but until this enabling act is given effect that district cannot safely provide this indispensable service, with the result that unless this act takes effect immediately a serious hazard to the health of the occupants of said dwellings will result.

CHAPTER 472

An act to add Section 12151.5 to the Fish and Game Code, relating to hunting accidents.

In effect September 18, 1959

[Approved by Governor May 19, 1959. Filed with Secretary of State May 19, 1959.]

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

SECTION 1. Section 12151.5 is added to the Fish and Game Code, to read:

12151.5. Any person who, while hunting, kills or wounds or witnesses the killing or wounding of any human being, or domestic animal belonging to another, shall, within 48 hours after the incident, forward a complete written report to the Department of Fish and Game, 722 Capitol Avenue, Sacramento, California, giving his full name and address and all facts relating to the incident.

CHAPTER 473

An act to add Section 2351 to the Agricultural Code, relating to deposit of funds.

In effect September 18, 1959

[Approved by Governor May 19, 1959. Filed with Secretary of State May 20, 1959.]

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

SECTION 1. Section 2351 is added to the Agricultural Code, to read:

2351. Moneys deposited pursuant to Section 2339 may be invested and reinvested by the State Treasurer in any of the securities described in Article 1 (commencing at Section 16430), Chapter 3, Part 2, Division 4, Title 2 of the Government Code, or placed in a bank as provided in Chapter 4 (commencing at Section 16500), Part 2, Division 4, Title 2 of the Government Code, and handled in the same manner as money in the State Treasury. For such purposes such moneys may also be combined with funds determined by the director to be available for investment pursuant to Section 1300.17 of this code. Any increment received from such investment, reinvestment, or deposit shall be remitted to the director for allocation. The State Treasurer may deduct from such remittance an amount equal to the reasonable cost incurred in carrying out the provisions of this section or may bill the director for the costs and the director shall pay the costs from moneys collected pursuant to this chapter.

CHAPTER 474

An act to amend Section 73771 of the Government Code, relating to the municipal court in the Central Judicial District of Marin County.

[Approved by Governor May 19, 1959. Filed with Secretary of State May 20, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 73771 of the Government Code is amended to read:

73771. There shall be three judges.

CHAPTER 475

An act to add Section 5132 to the Agricultural Code, relating to the investment of moneys collected pursuant to the California Beef Council Law.

[Approved by Governor May 19, 1959. Filed with Secretary of State May 20, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 5132 is added to the Agricultural Code, to read:

5132. Moneys deposited by the director pursuant to Section 5128 may be invested and reinvested by the State Treasurer in any of the securities described in Article 1 (commencing at Section 16430), Chapter 3, Part 2, Division 4, Title 2 of the Government Code, or placed in a bank as provided in Chapter 4 (commencing at Section 16500), Part 2, Division 4, Title 2 of the Government Code, and handled in the same manner as money in the State Treasury. For such purposes such moneys may also be combined with funds determined by the director to be available for investment pursuant to Section 1300.17 of this code. Any increment received from such investment, reinvestment or deposit shall be remitted to the director for allocation. The State Treasurer may deduct from such remittance an amount equal to the reasonable cost incurred in carrying out the provisions of this section or may bill the director for the costs and the director shall pay the costs from moneys collected pursuant to this chapter.

CHAPTER 476

An act to amend Section 1100 of the Harbors and Navigation Code, relating to bar pilots.

In effect September 18, 1959

[Approved by Governor May 19, 1959. Filed with Secretary of State May 20, 1959.]

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

SECTION 1. Section 1100 of the Harbors and Navigation Code is amended to read:

1100. A person may not be appointed or licensed as a pilot unless he:

(a) Is an American citizen.

(b) Is over the age of 21 years, and not over the age of 70 years. No other limitation of age shall be imposed.

(c) Has a practical knowledge of the management of motor ships, steam vessels and of the tides, soundings, bearings, and distances of the several shoals, bars, rocks, points of land, lighthouses, and fog signals of the ports and harbors for which he is appointed.

(d) Is of good moral character, temperate, and possesses the skill and ability necessary to discharge the duties of pilot.

CHAPTER 477

An act to amend Section 4809 of the Business and Professions Code, relating to veterinary medicine.

In effect September 18, 1959

[Approved by Governor May 19, 1959. Filed with Secretary of State May 20, 1959.]

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

SECTION 1. Section 4809 of the Business and Professions Code is amended to read:

4809. The board shall keep an official record of its meetings, and it shall also keep an official register of all applicants for licenses.

The register shall be prima facie evidence of all matters contained therein.

CHAPTER 478

An act to amend Section 2206 of the Health and Safety Code, relating to mosquito abatement districts.

In effect September 18, 1959

[Approved by Governor May 19, 1959. Filed with Secretary of State May 20, 1959.]

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

SECTION 1. Section 2206 of the Health and Safety Code is amended to read:

2206. No district formed or proposed to be formed under this chapter shall be subject to any of the provisions of the District Investigation Law of 1933 (commencing at Section 58500 of the Government Code). This section shall remain in effect until the ninety-first day after final adjournment of the 1961 Regular Session of the Legislature and thereafter shall be of no force or effect.

CHAPTER 479

An act to amend Section 2312 of the Health and Safety Code, relating to the withdrawal of mosquito abatement funds.

[Approved by Governor May 19, 1959. Filed with Secretary of State May 20, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2312 of the Health and Safety Code is amended to read:

2312. The funds shall only be withdrawn from the county treasury depository upon the warrant of the district board signed by its president or acting president, and countersigned by its secretary or acting secretary. However, if the county in which the district is situated has adopted a requisition system covering the withdrawal of funds for the purchase of services or supplies, the district board may, by resolution, adopt such system and make withdrawals in accordance therewith.

The board may by resolution authorize the withdrawal of funds from the county treasury depository upon a warrant signed by the principal administrative officer of the district and by a member of the board.

CHAPTER 480

An act to amend Sections 2248 and 2851 of the Health and Safety Code, relating to the compensation and expenses of mosquito and pest abatement district board members.

[Approved by Governor May 19, 1959. Filed with Secretary of State May 20, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2248 of the Health and Safety Code is amended to read:

2248. The members of the district board shall serve without compensation; but the necessary expenses of each member for actual traveling in connection with meetings or business of the board shall be allowed and paid. In lieu of expenses the district board may by resolution provide for the allowance and payment to the members of the board of a sum not exceeding

Expenses

twenty-five dollars ($25) per month per member for expenses incurred in attending business meetings of the board.

SEC. 2. Section 2851 of said code is amended to read:

Same

2851. The members of the district board shall hold office at the pleasure of the board of supervisors. They shall serve without compensation, but shall be allowed their necessary traveling and other expenses incurred in performance of their official duties. In lieu of such expenses, the district board may, by resolution, provide for the allowance and payment to each member of the board of a sum not exceeding twenty-five dollars ($25) as expenses incurred in attending each business meeting of the board.

CHAPTER 481

An act to amend Section 17072 of the Government Code, relating to canceled warrants.

In effect September 18, 1959

[Approved by Governor May 19, 1959. Filed with Secretary of State May 20, 1959.]

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

SECTION 1. Section 17072 of the Government Code is amended to read:

17072. The face amount of each warrant canceled under this article shall revert and be credited by the Controller to the fund against which the warrant was drawn.

Amounts reverted to the Special Deposit Fund shall be credited to and augment the account, within the fund, against which the warrant was originally drawn. If such account is an unclaimed money trust account, the reverted amount credited thereto shall be transferred by the Controller to and in augmentation of the General Fund.

CHAPTER 482

An act to amend Sections 4703, 4704, 4705, 4706, 4707, 4708, 4709, 4710, 4711, and 4713 of, and to add Sections 4702.5 and 4713.5 to, the Revenue and Taxation Code, relating to the distribution of property tax levies and assessments.

In effect September 18, 1959

[Approved by Governor May 19, 1959. Filed with Secretary of State May 20, 1959.]

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

SECTION 1. Section 4702.5 is added to the Revenue and Taxation Code, to read:

Assessment procedure

4702.5. In any county electing to follow the procedure authorized by this chapter the board of supervisors by resolution as specified in Section 4702 may extend, or discontinue, these procedures to assessments that are entered on the secured tax roll for the current year.

Upon adoption, assessments shall be apportioned in the same manner that taxes are apportioned under this chapter.

SEC. 2. Section 4703 of said code is amended to read:

Tax losses reserve fund

4703. In each county which elects to adopt the procedure authorized by this chapter there is hereby created a tax losses reserve fund.

The tax losses reserve fund shall be used exclusively as hereinafter provided to cover losses which may occur in the amount of tax liens as a result of special sales of tax-deeded property. Whenever in any year the amount of the tax losses reserve fund shall have reached an amount equivalent to 5 percent of the total of all taxes and assessments levied on the secured roll for that year the amounts hereinafter authorized to be credited to that fund shall, for the remainder of that year, be credited to the county general fund.

The auditor and treasurer shall keep apportioned tax resources accounts in such a manner that the balance of amounts apportioned to funds on an accrual basis shall be known by both officers. In addition, the auditor shall keep secured taxes receivable accounts in such a manner as to establish accountability for the amounts receivable on the secured tax rolls. Secured tax rolls as used in this chapter include delinquent rolls prescribed by Section 2627 and abstracts prescribed by Section 4371.

SEC. 3. Section 4704 of said code is amended to read:

Tax deeded property

4704. In order to facilitate tax accounting in connection with the procedure authorized by this chapter each county which adopts the procedure shall enter tax-deeded property on the rolls in the name of the State and extend taxes thereon in the same manner as it would were the property subject to taxation. The amount so extended against each such property shall be accounted for under this chapter as though it were a normal levy and shall be used in the determination of the cost to redeem such property. If valuations of such tax-deeded property entered on the roll under the provisions of this section exceed 1 percent of the total, such valuations shall not be included by the county auditor in any statement of equalized assessed valuations which he may be required to make as the basis for the determination of a bond debt limitation.

SEC. 4. Section 4705 of said code is amended to read:

Apportionment of taxes

4705. Upon completion of the tax roll as prescribed by Section 2152 of this code the county auditor shall determine the total amount of taxes actually extended thereon for each fund for which a tax levy has been included. The amount so determined for each fund shall forthwith be apportioned to the credit of such funds on the accounts of the county auditor and county treasurer and the total thereof shall be entered on the apportioned tax resources accounts of both officers.

Assessments entered on the secured tax roll shall be apportioned in the same manner if the board of supervisors has extended these procedures to assessments under Section 4702.5.

Upon completion of the tax roll the auditor shall record the total amount due on the secured taxes receivable accounts.

The board of supervisors shall provide which moneys in the county treasury, including but not limited to those credited to the tax losses reserve, shall be available to be drawn on to the extent of the amount of uncollected taxes credited to each fund for which a tax levy has been included, and such moneys may thereafter be drawn against in an amount not to exceed the amount of uncollected taxes credited to each fund for which a tax levy has been included in the same manner as if the amount credited had been collected. To the extent that moneys are so expended for a fund in advance of receipt of tax revenue therefor, the tax revenue may not be expended upon receipt. Moneys in the amount credited to the tax losses reserve, as well as tax revenues actually received for funds to the extent moneys have been expended therefor in advance of receipt, shall be available in the county treasury for payment for the same purposes and in the same amounts as the money advanced was available prior to being advanced.

SEC. 5. Section 4706 of said code is amended to read:

Delinquent penalties

4706. Upon completion of the computation of delinquent penalties on unpaid first installments as prescribed by Section 2617 of this code the auditor shall record the additional amount due on the secured taxes receivable accounts. The auditor shall similarly record the accountability for delinquent penalties and costs computed and entered on unpaid second installments as prescribed by Section 2627 of this code.

SEC. 6. Section 4707 of said code is amended to read:

Adjustments

4707. Should any tax or assessment which was apportioned at the time of levy be changed by correction, cancellation or refund authorized by Part 9 of Division 1 of this code, a pro rata adjustment for the amount of such change shall be made in each of the funds to which apportionment previously has been made. The total pro rata adjustments of amounts previously apportioned shall be entered on the apportioned tax resources accounts of the auditor and the treasurer. The total amount of the changes shall be entered on the secured taxes receivable accounts of the auditor.

SEC. 7. Section 4708 of said code is amended to read:

Distribution re secured tax roll

4708. Amounts received on the secured tax roll for the current year shall be distributed on the accounts of the auditor and treasurer as follows:

(a) Any amounts levied but not apportioned to funds in the manner authorized by this chapter shall be distributed to the funds for which levied as prescribed in Chapter 1a of this part.

(b) Any amounts which were apportioned to funds at the time of the levy in the manner authorized by this chapter shall be distributed to the apportioned tax resources accounts.

(c) Amounts collected as costs shall be distributed to the county general fund.

(d) Amounts collected as delinquent penalties shall be distributed to the tax losses reserve fund.

The auditor shall record the total secured tax roll collections on his secured taxes receivable accounts.

SEC. 8. Section 4709 of said code is amended to read:

4709. Upon completion of the delinquent roll as prescribed by Section 2627 of this code the auditor shall verify the total thereof against his accounts. The auditor shall similarly verify against his accounts the total of the list of tax-sold property furnished him after sale date by the tax collector as prescribed by Section 3442.

The auditor shall adjust the secured taxes receivable accounts for the total amount of any adjustments on the secured tax rolls for delinquent penalties and costs which are no longer receivable as of the sale date under Section 4102 of this code.

SEC. 9. Section 4710 of said code is amended to read:

Tax-sold or tax deeded property

4710. After apportionment to the State of the amounts prescribed by Section 4656 2 of this code, amounts received for the redemption of tax-sold or tax-deeded property shall be distributed as follows:

(a) Any amounts levied but not apportioned to funds at the time of levy in the manner authorized by this chapter and any redemption penalties collected on such amounts shall be distributed to funds as prescribed in Chapter 1c of this part except that assessments not apportioned previously shall be distributed to the funds for which levied.

(b) Any amounts which were apportioned to funds at the time of the levy in the manner authorized by this chapter shall be distributed to the apportioned tax resources accounts. The pro rata of redemption penalties or interest collected on any amounts levied but not apportioned to funds at the time of levy shall be distributed to the respective funds and the balance of redemption penalties or interest together with delinquency penalties shall be apportioned to the tax losses reserve fund.

(c) Amounts collected as costs shall be distributed to the county general fund.

(d) Amounts collected as redemption fees shall be distributed to the State.

The total amount collected on the secured tax roll shall be entered on the secured taxes receivable accounts.

SEC. 10. Section 4711 of said code is amended to read:

Distribution

4711. After apportionment to the State of the amounts prescribed by Section 4671 of this code, the balance of the proceeds from the sale of property under the provisions of Part 6 of this division, as such amounts have been determined after settlement of claims of other participating taxing agencies, shall be distributed as follows:

(a) There shall first be determined the amount of taxes and assessments which would be included in an estimate of the cost to redeem on the date of the sale. The amount available for distribution shall be prorated on the basis of such taxes

and assessments between apportioned levies and unapportioned levies.

(b) The pro rata share for unapportioned levies shall be prorated between the amount of tax levies and the amount of assessment levies. The pro rata share for unapportioned tax levies shall be distributed to funds on the basis prescribed in Chapter 1.3 of this part. The pro rata share for unapportioned assessment levies shall be distributed to the assessment funds on the basis prescribed in paragraph (a) of Section 4710.

(c) The pro rata share for apportioned levies shall be distributed to the tax losses reserve fund.

The amount canceled by the sale shall be entered on the secured taxes receivable accounts. Any canceled amounts which were apportioned at the time of levy in the manner authorized by this chapter shall be entered on the apportioned tax resources accounts, and this cancellation shall be borne by the tax losses reserve fund.

SEC. 11. Section 4713 of said code is amended to read:

Apportionments

4713. In any county electing to follow the procedure authorized by this chapter the redemption officer and auditor, or either of them, upon approval of the county treasurer, may determine by analysis of the abstract of delinquencies the amounts included therein by the original tax and assessment levies for each fund, and, on the basis of such determination, the treasurer and auditor may forthwith enter the total tax levy on the apportioned tax resources accounts and apportion to each fund for which taxes were levied 95 percent of the fund amounts so determined. The remaining 5 percent of the tax amounts shall be apportioned to the tax losses reserve fund. Such apportionments shall constitute a full liquidation of the share of each fund in the liens for delinquent taxes appearing on the abstract list and any amounts thereafter received through redemption, sale or rental of the property shall be apportioned in the manner prescribed by Sections 4708, 4710, 4711 and 4712 for years in which the procedure authorized by this chapter has been in effect.

SEC. 12. Section 4713.5 is added to said code, to read:

Same

4713.5. In any county electing under both Sections 4702 and 4702.5 to follow the procedures authorized by this chapter the redemption officer and auditor, or either of them, upon the approval of the county treasurer may apportion assessment levies in the same manner that Section 4713 provides for tax levies except that each fund for which assessments were levied shall be apportioned 100 percent of the assessment levies so determined. Such apportionments shall constitute a full liquidation of the share of each fund in the liens for delinquent assessments appearing on the abstract list and any amounts thereafter received through redemption, sale or rental of the property shall be apportioned in the manner prescribed by Sections 4708, 4710, 4711 and 4712 for years in which the procedure authorized by this chapter has been in effect.

CHAPTER 483

An act to amend Sections 14004, 14406 and 14502 of the Financial Code, relating to credit unions.

[Approved by Governor May 19, 1959. Filed with Secretary of State May 20, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 14004 of the Financial Code is amended to read:

Nonprofit associations

14004. Nonprofit associations, which are formed for the mutual benefit and protection of credit unions, by credit unions organized under this division, or under the provisions of the statutes of the United States applicable to credit unions or any nonprofit association formed for the mutual benefit and protection of credit union employees by bona fide employees of credit unions, may use the words "credit" and "union" in the name or title designating any such association.

SEC. 2. Section 14406 of said code is amended to read:

Directors' duties

14406. Unless the bylaws expressly reserve any or all of the following duties to the shareholders it shall be a special duty of the directors:

(a) To act upon all applications for membership. The directors may delegate the power to approve applications for new membership, to the chairman of a membership committee or to an executive committee.

(b) To expel members for any of the following causes:

(1) Conviction of a criminal offense involving moral turpitude.

(2) Failure to carry out contracts, agreements or obligations with the credit union.

(3) Refusal to comply with the provisions of this division or of the bylaws.

Any member who shall have been expelled by the board of directors shall have the right to appeal therefrom to the members, in which event after hearing the order of suspension may be revoked by a two-thirds vote of the members present at a special meeting to consider the matter.

(c) To obtain adequate surety bond coverage for the treasurer and any assistant treasurer conditioned upon the honest performance of his trust. The minimum principal amount of such bond shall be based on the gross assets of the credit union, according to the following schedule:

Gross assets	Amount of bond
Up to $5,000	$1,000
$5,001 to $15,000	2,000
15,001 to 30,000	3,000
30,001 to 50,000	4,000
50,001 to 75,000	5,000
75,001 to 100,000	7,500

Gross assets	Amount of bond
100,001 to 150,000	10,000
150,001 to 200,000	15,000
200,001 to 300,000	20,000
300,001 to 500,000	25,000
500,001 to 750,000	30,000
750,001 to 1,000,000	40,000
1,000,001 or more	50,000

(d) To obtain adequate fidelity bond coverage for each officer and employee having control of or access to funds or securities owned by or pledged with a credit union commensurate with risks involved.

(e) To determine from time to time the rate of interest which shall be allowed on shares or certificates and interest rate on loans.

(f) To fix the maximum number of shares which may be held by, and the maximum amount which may be lent to any one member.

(g) To declare dividends and to authorize the payment of interest refunds to borrowing members.

(h) To recommend amendments to the bylaws.

(i) To fill vacancies in the board of directors or credit committee, and temporarily fill vacancies caused by the suspension of any member of the board of directors, or any or all members of the credit committee, pending a meeting of the shareholders to determine whether to affirm such suspension and vacate the office, or to reinstate such members.

(j) To direct the deposit or investment of funds, except loans to members, and to perform such other duties as the bylaws may prescribe.

(k) To designate alternate members of the credit committee who shall serve in the absence or inability of the regular members to perform their duties.

SEC. 3. Section 14502 of said code is amended to read:

Approval re loans

14502. No credit union shall make any loan or extension of credit without the written approval of a majority of the members of the credit committee. The credit committee may, with the approval of the board of directors, appoint one or more loan officers who shall be authorized to approve loan applications within the limits set by the credit committee, but in no event to exceed the sum of one thousand dollars ($1,000) plus the unpledged shares of the borrower for any one loan; provided, however, that in any credit union with assets of less than one hundred thousand dollars ($100,000) no loan officer shall be authorized to approve any loan in excess of the unsecured loan limit as provided herein, plus the unpledged shares of the borrowing member. Such loan officer must be a member of the credit union and may, but need not

be, a member of the credit committee or an officer or director of the credit union Such loan officers shall not also have the power to approve membership applications. The credit committee shall be provided with a record of each loan approved or not approved by any loan officer within seven (7) days of such approval or disapproval.

CHAPTER 484

An act to amend Section 6209 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to the instruction of blind adults.

[Approved by Governor May 19, 1959 Filed with Secretary of State May 20, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 6209 of the Education Code is amended to read:

6209. The Department of Education may appoint home teacher-counselors to provide individual guidance and training to the adult blind of the State in their homes. Such home teacher-counselors shall give individual instruction in those techniques which will enable the blind to adjust to daily living in the home and in the community. They shall teach the blind reading and writing of Braille, typing, travel techniques, household arts and crafts in accordance with the needs of the blind, and give them such other instruction as may enhance their opportunities for personal rehabilitation. This program shall be closely co-ordinated with vocational rehabiliation services for the blind, the Orientation Center for the Blind and opportunity work centers for the blind.

CHAPTER 485

An act to amend Section 13641 of the Revenue and Taxation Code, relating to inter vivos transfers.

[Approved by Governor May 19, 1959 Filed with Secretary of State May 20, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 13641 of the Revenue and Taxation Code is amended to read:

13641. If a transfer specified in this article is made during lifetime by a resident, or is made during lifetime by a nonresident of property within this State, for a consideration in money or money's worth, but the transfer is not a bona fide sale for an adequate and full consideration in money or

money's worth, the amount of the transfer subject to this part shall be the excess of

(a) The value, at the date of the transferor's death, of the property transferred, over

(b) An amount equal to the same proportion of the value, at the time of the transferor's death, of the property transferred which the consideration received in money or money's worth for the property transferred bears to the value, at the date of transfer, of the property transferred.

CHAPTER 486

An act to amend Section 22480 of the Financial Code, relating to charges on loans made by personal property brokers.

In effect September 18, 1959

[Approved by Governor May 19, 1959. Filed with Secretary of State May 20, 1959.]

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

SECTION 1. Section 22480 of the Financial Code is amended to read:

22480. This article applies only to loan contracts payable in substantially equal and consecutive monthly installments of principal and charges combined, the first of which is due not less than 15 days nor more than one month and 15 days from the date the loan is made. In lieu of computing charges and applying payments as provided in Section 22454, a licensee may precompute charges and apply payments as follows:

(a) The total charges which would be earned if the contract were repaid exactly according to its terms, at the monthly rate stated in the contract, may be precomputed when the loan is made and added to the principal of the loan. For the purpose of computation a month shall be that period of time from any date in one month to the corresponding date in the next month and if there is no such corresponding date, then to the last day of the said next month. The principal amount of the loan shall be its face value as referred to in Section 22455. Every payment may be applied to the combined total of principal and precomputed charges until the contract is fully paid. The acceptance of payment of charges on loans made under the provisions of this article shall not be deemed to constitute payment, deduction or receipt thereof in advance nor compounding under Section 22455. Such precomputed charges shall be subject to the following adjustments:

(1) The portion of the precomputed charge applicable to any particular monthly installment period shall bear the same ratio to the total precomputed charge, excluding any adjustment made for a first period of more than one month, as the balance scheduled to be outstanding during that monthly period bears to the sum of all monthly balances scheduled originally by the contract of loan.

(2) If the loan contract is prepaid in full by cash, a new loan, refinancing or otherwise before the final installment date, the borrower shall receive a rebate of the portion of the precomputed charge applicable to the full installment periods following the installment date nearest the date of such prepayment; provided, however, that if prepayment in full occurs before the third installment date the rebate shall be the difference between the total precomputed charge and the charges at the contract rate computed on unpaid principal balances by applying each payment first to charges and the remainder to principal. After the third installment date any prepayment made on or before the fifteenth day following an installment date shall be deemed to have been made on the installment date preceding such prepayment. The tender, by the borrower or at his request, of an amount equal to the unpaid balance less the required rebate must be accepted by the licensee in full payment of the contract.

(3) If three or more, but not all, installments are prepaid in full at any one time a special rebate shall be made which shall be equal to the portion of precomputed charge applicable to the last installment period multiplied by the total number of full months such installments are prepaid. Such special rebate shall be computed and made at the termination of the contract and shall be an addition to any required rebate for prepayment in full.

(4) If the payment date of all wholly unpaid installments on which no default charge has been collected is deferred one or more full months and the contract so provides, the licensee may charge and collect a deferment charge. Such deferment charge shall not exceed the portion of precomputed charge applicable, prior to deferment, to the first deferred monthly installment period multiplied by the number of months the maturity of the contract is deferred. Such number of months shall not exceed the number of full installments which are in default on the date of deferment or which may become due within 15 days of such date. When a deferment charge is made, no portion of the precomputed charge shall apply to the installment periods in which no installment payment is required by reason of the deferment. In computing any default charge or required rebate, the portion of the precomputed charge applicable to each deferred balance and installment period following the deferment period and prior to the deferred maturity shall remain the same as that applicable to such balances and periods under the original contract of loan. Such charge may be collected at the time of deferment or at any time thereafter. Any payment received at the time of deferment may be applied first to the deferment charge and the remainder, if any, applied to the unpaid balance of the contract; provided, however, if such payment is sufficient to pay, in addition to the appropriate deferment charge, any installment which is in default and the applicable default charge, it

shall be first so applied and any such installment shall not be deferred nor subject to the deferment charge.

(5) In the event of default of more than 10 days in the payment of one-half or more of any scheduled installment, the licensee may charge and collect a default charge not exceeding an amount equal to the portion of the precomputed charge applicable to the final installment period. Said charge may not be collected more than once for the same default and may be collected at the time of such default or at any time thereafter. If such default charge is deducted from any payment received after default occurs, and such deduction results in the default of a subsequent installment, no charge may be made for the resulting default.

(6) A borrower and licensee may agree that the first installment due date may be not more than 15 days more than one month and the amount of such installment may be increased by one-thirtieth of the portion of the precomputed charge applicable to a first installment of one month for each extra day.

(b) The statement to be given to the borrower as provided in subdivision (a) of Section 22473 and the contract shall disclose in addition to other required information the principal amount of the loan exclusive of charges and the basis for computing the refund of precomputed charges in case of prepayment in full or acceleration of maturity and for computing default and deferment charges. The delivery of a receipt for each payment showing the total amount of each payment is compliance with subdivision (d) of Section 22473.

(c) If the maturity of the contract is accelerated for any reason, the licensee shall make the same refund or credit as would be required for prepayment in full.

CHAPTER 487

An act to amend Section 22451 of the Financial Code, relating to charges on loans by personal property brokers.

In effect September 18, 1959

[Approved by Governor May 19, 1959. Filed with Secretary of State May 20, 1959.]

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

SECTION 1. Section 22451 of the Financial Code is amended to read:

22451. Every licensee who lends any sum of money may contract for and receive charges at a rate not exceeding the sum of the following:

(a) Two and one-half percent (2½%) per month on that part of the unpaid principal balance of any loan up to, including, but not in excess of two hundred dollars ($200).

(b) Two percent (2%) per month on that portion of the unpaid principal balance in excess of two hundred dollars

($200) up to, including, but not in excess of five hundred dollars ($500).

(c) Five-sixths of one percent ($\frac{5}{6}$ of 1%) per month on any remainder of such unpaid principal balance in excess of five hundred dollars ($500).

CHAPTER 488

An act to add Sections 12403, 12404, and 12405 to the Health and Safety Code, relating to explosives.

[Approved by Governor May 19, 1959. Filed with Secretary of State May 20, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 12403 is added to the Health and Safety Code, to read:

Explosives Theft or loss

12403. Any theft or loss of explosives, as defined in Section 12000 of this code, whether from a storage magazine, a vehicle in which they are being transported, or from a site on which they are being used, or from any other location, shall immediately be reported by the person having control of such explosives to the chief of the fire department of the jurisdiction in which the theft or loss occurred, and to the local police or county sheriff.

SEC. 2. Section 12404 is added to said code, to read:

Same disposal

12404. No person shall abandon or otherwise dispose of any explosives in any manner which might, as the result of such abandonment or disposal, create any danger or threat of danger to life or property. Any person in possession or control of explosives required in the performance of his duties shall, when the need for such explosives no longer exists, either return the explosives to a magazine meeting the specifications of Chapter 3 (commencing at Section 12150) of this part, or a magazine meeting equivalent specifications, or shall destroy the explosives in a safe manner so as not to make them available to persons who might obtain them and use them in a manner prejudicial to the safety of life and property. Magazines or temporary magazines used for storage purposes in any area where blasting is required shall, when the need for such storage no longer exists and the explosives have been removed or disposed of as above required, be removed or demolished, or the signs indicating the presence of explosives in such magazines or on the premises on which such magazines are located shall be removed or effectively obliterated.

SEC. 3. Section 12405 is added to said code, to read:

Misdemeanor

12405. Any violation of Section 12403 or Section 12404 is a misdemeanor.

CHAPTER 489

An act to amend Section 15525 of the Corporations Code, relating to limited partnerships.

In effect September 18, 1959

[Approved by Governor May 20, 1959. Filed with Secretary of State May 20, 1959.]

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

SECTION 1. Section 15525 of the Corporations Code is amended to read:

15525. (1) The writing to amend a certificate shall

(a) Conform to the requirements of subdivision 1a of Section 15502 as far as necessary to set forth clearly the change in the certificate which it is desired to make, and

(b) Be signed and acknowledged by all members, and an amendment substituting a limited partner or adding a limited or general partner shall be signed also by the member to be substituted or added, and when a limited partner is to be substituted, the amendment shall also be signed by the assigning limited partner.

(2) The writing to cancel a certificate shall be signed by all members.

(3) A person desiring the cancellation or amendment of a certificate, if any person designated in paragraphs one and two as a person who must execute the writing refuses to do so, may petition the superior court in the county where the principal place of the partnership is situated to direct a cancellation or amendment thereof.

(4) If the court finds that the petitioner has a right to have the writing executed by a person who refuses to do so, it shall order the county recorder of the county in which the original certificate is recorded to record the cancellation or amendment of the certificate; and where the certificate is to be amended, the court shall also cause to be filed for record in said office a certified copy of its decree setting forth the amendment.

(5) A certificate is amended or canceled when there is recorded in the office referred to in paragraph (1)(b) of Section 15502 of this code:

(a) A writing in accordance with the provisions of paragraph one or two, or

(b) A certified copy of the order of court in accordance with the provisions of paragraph four. Provided, however, that such amendment or cancellation shall be void as against a purchaser or encumbrancer in good faith and for value of real property in a "different county" referred to in paragraph (3) of Section 15502 of this code, whose conveyance is duly recorded before such recorded writing, or a copy thereof certified by the recorder in whose office it is recorded, or a certified copy of such court order, has been recorded in the office of the recorder in such different county.

(6) After the certificate is duly amended in accordance with this section, the amended certificate shall thereafter be for all purposes the certificate provided for by this act except as to a purchaser or encumbrancer in good faith and for value under the circumstances set forth in the proviso to paragraph (5).

CHAPTER 490

An act to amend Sections 81 and 82 of the Agricultural Code, relating to fairs.

[Approved by Governor May 20, 1959. Filed with Secretary of State May 20, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 81 of the Agricultural Code is amended to read:

District agricultural associations: Formation

81. Fifty or more persons, residents of the county or of all of the counties or parts of counties comprising an agricultural district, may form an association to be known as and designated as the _____ District Agricultural Association, for the purpose of holding fairs, expositions and exhibitions of all of the industries and industrial enterprises, resources and products of every kind or nature of the State with a view of improving, exploiting, encouraging, and stimulating the same.

The officers of such association shall consist of a board of directors of nine members. The directors shall be resident citizens of the district. Where two or more counties constitute an agricultural district, each county shall be represented on the board of directors by at least two resident citizens. If, by reason of the formation of a new agricultural district, a director in one district becomes a resident of another district, his term of office as director expires 60 days after the formation of the new agricultural district. Copies of the articles of association shall be filed with the Governor, the Secretary of State, and the Department of Finance.

SEC. 2. Section 82 of said code is amended to read:

Directors

82. The directors shall be appointed by the Governor. The terms of office of the first board of directors of any district agricultural association formed after the effective date of this code shall be so fixed by the Governor that the terms of directors will expire in three groups of two, and one group of three, on the fifteenth day of January of each year following the formation of the district. The terms of office of all directors of district agricultural associations, except the terms of the first directors of such associations formed after the effective date of this code, are four years from the beginning of the terms for which they are appointed. All vacancies shall be filled for the unexpired term.

CHAPTER 491

An act to amend Sections 5254 and 5255 of the Streets and Highways Code, relating to bonds of contractors and remedies in case of default by contractor.

In effect September 18, 1959

[Approved by Governor May 20, 1959. Filed with Secretary of State May 20, 1959.]

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

SECTION 1. Section 5255 of the Streets and Highways Code is amended to read:

Default re contract

5255. If the owner or contractor who may have taken any contract does not complete the work within the time limited in the contract, or within such further time as the legislative body may give him, or abandons or fails to proceed with the work, the legislative body may declare him in default and may either relet all or any portion of the work, or it may complete the work by direct purchase of labor and materials, and the owner or contractor shall pay to the city the entire cost of completing the work before the warrant is delivered to the owner or contractor.

Notice of the declaration of default shall be given by the clerk of the legislative body to the owner or contractor by personal service or by mail. Upon receipt of such notice, the owner or contractor shall forthwith quit the work, and shall receive no payment for any work performed thereafter, unless ordered by the legislative body to resume the work.

SEC. 2. Section 5254 of the Streets and Highways Code is amended to read:

Bond

5254. All contractors, contracting owners included, shall, at the time of executing any contract for the work, execute either a corporate surety bond or a bond to the satisfaction and approval of the superintendent of streets, with two or more individual sureties and payable to the city, in a sum not less than 25 percent of the amount of the contract, conditioned upon the faithful performance of the contract; and the sureties shall justify before any person competent to administer an oath, in double the amount mentioned in the bond, over and above all statutory exemptions.

CHAPTER 492

An act to amend Sections 8707, 8714, 9301, 9776, and 10451 of the Revenue and Taxation Code, relating to the use fuel and motor vehicle transportation license tax laws.

In effect September 18, 1959

[Approved by Governor May 20, 1959. Filed with Secretary of State May 20, 1959.]

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

SECTION 1. Section 8707 of the Revenue and Taxation Code is amended to read:

8707. Subsequent to the revocation of the permit of a user the board shall reinstate the permit when the user pays the amount of excise tax determined, together with interest and penalties, fully complies with the provisions of this part, and pays a fee of ten dollars ($10) to the board for reinstatement. The fee shall not be subject to refund except as provided in Section 9151. Permit reinstatement

SEC. 2. Section 8714 of said code is amended to read:

8714. Whenever any vendor fails to comply with any provision of this part or any rule or regulation of the board prescribed and adopted under this part, relating to fuel vendors, the board upon hearing, after giving the vendor at least 10 days' notice in writing specifying the time and place of hearing and requiring him to show cause why his permit should not be revoked, may revoke or suspend the permit held by him. The board shall give to the person written notice of the suspension or revocation of his permit. The notices may be served personally or by mail in the manner prescribed for service of notice of a deficiency determination. The board shall not issue a new permit to a vendor whose permit has been revoked or reinstate the permit of a vendor whose permit has been suspended or revoked unless it is satisfied that he will comply with the provisions of this part and the rules and regulations of the board, and the vendor pays to the board a fee of ten dollars ($10) for the reinstatement or issuance of a permit. The fee shall not be subject to refund except as provided in Section 9151. Revocation Notice and hearing

SEC. 3. Section 9301 of said code is amended to read:

9301. The board shall transmit all money received by it under this part, except the amounts of overpayments of the fees required by Sections 8707 and 8714 of this part, to the State Treasurer to be deposited in the State Treasury to the credit of the Motor Vehicle Fuel Fund. The board shall at the same time furnish copies of the schedules covering the transmittals to the controller. Funds

SEC. 4. Section 9776 of said code is amended to read:

9776. Subsequent to the revocation of the license of an operator the board shall reinstate the license when the operator pays the amount of license tax determined together with interest and penalties, fully complies with the provisions of this part, and pays a fee of ten dollars ($10) to the board for reinstatement. The fee shall not be subject to refund except as provided in Section 10251. Fees

SEC. 5. Section 10451 of said code is amended to read:

10451. All taxes, interest, and penalties due under this part shall be paid in the form of remittances payable to the State Controller. The Controller shall transmit the payments to the State Treasury to be deposited to the credit of the Motor Vehicle Transportation Tax Fund, which fund is continued in existence. All fees paid and accepted for issuance or reinstatement of licenses under this part shall be deposited by the board in the State Treasury to the credit of the same fund. Collections and deposits

CHAPTER 493

An act to add Article 2.5 (commencing at Section 4470), to Chapter 4, Part 2, Division 5 of the Health and Safety Code, relating to fishing in water supplies and recreational uses in the surrounding area.

In effect September 18, 1959

[Approved by Governor May 21, 1959. Filed with Secretary of State May 21, 1959.]

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

SECTION 1. Article 2.5 (commencing at Section 4470) is added to Chapter 4, Part 2, Division 5 of the Health and Safety Code, to read:

Article 2.5. Additional Water Supply Provisions

Definitions

4470. "Governmental agency," as used in this article, includes a city, city and county, and district, but does not include a chartered city or city and county.

"Body of water" means a reservoir or lake.

"Owned" means owned or controlled.

Public fishing plans

4470.1. The board of supervisors of any county wherein is located a body of water owned by a governmental agency, which is used to supply water for human consumption may by resolution request the governmental agency owning the body of water to open the body of water to public fishing and the surrounding land area for other recreational use. The governmental agency owning the body of water shall thereupon make and file with said board of supervisors an estimate of the cost of preparing a co-ordinated plan for public fishing in said body of water and other recreational uses in the surrounding land area. Said board of supervisors thereupon may deposit with the governmental agency owning said body of water the amount of such estimate not exceeding two thousand five hundred dollars ($2,500), and the governmental agency owning said body of water thereupon shall proceed promptly with and complete such co-ordinated plan. In event the cost of preparing such plan shall be less than the amount deposited by said board of supervisors, the excess shall be repaid by the governmental agency owning the body of water to the board of supervisors which made such deposit. Such plan may provide for development of the area by stages and may exclude from public access structures, facilities or works of the agency necessary in supplying water for human consumption and such portions of the body of water and surrounding land area as may be reasonably required for the protection, maintenance or operation of such structures, facilities or works. Such plan may exclude such portions of the surrounding area as are unsuitable for public recreational use. The co-ordinated plan may also include an estimate of the cost of the capital improve-

ments necessary or convenient for such public fishing and recreational uses, an estimate of the annual cost of maintenance and operation of the plan, and a recommendation as to the manner in which the plan may be financed.

After completion of the co-ordinated plan the governmental agency shall promptly make application to the State Department of Public Health for an amendment to its water supply permit, which would allow the opening of the body of water to public fishing and the surrounding land area for other recreational use pursuant to the co-ordinated plan.

Vote

4470.2. Upon receipt of the amended permit, if the agency does not allow such use, it shall call for a vote of its constituents at the next statewide primary election or general election, or if the agency is a municipal corporation at the next general municipal election, to determine whether or not such use shall be allowed and if a majority vote is in favor the public agency shall allow public fishing in the body of water and other recreational uses in the surrounding area in compliance with the amended permit.

Exception

4470.3. Nothing herein contained shall permit or require fishing or other recreational uses in a secondary reservoir from which water is supplied for domestic use without purification treatment after withdrawal from said reservoir.

Ballot

4470.4. The ballot for the election authorized by Section 4470.2 shall contain such instructions required by law to be printed thereon and in addition thereto the following:

Shall the (insert name of governmental agency) allow fishing in the (name of body of water) and other recreational uses in the surrounding area subject to the regulations of the State Department of Public Health?	YES	
	NO	

If the governmental agency concludes that a bond issue is required to pay for the capital improvements included in the co-ordinated plan as approved by the amended permit, there shall also be printed on the ballot, immediately following the ballot proposition aforesaid, the following proposition to be voted on by the constituents of the governmental agency:

Shall the (insert name of governmental agency) incur a bonded indebtedness in the principal amount of $_____ for providing the capital improvements for fishing in the (name of body of water) and other recreational uses in the surrounding land area, subject to the regulations of the State Department of Public Health?	YES	
	NO	

Fees

4471. The governmental agency owning the body of water may fix and collect fees, including charges for motor vehicle parking, for the construction of facilities, operation,

and use of the area opened for public fishing and other recreational uses. Such governmental agency shall have the power to contract with others for the rendering of any or all of the services required in connection with the operation of the area including the right to rent or lease the whole or any part of the area to provide necessary or convenient facilities for the use of the public. Such governmental agency shall have the power to make and enforce rules and regulations which it may find necessary or convenient for proper control of the areas opened to public fishing and other recreational uses. The State Department of Public Health shall make recurring inspections of all recreational areas approved under this article to insure the continued purity of drinking water.

Rules and regulations

4471.1. The governmental agency shall cause a copy of the rules and regulations to be posted upon the area opened to public fishing and other recreational uses, and it shall cause the rules and regulations to be published at least once in a newspaper of general circulation published in the county in which the reservoir is in whole or in part situated, if there be such a newspaper, otherwise in a newspaper of general circulation published within the area of the governmental agency. Such posting and publication shall be sufficient notice to all persons. The affidavit of the secretary, clerk, or corresponding officer of the governmental agency that the rules and regulations have been so posted and published is prima facie evidence thereof. A copy of the rules and regulations, attested by the secretary, clerk, or corresponding officer of the governmental agency shall be prima facie evidence that the rules and regulations have been made by the governmental agency as provided by law.

Financing

4471.2. As far as possible the development and operation of the recreational uses authorized by this article shall be financed out of the revenues authorized by this article; provided, however, that the governmental agency owning the body of water is not required to fix fees which are unreasonably high and in its discretion may make use of any means of financing which it is otherwise authorized to use for any purpose.

Violations

4471.3. Any violation of any such rule or regulation lawfully made by the governmental agency is a misdemeanor. Any judge of a justice court within any judicial district within which such reservoir lies in whole or in part, or any municipal court which may be established within such district, shall have jurisdiction of all prosecutions for violations of any such rules and regulations adopted by the governmental agency.

Authority of Department of Fish and Game

4471.4. Notwithstanding any other provision of law, the Department of Fish and Game may stock with fish any body of water opened to public fishing pursuant to this article.

CHAPTER 494

An act to amend Section 30904 of, and to repeal Section 31003 of, the Vehicle Code enacted by the Legislature at the 1959 Regular Session, relating to vehicles transporting hay.

[Approved by Governor May 21, 1959. Filed with Secretary of State May 21, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 30904 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

V-bars

30904. V-bars shall be used beneath binders where they pass over the top edge of the load. V-bars shall consist of two paralleling pieces of lumber not less than 36 inches in length and one inch by three inches in thickness and width, respectively, attached together with flexible material near each end or shall consist of two paralleling pieces of tubular metal not less than 36 inches in length, and of sufficient strength to prevent bending under tightened binders, attached together with flexible material near each end. The spacing between bars shall be not less than 10 inches nor more than 14 inches.

Repeal

SEC. 2. Section 31003 of said code is repealed.

CHAPTER 495

An act to amend Sections 18901, 18902, 18903, 18904, 18905, 18906, 18907, 18908 and to add Sections 18906.3 and 18906.4 to the Health and Safety Code, relating to the State Building Standards Commission, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 22, 1959. Filed with Secretary of State May 22, 1959.]

In effect immediately

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

SECTION 1. Section 18901 of the Health and Safety Code is amended to read:

Regulations re building standards

18901. The commission shall adopt, amend and publish a single code of all administrative regulations of state agencies relating to building standards, which code may include, amend and publish therein portions of said administrative regulations or of applicable building codes by means of reference.

The commission may publish an index and reference guide to the administrative regulations and statutes relating to building standards. The publication of such index and reference guide shall not nullify nor supersede any existing regulation legally adopted by any state agency.

SEC. 2. Section 18902 of said code is amended to read:

Approval of commission

18902. Every state officer and employee authorized by law to adopt any rule or regulation relating to or repealing building standards shall do so only through and with the approval of the commission.

SEC. 3. Section 18903 of said code is amended to read:

Purpose

18903. It is the purpose of this part to provide the means for eliminating duplication, conflict and overlapping in state building regulations and not to substitute the commission for the responsibilities now vested by law in various state agencies. To that end each state agency concerned shall continue to prepare such building regulations as it is authorized and finds necessary, but such regulations shall not be effective until approved by the commission.

SEC. 4. Section 18904 of said code is amended to read:

Changes in proposed regulations

18904. The commission may withhold approval and require change in any proposed regulation only if it finds duplication, conflict or overlapping between proposed and existing regulations, or when the nomenclature or arrangement does not conform to that adopted by the commission. The commission shall not require any substantive change unless such change is necessary because of duplication, conflict, overlapping, nomenclature, or arrangement, nor may it withhold approval on substantive grounds alone. The commission may advise all other state agencies concerned with respect to existing as well as proposed regulations and may make recommendations to eliminate conflicts and to assure consistency and uniformity of all statewide building standards.

SEC. 5. Section 18905 of said code is amended to read:

Enforcement

18905. The responsibility for enforcing or supervising the enforcing of state building regulations shall remain as vested by law.

SEC. 6. Section 18906 of said code is amended to read:

State Building Standards Code

18906. The commission in co-operation with all state agencies concerned, shall promulgate and publish a State Building Standards Code which shall, when completed and published, supersede all then existing regulations relating to building standards issued by individual state agencies. The code may contain references to state laws relating to building standards. Thereafter the commission may approve and publish amendments to the code not oftener than once each 90 days, except that by three-fourths vote of all its members the commission may find that an emergency exists and may then adopt and publish amendments as needed.

SEC. 7. Section 18906.3 is added to said code, to read:

"Building standard"

18906.3. For the purpose of this part the term "building standard" means any adopted state administrative regulation pertaining to the construction, alteration or improvement of a "building" as defined in Section 18906.4.

SEC. 8. Section 18906.4 is added to said code, to read:

"Building"

18906.4. For the purpose of this part "building" means any structure as to which state agencies have regulatory

power, built for support, shelter, housing or enclosure of persons, animals, chattels, equipment, or property of any kind, and also includes structures wherein things may be grown, made, produced, kept, handled, stored, or disposed of. All appendages, accessories, apparatus, appliances and equipment built in or installed as a part of a building or structure shall be deemed to be a part thereof, but "building" shall not include any tunnel, mine shaft, highway, or bridge, or include any house trailer or vehicle which conforms to the Vehicle Code.

SEC. 9. Section 18907 of said code is amended to read:

18907. The members of the commission shall serve without compensation. Members of the commission who are not state officers shall be paid actual necessary travel expenses. Expenses

SEC. 10. Section 18908 of said code is amended to read:

18908. The State Building Standards Code and all amendments and publications relating thereto shall be published in suitable looseleaf form and shall be made available to the public at a reasonable price. It shall be the duty of each state department concerned and of each city or county to have an up-to-date copy of the code available for public inspection. The code and its amendments shall be published by the Division of Administrative Procedure after approval by the commission. Publication of code

SEC. 11. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

The maintenance of proper building standards is by its very nature a matter necessary for the preservation of the public health and safety The proper administration of building standards requires the immediate establishment of adequate regulations together with proper indexing to allow the necessary enforcement of such regulations. This bill accomplishes that purpose.

CHAPTER 496

An act to convey certain tide and submerged lands to the City of Mill Valley, in furtherance of navigation, commerce, and fisheries upon certain trusts and conditions, and providing for the government, management, use and control thereof

[Approved by Governor May 23, 1959 Filed with Secretary of State May 23, 1959] In effect September 18, 1959

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

SECTION 1. There is hereby granted to the City of Mill Valley, a municipal corporation in the County of Marin, State of California, and to its successors, all of the right, title, and interest of the State of California, held by said State by virtue

of its sovereignty in and to all of the tide and submerged lands bounded and described as follows:

All that portion of the tide and submerged lands, filled or unfilled, lying between the ordinary high water marks of the Arroyo Principal del Corte Madera del Presidio northerly from the southwesterly line of Sausalito Canal and of the sloughs tributary thereto within the limits of the exterior boundaries of Lots 301 and 302 and a portion of Richardson Bay lying within Lot 302, as shown upon "Map No. 1 of Salt Marsh and Tide Lands Situate in the County of Marin" dated 1870, prepared by order of the Board of Tide Land Commissioners in accordance with an Act of the Legislature approved April 1, 1870.

To be forever held by said city, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said city, and its successors, only for the establishment, improvement and conduct of a harbor, including an airport or aviation facilities, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation by air as well as by water, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said city, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases.

Nothing contained in this paragraph (a) shall be deemed to affect the validity or term of any franchise granted by said city under the Franchise Act of 1937, and any such franchise shall be effective with respect to said lands when title thereto passes to said city hereunder.

(b) That said lands shall be improved by said city without expense to the State, and shall always remain available for public use for all purposes of commerce and navigation, and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other water or aircraft, or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or

facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

(g) That within 10 years from the effective date of this act said lands shall be substantially improved by said city without expense to the State, and if the State Lands Commission determines that the city has failed to improve said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease and said lands shall revert and rest in the State.

SEC. 2. The State Lands Commission shall, at the cost of the grantee, survey, monument, plat, and record in the Office of the County Recorder of Marin County, the area of state lands described in this act. Said city shall enter into a contract with the State Lands Commission for surveying, monumenting and platting the area of state lands described in this act, and shall, upon submission of invoices by the State Lands Commission, pay said costs.

SEC. 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 4. Nothing contained in this act shall preclude the city from accepting and retaining any grant of funds from the State made available for the purpose of aiding in the development of said lands for any public purpose not inconsistent with the promotion and accommodation of commerce and navigation.

CHAPTER 497

An act to convey certain tide and submerged lands to the County of Marin, in furtherance of navigation, commerce, and fisheries upon certain trusts and conditions, and providing for the government, management, use, and control thereof.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 23, 1959.]

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

SECTION 1. There is hereby granted to the County of Marin, and to its successors, all of the right, title, and interest of the State of California, held by said State by virtue of its sovereignty in and to all of the tide and submerged lands, filled or unfilled, bounded and described as follows:

Parcel A

All that land within the unincorporated area of the County of Marin, lying within Richardson Bay as shown upon the Board of Tide Land Commissioners' "Map No. 1 of the Salt Marsh and Tide Lands Situate in the County of Marin, State of California" dated 1870, on file in the office of the State Lands Commission at Sacramento, designated as Saucelito Basin and those areas designated as Brickyard, Oyster, Salt Works, Rosedale and Coyote Canals and that portion of Saucelito Canal lying southeasterly from Courses Nos. 160 and 161 of "Meanders at Ordinary High Tide" as tabulated on Table I of said Map No. 1, and those areas designated as Monterey, Sonoma, Waldo, Myrtle, Yuba, Grove, Eureka, Pescadero, Madrona, Manzanita, Teutonia, Oro, Fresno, Shasta, Yolo, Parepa, Pohono, Esmeralda, Tulare, Owyhee, Coyote and Canal Streets, and all the street areas normal to the aforementioned streets at present known and referred to as Tomales, Bolinas, Petaluma, Humboldt, Donahue and Railroad Avenues, including Railroad Avenue lying between Coyote Canal and Rosedale Canal and each of the undesignated areas lying between Railroad Avenue and Blocks 169, 195 and 232.

Parcel B

All that land lying within Gallinas Canal (including the north and south forks thereof) as shown on the Board of Tide Land Commissioners' "Map No. 3 of Salt Marsh and Tide Lands Situate in the County of Marin, State of California" dated 1871 on file in the office of the State Lands Commission at Sacramento, lying westerly from a line drawn between the southeasterly end of Course No. 1 and the northeasterly end of Course No. 87 as said courses are tabulated on said Map No. 3 in the Table entitled "Meanders of Gallinas Canal".

Parcel C

All that land within Richardson Bay and within the City of Belvedere designated upon the Board of Tide Land Commissioners' "Map No. 1 of Salt Marsh and Tide Lands Situate in the County of Marin, State of California" dated 1870, on file in the office of the State Lands Commission at Sacramento, as Middle and East Canals and that portion of Saucelito Basin more particularly described as follows:

Beginning at the most westerly corner of Lot 382 as shown upon said Map No. 1, thence running southeasterly along the southwesterly lines of Lots 382, 388, 389 and 390 to the beginning of Course No. 328 of the "Meanders at Ordinary High Tide" as tabulated in Table I of said Map No. 1; thence continuing southeasterly along the "Meanders at Ordinary High Tide" to the southeasterly end of Course No. 342; then westerly to the northeasterly end of Course No. 47 of the "Meanders of the Line of Nine Ft. Depth at the Lowest Tide" as tabulated in Table III of said Map No. 1; then southwesterly along said Course No. 47 to a point on the southwesterly limits of the City of Belvedere; then northwesterly along said limits of the City of Belvedere to the point of beginning.

To be forever held by said county, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said county, and its successors, only for the establishment, improvement and conduct of a harbor, including an airport or aviation facilities, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation by air as well as by water, and said county, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said county, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases.

Nothing contained in this paragraph (a) shall be deemed to affect the validity or term of any franchise granted by said county under the Broughton Act, and any such franchise shall be effective with respect to said lands when title thereto passes to said county hereunder.

(b) That said lands shall be improved by said county without expense to the State, and shall always remain available for public use for all purposes of commerce and navigation, and

the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other water or aircraft, or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said county or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the county, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

(g) That within 10 years from the effective date of this act said lands shall be substantially improved by said county without expense to the State, and if the State Lands Commission determines that the county has failed to improve said lands as herein required, all right, title, and interest of said county in and to all lands granted by this act shall cease and said lands shall revert and rest in the State.

SEC. 2. The State Lands Commission shall, at the cost of the grantee, survey, monument, plat, and record in the Office of the County Recorder of Marin County, the area of state lands described in this act. Said county shall enter into a contract with the State Lands Commission for surveying, monumenting and platting the area of state lands described in this act, and shall, upon submission of invoices by the State Lands Commission, pay said costs.

SEC. 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 4. Nothing contained in this act shall preclude the county from accepting and retaining any grant of funds from the State made available for the purpose of aiding in the development of said lands for any public purpose not inconsistent with the promotion and accommodation of commerce and navigation.

CHAPTER 498

An act to amend Sections 7039, 7040, 7041, 7042 and 7043 of the Elections Code, relating to eight-member precinct canvassing board.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 23, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 7039 of the Elections Code is amended to read:

Excess ballots

7039. If the ballots in the box exceed in number the names on the roster, one of the judges shall publicly, and without looking into the box, draw out singly, and destroy, unopened, a number of ballots equal to such excess. The precinct board shall make a record upon the tally sheets of the number of ballots so drawn and destroyed.

SEC. 2. Section 7040 of said code is amended to read:

Roster certification

7040. The number of ballots agreeing or being thus made to agree with the number of names on the roster, the inspector, the assistant inspector and judges shall sign the roster. The clerks shall attest the roster. The precinct board shall then certify the number of names on the roster in the certificate printed therein as provided for by this code, except that such certificate shall also contain the signature of the assistant inspector and the fourth clerk, otherwise substantially in the form prescribed in Section 5565 of this code, and in the manner designated for certification and attestation of ballots accounted for.

SEC. 3. Section 7041 of said code is amended to read:

Ballot examination

7041. After the roster is thus signed, the precinct board shall open the ballots, stacking them in one or more stacks according to the kind of ballots voted at the precinct. As the ballots are unfolded and opened, they shall be examined for any irregularities. Any illegal ballots shall be rejected in the manner set forth in Section 7011. Those ballots not rejected shall be the ballots to be canvassed in the manner required by this article, notwithstanding provisions to the contrary contained elsewhere in this code.

SEC. 4. Section 7042 of said code is amended to read:

Canvass

7042. The canvass shall be conducted by the eight members of the precinct board by forming themselves into two groups as follows:

(a) Group one shall consist of the inspector, one judge and two clerks.

(b) Group two shall consist of the assistant inspector, the remaining judge and two clerks.

The inspector shall have charge of all ballots to be canvassed and shall commence the canvass by proceeding to count by taking off the vote for one or more offices or measures at a time, for only those offices or measures contained in the tally sheets prepared for use by group one. As soon as 10 ballots have been canvassed by group one for as many offices or measures as provided for in their tally sheets, the inspector shall, without delay, personally deliver these counted ballots direct to the assistant inspector, who shall, in like manner, proceed with the canvass of the remainder of the offices or measures contained in the tally sheets prepared for use by group two. The ballots, upon being canvassed by group two, shall remain in the possession of the assistant inspector until the canvass of all ballots by both group one and group two has been completed and verified. Thereafter, the ballots shall not be examined by any person, but shall, as soon as all are counted, be carefully sealed in a strong envelope, each member of the precinct board writing his name across the seal.

SEC. 5. Section 7043 of said code is amended to read:

Tally sheets

7043. The tally sheets shall be in such form as may be prepared by the county clerk, clerk, or secretary of the body conducting the election, except that it shall be prepared in such manner as to provide for the canvass of approximately one-half of the sum total of candidates and measures appearing on the ballots for the precinct in two tally sheets prepared and furnished for the use by group one of the precinct board, while the remaining approximately one-half of the candidates and measures shall be contained in an additional two tally sheets prepared and furnished for use by group two of the precinct board. The tally sheets shall be prepared with the names of candidates and measures as provided in Section 7019, except that the certificate shall be signed by the members of the group canvassing the ballots tallied therein The tally sheets shall be distinctly marked for group one and group two.

CHAPTER 499

An act to amend Section 2743.5 of the Elections Code, relating to the election of nonpartisan officers.

In effect September 18, 1959

[Approved by Governor May 23, 1959 Filed with Secretary of State May 23, 1959]

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

SECTION 1. Section 2743.5 of the Elections Code is amended to read·

2743.5. Where a candidate has been elected to a nonpartisan office pursuant to Section 2¾ of Article II of the State Constitution, that office shall not appear on the ballot at the ensuing general election, notwithstanding the death, resignation or other disqualification of the candidate at a time subsequent to the primary election.

CHAPTER 500

An act to amend Sections 1460, 1461, and 1570 of the Probate Code, relating to appointment of guardians for minors and insane and incompetent persons.

[Approved by Governor May 23, 1959 Filed with Secretary of State May 23, 1959]

In effect September 18, 1959

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

SECTION 1. Section 1460 of the Probate Code is amended to read:

Guardian appointment, definitions

1460. Any superior court to which application is made as hereinafter provided may appoint a guardian for the person and estate or person or estate of an insane or an incompetent person, who is a resident of this State. As used in this division of this code, the phrase "incompetent person," "incompetent," or "mentally incompetent," shall be construed to mean or refer to any person, whether insane or not, who by reason of old age, disease, weakness of mind, or other cause, is unable, unassisted, properly to manage and take care of himself or his property, and by reason thereof is likely to be deceived or imposed upon by artful or designing persons.

SEC. 2. Section 1461 of said code is amended to read:

Petition of insanity

1461. Any relative or friend may file a verified petition alleging that a person is insane or incompetent, and setting forth the names and residences, so far as they are known to the petitioner, of the relatives of the alleged insane or incompetent person within the second degree residing within or without this State. The clerk shall set the petition for hearing by the court and issue a citation directed to the alleged insane or incompetent person setting forth the time and place of hearing so fixed by him.

If the alleged insane or incompetent person is within the State the citation and a copy of the petition shall be personally served on him in the same manner as provided by law for the service of summons. If the alleged insane or incompetent person is not within the State the citation and a copy of the petition shall be delivered to him, personally. In all cases service shall be made on the alleged insane or incompetent person at least 10 days before the time of hearing unless the time is shortened by the court for good cause shown.

Notice of the nature of the proceedings and of the time and place of the hearing shall be mailed by the petitioner to each of

the relatives of the alleged insane or incompetent person named in the petition at least 15 days before the time of hearing unless the time is shortened by the court for good cause shown. The court may order that similar notice be given to other persons in such manner as the court may direct. Any relative or friend of the alleged insane or incompetent person may appear and oppose the petition.

If the alleged insane or incompetent person is within the State and is able to attend, he must be produced at the hearing, and if he is not able to attend by reason of physical inability, such inability must be evidenced by the affidavit of a duly licensed physician or surgeon, or other duly licensed medical practitioner, unless such alleged insane or incompetent person is a patient at a county or state hospital in this State in which case the affidavit of the medical director or medical superintendent or acting medical director or medical superintendent of such county or state hospital, to the effect that such patient is unable to attend, shall be prima facie evidence of that fact.

If the alleged insane or incompetent person is not within the State and if the court determines that his attendance at the hearing is necessary in the interest of justice the court may order him to be produced at the hearing upon penalty of dismissing the petition if he is not produced. If such an order is made and it is contended that the alleged insane or incompetent person is not able to attend by reason of physical inability, such inability must be evidenced by the affidavit of a duly licensed physician or surgeon, or other duly licensed medical practitioner, unless such alleged insane or incompetent person is a patient at a county or state hospital in which case the affidavit of the medical director or medical superintendent or acting medical director or medical superintendent of such county or state hospital, to the effect that such patient is unable to attend, shall be prima facie evidence of that fact.

SEC. 3. Section 1570 of said code is amended to read:

Appointment of guardian

1570. The superior court may appoint a guardian of the person and estate, or person or estate, of a minor or insane or incompetent person who resides out of the State and who is within the county, or who has estate within the county, and who has no guardian within the State, upon petition of any relative or friend of such person. A minor may, if he is 14 years of age or older, petition to have a guardian appointed for himself.

If the nonresident ward is an insane or incompetent person, the appointment shall be made in compliance with Section 1461 of this code. If the nonresident ward is a minor, the appointment shall be made in compliance with Section 1441 of this code.

The guardianship which is first granted of a nonresident ward extends to all the estate of the ward within this State, and the court of no other county has jurisdiction.

CHAPTER 501

An act to repeal Title 4 (commencing with Section 894) of Part 2 of the Penal Code, to add Title 4 (commencing with Section 888) to Part 2 of the Penal Code, to repeal Section 169 of the Penal Code, to repeal Sections 65.2, 241, 242, and 243 of the Code of Civil Procedure, to repeal Section 12551 of the Government Code, to amend Sections 192, 196, 199, 204, 204b, 204c, 204d, 205, 206, 209, 211, and 238 of the Code of Civil Procedure, to amend Sections 167, 168, and 1326 of the Penal Code, and to amend Section 12552 of the Government Code, relating to grand juries.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 23, 1959.]

In effect September 18, 1959

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

SECTION 1. Title 4 (commencing with Section 894), Part 2 of the Penal Code is hereby repealed. Repeal

SEC. 2. Title 4 (commencing with Section 888) is added to Part 2 of the Penal Code, to read:

TITLE 4. GRAND JURY PROCEEDINGS

CHAPTER 1. GENERAL PROVISIONS

888. A grand jury is a body of 19 persons returned from the citizens of a county before a court of competent jurisdiction, and sworn to inquire of public offenses committed or triable within the county. Grand jury composition

889. An indictment is an accusation in writing, presented by the grand jury to a competent court, charging a person with a public offense. Indictment

890. Unless a higher fee or rate of mileage is otherwise provided by law, the fees for grand jurors are five dollars ($5) a day for each day's attendance as a grand juror, and fifteen cents ($0.15) a mile, in going only, for each mile actually traveled in attending court as a grand juror. Jurors' fees

890.1. The per diem and mileage of grand jurors where allowed by law shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court of the county. Per diem and mileage

891. Every person who, by any means whatsoever, willfully and knowingly, and without knowledge and consent of the grand jury, records, or attempts to record, all or part of the proceedings of any grand jury while it is deliberating or voting, or listens to or observes, or attempts to listen to or observe, the proceedings of any grand jury of which he is not a member while such jury is deliberating or voting is guilty of a misdemeanor. Unlawful acts

This section is not intended to prohibit the taking of notes by a grand juror in connection with and solely for the purpose of assisting him in the performance of his duties as such juror.

Corporations

892. The grand jury may proceed against a corporation pursuant to Penal Code Section 1395.

CHAPTER 2. FORMATION OF GRAND JURY

Article 1. Qualifications of Grand Jurors

Competency to act as juror

893. A person is competent to act as a grand juror only if he possesses the qualifications prescribed by Section 198 of the Code of Civil Procedure.

A person is not competent to act as a grand juror if any of the following apply:

(a) The person is serving as a trial juror in any court of this State.

(b) The person has been discharged as a grand juror in any court of this State within a year.

(c) The person has been convicted of malfeasance in office or any felony or other high crime.

Exemptions and excuses

894. Sections 200, 201, and 202 of the Code of Civil Procedure specify the exemptions and the excuses which relieve a person from liability to serve as a grand juror.

Article 2. Listing and Selection of Grand Jurors

Estimated number of jurors

895. During January in each year the superior court of each county shall make an order designating the estimated number of grand jurors that will, in the opinion of the court, be required for the transaction of the business of the court during the ensuing year.

Selection and listing

896. Immediately after such order is made, the court shall select and list the grand jurors required by the order to serve as grand jurors in the superior court during the ensuing year, or until new lists of grand jurors are provided. The selections and listings shall be made of men and women suitable and competent to serve as jurors, pursuant to Sections 897, 898, and 899. The list of persons so selected shall at once be placed in the possession of the county clerk.

Qualifications

897. The selections and listings shall be made of persons suitable and competent to serve as jurors, and in making such selections there shall be taken only the names of persons who are not exempt from serving, who are in the possession of their natural faculties, who are not infirm or decrepit, who are of fair character and approved integrity, and who are of sound judgment.

List

898. The list of grand jurors made in a county of the first class shall contain the number of persons which has been designated by the court in its order.

899. The names for the grand jury list shall be selected from the different wards or judicial districts of the respective counties in proportion to the number of inhabitants therein, as nearly as the same can be estimated by the persons making the lists. The grand jury list shall be kept separate and distinct from the trial jury list. Same

900. On receiving the list of persons selected by the court, the county clerk shall file it in his office, and write down the names contained thereon on separate pieces of paper, of the same size and appearance, and fold each piece so as to conceal the name thereon. He shall deposit the pieces of paper having on them the names of the persons selected to serve as grand jurors in a box to be called the "grand jury box." "Grand jury box"

901. The persons whose names are so returned shall be known as regular jurors, and shall serve for one year and until other persons are selected and returned. Regular jurors

902. The names of persons drawn for grand jurors shall be drawn from the "grand jury box." If, at the end of the year, there are the names of persons in the grand jury box who have not been drawn during the year to serve, and have not served as jurors, the names of such persons may be placed on the list of jurors drawn for the succeeding year. Name drawing

Article 3. Jury Commissioners

903. This article applies in each county in which a jury commissioner is appointed pursuant to Section 204a of the Code of Civil Procedure and in each county in which the secretary of the judges of the superior court performs the duties of jury commissioner pursuant to Section 69893 of the Government Code. Application of article

903.1. Pursuant to written rules or instructions adopted by a majority of the judges of the superior court of the county, the jury commissioner shall furnish the judges of the court annually a list of persons qualified to serve as grand jurors during the ensuing year, or until a new list of jurors is required. From time to time, a majority of the judges of the superior court may adopt such rules or instructions as may be necessary for the guidance of the jury commissioner, who shall at all times be under the supervision and control of the judges of the court. Supervision

903.2. The jury commissioner shall diligently inquire and inform himself in respect to the qualifications of persons resident in his county who may be liable to be summoned for grand jury duty. He may require any person to answer, under oath to be administered by him, all such questions as he may address to such person, touching his name, age, residence, occupation, and qualifications as a grand juror, and also all questions as to similar matters concerning other persons of whose qualifications for grand jury duty he has knowledge. Inquiry re qualifications

The commissioner and his assistants, referred to in Sections 69895 and 69896 of the Government Code, shall have power to administer oaths and shall be allowed actual traveling expenses incurred in the performance of their duties. Such traveling expenses shall be audited, allowed, and paid out of the general fund of the county.

Recommendation of jury commissioner

903.3. Pursuant to the rules or instructions adopted by a majority of the judges of the superior court, the jury commissioner shall return to the judges the list of persons recommended by him for grand jury duty. The judges of the superior court shall examine the jury list so returned and from such list a majority of the judges may select, to serve as grand jurors in the superior court of the county during the ensuing year or until a new list of jurors is required, such persons as, in their opinion, should be selected for grand jury duty. The persons so selected shall, in the opinion of the judges selecting them, be persons suitable and competent to serve as jurors, as required by law.

Selection

903.4. The judges are not required to select any names from the list returned by the jury commissioner, but may, if in their judgment the due administration of justice requires, make all or any selections from among the body of persons in the county suitable and competent to serve as grand jurors regardless of the list returned by the jury commissioner.

Article 4 Impaneling of Grand Jury

Order

904. Every superior court, whenever in its opinion the public interest so requires, shall make and file with the county clerk an order directing a grand jury to be drawn. Such order shall designate the number of grand jurors to be drawn, which shall not be less than 25 nor more than 30.

Impaneling

905. In all counties there shall be at least one grand jury drawn and impaneled in each year.

Name drawing

906. The order shall designate the time at which the drawing will take place. The names of the grand jurors shall be drawn, and the list of names certified and summoned, as is provided for drawing and summoning trial jurors. The names of any persons drawn, who are not impaneled upon the grand jury, may be again placed in the grand jury box.

Non-attendance

907. Any grand juror summoned, who willfully and without reasonable excuse fails to attend, may be attached and compelled to attend and the court may also impose a fine not exceeding fifty dollars ($50), upon which execution may issue. If the grand juror was not personally served, the fine shall not be imposed until upon an order to show cause an opportunity has been offered the grand juror to be heard.

Grand jury selection

908. If 19 of the persons summoned as grand jurors are present and not excused, such 19 shall constitute the grand jury. If more than 19 of such persons are present, the clerk shall write their names on separate ballots, which he shall fold

so that the names cannot be seen, place them in a box, and draw out 19 of them. The persons whose names are on the ballots so drawn shall constitute the grand jury. If less than 19 of such persons are present, the panel may be filled as provided in Section 226 of the Code of Civil Procedure. If more of the persons summoned to complete a grand jury attend than are required, the requisite number shall be obtained by writing the names of those summoned and not excused on ballots, depositing them in a box, and drawing as above provided.

Acceptance

909. Before accepting a person drawn as a grand juror, the court shall be satisfied that such person is duly qualified to act as such juror. When a person is drawn and found qualified he shall be accepted unless the court, on the application of the juror and before he is sworn, excuses him from such service for any of the reasons prescribed in this title or in Chapter 1 (commencing with Section 190), Title 3, Part 1 of the Code of Civil Procedure.

Challenge

910. No challenge shall be made or allowed to the panel from which the grand jury is drawn, nor to an individual grand juror, except when made by the court for want of qualification, as prescribed in Section 909.

Oath

911. The following oath shall be taken by each member of the grand jury: "I will support the Constitution of the United States and of the State of California, and all laws made in pursuance thereof and in conformity therewith, will diligently inquire into, and true presentment make, of all public offenses against the people of this State, committed or triable within this county, of which the grand jury shall have or can obtain legal evidence. I will keep my own counsel, and that of my fellow grand jurors and of the government, and will not, except when required in the due course of judicial proceedings, disclose the testimony of any witness examined before the grand jury, nor anything which I or any other grand juror may have said, nor the manner in which I or any other grand juror may have voted on any matter before the grand jury. I will present no person through malice, hatred or ill will, nor leave any unpresented through fear, favor, or affection, or for any reward, or the promise or hope thereof; but in all my presentments I will present the truth, the whole truth, and nothing but the truth, according to the best of my skill and understanding, so help me God."

Foreman

912. From the persons summoned to serve as grand jurors and appearing, the court shall appoint a foreman. The court shall also appoint a foreman when the person already appointed is excused or discharged before the grand jury is dismissed.

Attorney General's demand

913. If a grand jury is not in existence, the Attorney General may demand the impaneling of a grand jury by those charged with the duty to do so, and upon such demand by him, it shall be their duty to do so.

CHAPTER 3. POWERS AND DUTIES OF GRAND JURY

Article 1. General Provisions

Charge

914. When the grand jury is impaneled and sworn, it shall be charged by the court. In doing so, the court shall give the grand jurors such information as it deems proper, or as is required by law, as to their duties, and as to any charges for public offenses returned to the court or likely to come before the grand jury.

Instruction

914.1. When a grand jury is impaneled, the judge of the superior court of the county, in addition to other matters requiring action, shall call its attention to the provisions of Chapter 1 (commencing with Section 23000), Division 1, Title 3, and Sections 24054 and 26525 of the Government Code, and instruct it to ascertain by a careful and diligent investigation whether such provisions have been complied with, and to note the result of such investigation in its report. At such time the judge shall also charge the grand jury especially as to its duties under Article 2 (commencing with Section 925) of this chapter.

Inquiry and discharge

915. When the grand jury has been impaneled, sworn, and charged, it shall retire to a private room, and inquire into the offenses cognizable by it. On the completion of the business before the grand jury, the court shall discharge it.

Officers and rules

916. Each grand jury shall choose its officers, except the foreman, and shall determine its rules of proceeding.

Foreman pro tempore

916.1. If the foreman of a grand jury is absent from any meeting or if he is disqualified to act, the grand jury may select a member of that body to act as foreman pro tempore, who shall perform the duties, and have all the powers, of the regularly appointed foreman in his absence or disqualification.

Inquiry

917. The grand jury may inquire into all public offenses committed or triable within the county and present them to the court by indictment.

Member's instigation

918. If a member of a grand jury knows, or has reason to believe, that a public offense, triable within the county, has been committed, he shall declare it to his fellow jurors, who shall thereupon investigate it.

Inquiry

919. The grand jury shall inquire into:

(a) The case of every person imprisoned in the jail of the county on a criminal charge and not indicted.

(b) The condition and management of the public prisons within the county.

(c) The willful or corrupt misconduct in office of public officers of every description within the county.

Same

920. The grand jury shall investigate and inquire into all sales and transfers of land, and into the ownership of land, which, under the state laws, might or should escheat to the State of California. For this purpose, the grand jury shall summon witnesses before it and examine them and the records. The grand jury shall direct that proper escheat proceedings

be commenced when, in the opinion of the grand jury, the evidence justifies such proceedings.

921. The grand jury is entitled to free access, at all reasonable times, to the public prisons, and to the examination, without charge, of all public records within the county. Access to public records, etc

922. The powers and duties of the grand jury in connection with proceedings for the removal of district, county, or city officers are prescribed in Article 3 (commencing with Section 3060), Chapter 7, Division 4, Title 1, of the Government Code. Powers and duties

923. Whenever the Attorney General considers the public interest requires, he may, with or without the concurrence of the district attorney, direct the grand jury to convene for the investigation and consideration of such matters of a criminal nature as he desires to submit to it. He may take full charge of the presentation of such matters to the grand jury, issue subpoenas, prepare indictments, and do all other things incident thereto to the same extent as the district attorney may do. Attorney General

924. Every grand juror who willfully discloses the fact of an information or indictment having been made for a felony, until the defendant has been arrested, is guilty of a misdemeanor. Unlawful act

924.1. Every grand juror who, except when required by a court, willfully discloses any evidence adduced before the grand jury, or anything which he himself or any other member of the grand jury has said, or in what manner he or any other grand juror has voted on a matter before them, is guilty of a misdemeanor. Same

924.2. Each grand juror shall keep secret whatever he himself or any other grand juror has said, or in what manner he or any other grand juror has voted on a matter before them. Any court may require a grand juror to disclose the testimony of a witness examined before the grand jury, for the purpose of ascertaining whether it is consistent with that given by the witness before the court, or to disclose the testimony given before the grand jury by any person, upon a charge against such person for perjury in giving his testimony or upon trial therefor. Secrecy

924.3. A grand juror cannot be questioned for anything he may say or any vote he may give in the grand jury relative to a matter legally pending before the jury, except for a perjury of which he may have been guilty in making an accusation or giving testimony to his fellow jurors. Questioning

Article 2. Investigations of County, District, and Housing Authority Affairs

925 The grand jury shall annually make a careful and complete examination of the books, records, and accounts, especially those pertaining to revenue, of all the officers of the county and of all hospital districts organized in the county, and report as to the facts it has found, with such recommendations as it may deem proper and fit. Examination of books etc

Expert assistance

926. If, in the judgment of the grand jury, the services of an expert are necessary for the purpose of Section 925, the grand jury may employ one, at an agreed compensation, to be first approved by the court. If, in the judgment of the grand jury, the services of assistants to such expert are required, the grand jury may employ such assistants, at a compensation to be agreed upon and approved by the court.

Salaries

927. Every grand jury first impaneled in even-numbered years shall investigate and report upon the needs for increase or decrease in salaries of the county supervisors, the district attorney, and the auditor. Upon request, each such grand jury shall grant personal interviews with the officials concerned. Each such grand jury shall cause a copy of such report to be transmitted to each Member of the Legislature representing the county in which it has been impaneled before the commencement of the regular session of the Legislature in odd-numbered years.

Needs of officers

928. Every grand jury shall investigate and report upon the needs of all county officers in the county, including the abolition or creation of offices and the equipment for, or the method or system of performing the duties of, the several offices. It shall cause a copy of such report to be transmitted to each member of the board of supervisors of the county.

Ex officio officer's books, etc.

929. When making an examination of the books, records, and accounts of all the officers of the county and when investigating and reporting upon the needs of all county officers in its county, the grand jury shall include an examination and report upon all the books, records, and accounts of all the officers of such county which are kept in their ex officio capacity, as incumbents or officers of any special legislative district or other district in the county, created pursuant to state law.

Comments not privileged

930. If any grand jury shall, in the report above mentioned, comment upon any person or official who has not been indicted by such grand jury such comments shall not be deemed to be privileged.

Expenses

931. All expenses of the grand jurors incurred under this article shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court of the county.

Suit to recover money

932. After investigating the books and accounts of the various officials of the county, as provided in the foregoing sections of this article, the grand jury may order the district attorney of the county to institute suit to recover any money that, in the judgment of the grand jury, may from any cause be due the county. The order of the grand jury, certified by the foreman of the grand jury and filed with the county clerk of the county, shall be full authority for the district attorney to institute and maintain any such suit.

Housing authority

933. The grand jury shall have full and complete authority, at any time, to examine the books, records, and accounts of any

housing authority in the county, to investigate the operations of any such housing authority, and to report as to the facts it has found, with such recommendations as it may deem proper and fit.

In making such examination, the grand jury shall have all the powers granted by Sections 925 to 931, inclusive, and any expenses incurred shall be paid from the same fund and in the same manner as expenses incurred under Sections 925 to 931, inclusive.

Article 3. Legal and Other Assistants for Grand Juries

934. The grand jury may, at all times, ask the advice of the court, or the judge thereof, or of the district attorney. Unless such advice is asked, the judge of the court shall not be present during the sessions of the grand jury. Advice of court, etc

935. The district attorney of the county may at all times appear before the grand jury for the purpose of giving information or advice relative to any matter cognizable by the grand jury, and may interrogate witnesses before the grand jury whenever he thinks it necessary. When a charge against or involving the district attorney, or assistant district attorney, or deputy district attorney, or anyone employed by or connected with the office of the district attorney, is being investigated by the grand jury, such district attorney, or assistant district attorney, or deputy district attorney, or all or anyone or more of them, shall not be allowed to be present before such grand jury when such charge is being investigated, in an official capacity but only as a witness, and he shall only be present while a witness and after his appearance as such witness shall leave the place where the grand jury is holding its session. District attorney

936. When requested so to do by the grand jury of any county, the Attorney General may employ special counsel and special investigators, whose duty it shall be to investigate and present the evidence in such investigation to such grand jury. Special counsel and investigators

The services of such special counsel and special investigators shall be a county charge of such county.

937. The grand jury or district attorney may require by subpoena the attendance of any person before the grand jury as interpreter. While his services are necessary, such interpreter may be present at the examination of witnesses before the grand jury. The compensation for services of such interpreter constitutes a charge against the county, and shall be fixed by the grand jury, in an amount not to exceed ten dollars ($10) a day and paid out of the county treasury on a warrant of the county auditor upon an order of the judge of the superior court. Interpreter

938. Whenever criminal causes are being investigated before the grand jury, it shall appoint a competent stenographic Reporter

reporter. He shall be sworn and shall report in shorthand the testimony given in such causes and shall transcribe the shorthand in all cases where an indictment is returned or accusation presented.

Reporter's transcript

938.1. If an indictment has been found or accusation presented against a defendant, such stenographic reporter shall certify and file with the county clerk an original transcription of his shorthand notes and as many copies as there are defendants, other than fictitious defendants, regardless of the number of charges or fictitious defendants included in the same investigation. The reporter shall complete such certification and filing within 10 days after the indictment has been found or the accusation presented unless the court for good cause makes an order extending the time. The time shall not be extended more than 20 days. The county clerk shall deliver the original of the transcript so filed with him to the district attorney immediately upon his receipt thereof and shall deliver a copy of such transcript upon each such defendant or his attorney. If the copy of the testimony is not served as provided in this section the court shall on motion of the defendant continue the trial to such time as may be necessary to secure to the defendant receipt of a copy of such testimony 10 days before such trial. The county clerk shall not exhibit the transcript to any person other than the district attorney nor divulge any of its contents until after the defendant is in custody. If several criminal charges are investigated against a defendant on one investigation and thereafter separate indictments are returned or accusations presented upon said several charges, the delivery to such defendant or his attorney of one copy of the transcript of such investigation shall be a compliance with this section as to all of such indictments or accusations.

Reporter's salary

938.2. The stenographic reporter shall draw no salary or fees from the county for preparing such transcript in any case until all such transcripts of testimony in such case so taken by him are written up and delivered. Before making the order for payment to the reporter, the judge of the superior court shall require the reporter to show by affidavit or otherwise that he has written up and delivered all testimony taken by him, in accordance with Sections 938 and 938.1.

Charge against county

938.3. The services of such stenographic reporter shall constitute a charge against the county, and such stenographic reporter shall be compensated for reporting and transcribing at the same rates as prescribed in Sections 69947 to 69953, inclusive, of the Government Code, to be paid out of the county treasury on a warrant of the county auditor when ordered by the judge of the superior court.

Article 4. Conduct of Investigations

Attendance during sessions

939. No person other than those specified in Article 3 (commencing with Section 934), Chapter 3 of this title and

in Section 939.1 is permitted to be present during the session of the grand jury except the members and witnesses actually under examination. No person shall be permitted to be present during the expression of the opinions of the grand jurors, or the giving of their votes upon any matter before them.

Public sessions, etc

939.1. The grand jury acting through its foreman and the attorney general or the district attorney may make a joint written request for public sessions of the grand jury. The request shall be filed with the superior court. If the court, or the judge thereof, finds that the subject matter of the investigation affects the general public welfare, involving the alleged corruption, misfeasance, or malfeasance in office or dereliction of duty of public officials or employees or of any person allegedly acting in conjunction or conspiracy with such officials or employees in such alleged acts, the court or judge may make an order directing the grand jury to conduct its investigation in a session or sessions open to the public. The order shall state the finding of the court. The grand jury shall comply with the order.

The conduct of such investigation and the examination of witnesses shall be by the members of the grand jury and the district attorney.

The deliberation of the grand jury and its voting upon such investigation shall be in private session. The grand jury may find indictments based wholly or partially upon the evidence introduced at such public session.

Subpoena

939.2. A subpoena requiring the attendance of a witness before the grand jury may be signed and issued by the district attorney, or, upon request of the grand jury, by any judge of the superior court, for witnesses in the State, in support of the prosecution, for those witnesses whose testimony, in his opinion is material in an investigation before the grand jury, and for such other witnesses as the grand jury, upon an investigation pending before them, may direct.

Refusal to give evidence

939.3. In any investigation or proceeding before a grand jury for any felony offense when a person refuses to answer a question or produce evidence of any other kind on the ground that he may be incriminated thereby, proceedings may be had under Section 1324.

Oath

939.4. The foreman may administer an oath to any witness appearing before the grand jury.

Statement

939.5. Before considering a charge against any person, the foreman of the grand jury shall state to those present the matter to be considered and the person to be charged with an offense in connection therewith. He shall direct any member of the grand jury who has a state of mind in reference to the case or to either party which will prevent him from acting impartially and without prejudice to the substantial rights of the party to retire. Any violation of this section by the foreman or any member of the grand jury is punishable by the court as a contempt.

Evidence

939.6. In the investigation of a charge, the grand jury shall receive no other evidence than such as is given by witnesses produced and sworn before the grand jury, furnished by legal documentary evidence, or the deposition of a witness in the cases mentioned in subdivision 3 of Section 686 The grand jury shall receive none but legal evidence, and the best evidence in degree, to the exclusion of hearsay or secondary evidence.

Same

939.7. The grand jury is not required to hear evidence for the defendant, but it shall weigh all the evidence submitted to it, and when it has reason to believe that other evidence within its reach will explain away the charge, it shall order the evidence to be produced, and for that purpose may require the district attorney to issue process for the witnesses.

Indictment

939.8. The grand jury shall find an indictment when all the evidence before it, taken together, if unexplained or uncontradicted, would, in its judgment, warrant a conviction by a trial jury.

Recommendations, etc

939.9. A grand jury shall make no report, declaration, or recommendation on any matter except on the basis of its own investigation of the matter made by such grand jury. A grand jury shall not adopt as its own the recommendation of another grand jury unless the grand jury adopting such recommendation does so after its own investigation of the matter as to which the recommendation is made, as required by this section.

Repeals

SEC. 3. The following sections are hereby repealed:

Penal Code Section 169

Code of Civil Procedure Sections 65.2, 241, 242, and 243

Government Code Section 12551

SEC. 4. Section 192 of the Code of Civil Procedure is amended to read:

Grand juries

192. Grand juries are provided for in Title 4 (commencing with Section 888), Part 2 of the Penal Code.

SEC. 5. Section 196 of the Code of Civil Procedure is amended to read:

Fees

196. Unless a higher fee or rate of mileage is otherwise provided by law, the fees for jurors in civil cases in the superior court or municipal court are five dollars ($5) a day for each day's attendance as a juror, and fifteen cents ($0.15) a mile, in going only, for each mile actually traveled in attending court as a juror.

SEC. 6. Section 167 of the Penal Code is amended to read:

Unlawful acts

167. Every person who, by any means whatsoever, willfully and knowingly, and without knowledge and consent of the jury, records, or attempts to record, all or part of the proceedings of any trial jury while it is deliberating or voting, or listens to or observes, or attempts to listen to or observe, the proceedings of any trial jury of which he is not a member while such jury is deliberating or voting is guilty of a misdemeanor.

This section is not intended to prohibit the taking of notes by a trial juror in connection with and solely for the purpose of assisting him in the performance of his duties as such juror.

SEC. 7. Section 199 of the Code of Civil Procedure is amended to read:

199. A person is not competent to act as a trial juror if any of the following apply: Trial jurors Qualifications

(a) The person does not possess the qualifications prescribed by Section 198.

(b) The person has been convicted of malfeasance in office or any felony or other high crime.

(c) The person is serving as a grand juror in any court of this State.

(d) The person has been discharged as a trial juror by any court of record in this State within a year, as provided in Section 200.

(e) The person has been drawn as a grand juror in a court of this State and served as such within a year and been discharged.

(f) In a county with a population of not less than 300,000 as ascertained by the last preceding census taken under the authority of the Congress of the United States, or the Legislature of the State of California, the person, during the preceding two years, has actually served 20 days as a trial juror in the trial of cases in a court of record in this State; but a juror shall in any event complete his service as such juror in the trial of a case in which he may be actually engaged.

The clerk shall immediately remove from the jury list the name of any trial juror who becomes disqualified under this section.

SEC. 8. Section 204 of the Code of Civil Procedure is amended to read:

204. During January in each year the superior court of each county shall make an order designating the estimated number of trial jurors that will, in the opinion of the court, be required for the transaction of the business of the court, and the trial of causes therein, during the ensuing year. Immediately after such order is made, the board of supervisors shall select, pursuant to Sections 205 and 206, a list of men and women to serve as trial jurors in the superior court of the county during the ensuing year, or until a new list of jurors is provided. Order

In counties having a population of 80,000 inhabitants or over, such selection shall be made by a majority of the judges of the superior court; except that in counties of the first class, where a session or sessions of the superior court are held in cities other than the county seat, the judge presiding in each such respective session shall make an order in the manner and within the time above specified, designating the estimated number of trial jurors that will, in his opinion, be required for the transaction of the business of the session of the court

and the trial of causes therein during the ensuing year, or until new lists of jurors are provided. The judge shall make such selections and listings of men and women suitable and competent to serve as jurors from men and women residing in the judicial district in which the city is located.

In counties having a population of 300,000 inhabitants or over, a majority of the judges of the superior court shall, in January and July of each year or in the December or June immediately preceding, make the order designating the number of trial jurors and the selections and listings of men and women suitable and competent to serve as trial jurors.

SEC. 9. Section 205 of the Code of Civil Procedure is amended to read:

Selection and listing

205. The selections and listings shall be made of persons suitable and competent to serve as jurors, and in making such selections there shall be taken only the names of persons who are not exempt from serving, who are in the possession of their natural faculties, who are not infirm or decrepit, who are of fair character and approved integrity, and who are of sound judgment.

SEC. 10. Section 206 of the Code of Civil Procedure is amended to read:

List

206. The list of trial jurors made in a county of the first class shall contain the number of persons which has been designated by the court in its order. The names for the trial jury list shall be selected from the different wards or judicial districts of the respective counties in proportion to the number of inhabitants therein, as nearly as the same can be estimated by the persons making the lists. The trial jury list shall be kept separate and distinct from the grand jury list. In a county of the first class, where sessions of the superior court are held in cities other than the county seat, the names for such list to serve in the city shall all be selected from the district in which the city is located and no names from such district shall be selected to serve as trial jurors for any other part of the county.

SEC. 11. Section 209 of the Code of Civil Procedure is amended to read:

"Trial Jury Box"

209. On receiving the list of persons selected by the court, the county clerk shall file it in his office, and write down the names contained thereon on separate pieces of paper, of the same size and appearance, and fold each piece so as to conceal the name thereon. He shall deposit the pieces of paper having on them the names of the persons selected to serve as trial jurors in a box to be called the "Trial Jury Box."

SEC. 12. Section 211 of the Code of Civil Procedure is amended to read:

Name drawing

211. The names of persons drawn for trial jurors shall be drawn from the "Trial Jury Box." If, at the end of the year, there are the names of persons in the trial jury box who have not been drawn during the year to serve, and have not served

as jurors, the names of such persons may be placed on the list of jurors drawn for the succeeding year.

SEC. 13. Section 204b of the Code of Civil Procedure is amended to read:

Supervision

204b. Pursuant to written rules or instructions adopted by a majority of the judges of the superior court of the county, the jury commissioner shall furnish the judges of the court annually a list of persons qualified to serve as trial jurors during the ensuing year or until a new list of jurors is required. From time to time a majority of the judges of the superior court may adopt such rules or instructions as may be necessary for the guidance of the jury commissioner, who shall at all times be under the supervision and control of the judges of the court.

SEC. 14. Section 204c of the Code of Civil Procedure is amended to read:

Inquiry re qualifications

204c. The jury commissioner shall diligently inquire and inform himself in respect to the qualifications of persons resident in his county who may be liable to be summoned for trial jury duty. He may require any person to answer, under oath to be administered by him, all such questions as he may address to such person, touching his name, age, residence, occupation and qualifications as a trial juror, and also all questions as to similar matters concerning other persons of whose qualifications for trial jury duty he has knowledge. The commissioner and his assistants, referred to in Sections 69895 and 69896 of the Government Code, shall have power to administer oaths and shall be allowed actual traveling expenses incurred in the performance of their duties. Such traveling expenses shall be audited, allowed, and paid out of the general fund of the county.

SEC. 15. Section 204d of the Code of Civil Procedure is amended to read:

Recommendation of jury commissioner

204d. Pursuant to the rules or instructions adopted by a majority of the judges of the superior court, the jury commissioner shall return to the judges the list of persons recommended by him for trial jury duty. The judges of the superior court shall examine the jury list so returned and from such list a majority of the judges may select, to serve as trial jurors in the superior court of the county during the ensuing year or until a new list of jurors is required, such persons as, in their opinion, should be selected for trial jury duty. The persons so selected shall, in the opinion of the judges selecting them, be persons suitable and competent to serve as jurors, as required by law. The judges are not required to select any names from the list returned by the jury commissioner, but may, if in their judgment the due administration of justice requires, make all or any selections from among the body of persons in the county suitable and competent to serve as trial jurors regardless of the list returned by the jury commissioner.

SEC. 16. Section 238 of the Code of Civil Procedure is amended to read:

Non-attendance

238. Any trial juror summoned, who willfully and without reasonable excuse fails to attend, may be attached and compelled to attend; and the court may also impose a fine not exceeding fifty dollars ($50), upon which execution may issue. If the trial juror was not personally served, the fine shall not be imposed until upon an order to show cause an opportunity has been offered the trial juror to be heard.

SEC. 17. Section 12552 of the Government Code is amended to read:

Attorney General

12552. The powers and duties of the Attorney General with respect to grand juries are prescribed in Sections 913 and 923 of the Penal Code.

The Attorney General may also file informations.

SEC. 18. Section 168 of the Penal Code is amended to read:

Unlawful acts

168. Every district attorney, clerk, judge or other officer who, except by issuing or in executing a warrant of arrest, willfully discloses the fact of an information or indictment having been made for a felony, until the defendant has been arrested, is guilty of a misdemeanor.

SEC. 19. Section 1326 of the Penal Code is amended to read:

Subpoena

1326. The process by which the attendance of a witness before a court or magistrate is required is a subpoena; it may be signed and issued by:

1. A magistrate before whom a complaint is laid, for witnesses in the State, either on behalf of the people or of the defendant.

2. The district attorney, or, upon request of the grand jury, any judge of the superior court, for witnesses in the State, in support of an indictment or information, to appear before the court in which it is to be tried.

3. The clerk of the court in which a criminal action is to be tried, or if there is no clerk, the judge of the court; and he must, at any time, upon application of the defendant, and without charge, issue as many blank subpoenas, subscribed by him, for witnesses in the State, as the defendant may require.

Legislative intent

SEC. 20. In enacting this act, the Legislature intends to recodify the laws relating to grand juries for the purpose of collecting such laws under one title of the Penal Code and of providing a more logical arrangement of such laws. It is not the intent of the Legislature to make any substantive change in the laws affected by this act. The sections of law added or amended by this act insofar as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations and not as new enactments.

CHAPTER 502

An act to amend Sections 5101, 5132 and 5220 of the Streets and Highways Code and Section 50550 of the Government Code, and to add Section 5103 to the Streets and Highways Code, relating to the installation and use of electric and telephone facilities.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 23, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 5101 of the Streets and Highways Code is amended to read:

Work that may be done

5101. Whenever in the opinion of the legislative body the public interest or convenience may require, it may order the whole or any portion, either in length or in width, of any one or more of the streets, places, public ways, or property, or rights-of-way, or tidelands, or submerged lands owned by any city, open or dedicated to public use, and any property for the immediate possession and use of which as rights-of-way required for public use, an order has been obtained in compliance with the provisions of Section 14 of Article I of the State Constitution, to be improved by or have constructed therein, over or thereon, either singly or in any combination thereof, any of the following:

(a) The grading or regrading, the paving or repaving, the planking or replanking, the macadamizing or remacadamizing, the graveling or regraveling, the oiling or reoiling thereof.

(b) The construction or reconstruction of sidewalks, crosswalks, steps, safety zones, platforms, seats, statuary, fountains, parks and parkways, culverts, bridges, curbs, gutters, tunnels, subways or viaducts.

(c) Sanitary sewers or instrumentalities of sanitation, together with the necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, tunnels, channels or other appurtenances.

(d) Drains, tunnels, sewers, conduits, culverts and channels for drainage purposes; with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, channels and appurtenances.

(e) Poles, posts, wires, pipes, conduits, tunnels, lamps and other suitable or necessary appliances for the purpose of lighting said streets, places or public ways of any such city or property or rights-of-way owned by any such city, or for the purpose of furnishing electricity and electric service or telephone service to property within a city.

(f) Pipes, hydrants and appliances for fire protection.

(g) Breakwaters, levees, bulkheads and walls of rock or other material to protect the streets, places, public ways and other property in any such city, from overflow by water.

(h) Wells, pumps, dams, reservoirs, storage tanks, channels, tunnels, conduits, pipes, hydrants, meters or other appurtenances for supplying or distributing a domestic water supply.

(i) Mains, services, pipes, fittings, valves, regulators, governors, meters, drips, drains, tanks, ditches, tunnels, conduits, channels, or other appurtenances for supplying or distributing a domestic or industrial gas supply.

(j) Retaining walls, embankments and other structures necessary or suitable in connection with any of the work mentioned in this section.

(k) The planting of trees, shrubs or other ornamental vegetation.

(*l*) The construction, repairing, or improving of public mooring places for water craft, the building, repairing and improving of wharves, piers, docks, slips, quays, moles, or other utilities, structures, and appliances necessary or convenient for the promotion or accommodation of commerce, navigation and the protection of lands within said city, and for aiding and securing access to the waters of said lands to the people of the State of California, in the exercise of their rights to fish, or for the extension of public streets or places.

(m) All other work which may be deemed necessary to improve the whole or any portion of such streets, places, public ways or property, or rights-of-way owned by such city.

(n) All other work auxiliary to any of the above, which may be required to carry out the same.

SEC 2. Section 5103 is added to said code, to read:

Agreement with public utility, etc.

5103. Whenever the work or improvement includes the installation of works or appliances for supplying electric or telephone service, and the territory in which the work or improvement is contemplated is within the service area of a public utility or public agency supplying such service, the legislative body may, before the adoption of the resolution of intention, enter into an agreement with such public utility or public agency which agreement may, among other things, provide for the following:

(a) For the supplying or approval by the public utility or public agency of plans and specifications for the work or improvement.

(b) For the performance of work or service, for an allowance or contribution by the public utility or public agency toward the cost of the work or service where provided for by its established rules or regulations, and for the payment for such work or service.

(c) That the agreement shall become effective upon the effective date of the resolution or ordinance ordering the work in proceedings taken pursuant to this division.

(d) That after the confirmation of the assessment, the public utility or public agency shall have exclusive possession, control, and use of the work or improvement as long as the public utility or public agency uses the work or improvement to render to the lands within the assessment district the services intended to be furnished by the work or improvement.

SEC. 3. Section 5132 of said code is amended to read:

Contents of resolution

5132. The resolution of intention shall be sufficient if it states in general terms the class or kinds of work contemplated such as grading, paving, sewering or other work, and gives in general the location of the proposed work and refers to plans, profiles, detailed drawings and specifications or such of them as may be suitable or proper for the full and detailed description of the proposed work and if it refers to any agreement entered into pursuant to Section 5103 The resolution of intention shall contain also a notice of the day, hour and place when and where any and all persons having any objections to the proposed work may appear before the legislative body and show cause why the proposed work should not be carried out in accordance with the resolution of intention. The time shall not be less than 15 or more than 60 days from the date of the passage of the resolution.

SEC. 4. Section 5220 of said code is amended to read:

Protests

5220. At any time not later than the hour set for hearing objections to the proposed work, any owner of property liable to be assessed for the work may make written protest against the proposed work or against the extent of the district to be assessed, or against any agreement entered into pursuant to Section 5103, or any of them. Such protest must be in writing and must contain a description of the property in which each signer thereof is interested, sufficient to identify the same, and be delivered to the clerk, and no other protests or objections shall be considered.

SEC. 5 Section 50550 of the Government Code is amended to read:

"Improvements"

50550. As used in this article, "improvements" means any or all of the following property acquired, constructed or installed by a local agency with funds derived from special assessments under the Improvement Act of 1911 (Division 7 (commencing at Section 5000), Streets and Highways Code) or any other law:

(a) Water mains, pipes, conduits, hydrants and other works or appliances which may be used for providing water service.

(b) Poles, posts, lines, pipes, conduits, lamps, and other works or appliances which may be used for providing electricity and electric service.

(c) Mains, pipes and other works and appliances which may be used for providing gas service.

(d) Poles, posts, lines, pipes, conduits, and other works or appliances for the purpose of supplying telephone or other communications.

CHAPTER 503

An act to add Section 4121.1 to the Health and Safety Code, relating to garbage disposal districts.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 23, 1959.]

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

SECTION 1. Section 4121.1 is added to the Health and Safety Code, to read:

4121.1. In the event of an emergency occasioned by default of a contractor or other circumstances which would be detrimental to the public health, safety or welfare of the inhabitants of the district, the board of supervisors may, without the necessity of advertising for bids, enter into contracts for the disposal of garbage and other refuse for a term not to exceed six months on such terms as are necessary or proper, in the exercise of the districts' power.

CHAPTER 504

An act to amend Sections 58241, 61128, 61230, and 61823 of the Government Code, Sections 3533, 4659, 5418, and 8127 of the Streets and Highways Code, Sections 1808, 2285, 2341, 2832, 14750, 14815, 14825, 14827, 32004.6 32004.8 and 33573 of the Health and Safety Code, and Sections 9304, 9313, 9316, and 9713 of the Public Resources Code, relating to recordation of instruments.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 23, 1959.]

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

SECTION 1. Section 58241 of the Government Code is amended to read:

Resolution

58241. The resolution describing the changed boundaries shall be entered in the minutes of the governing body and a certified copy of the resolution shall be recorded in the office of the county recorder of each county in which any part of the district is situated.

SEC. 2. Section 61128 of said code is amended to read:

Recordation

61128. If the district lies in one county the county clerk shall immediately after the entering of the resolution in the board minutes pursuant to Section 61127, or if the district lies in more than one county the county clerk of each county in which the district lies shall immediately after the entering of such resolution and the receipt of the certified copies from the county clerks of each of the other counties in which the district lies referred to in Section 61127, cause to be recorded in the office of the county recorder of the county for which he

is county clerk and filed with the Secretary of State a certified copy of the resolution forming the district. Thereupon the organization of the district shall be complete.

SEC. 3. Section 61230 of said code is amended to read:

61230. By resolution, the board may change the name of the district. Such change of name shall be effective upon the filing of a certified copy of such resolution with the Secretary of State and recording a certified copy in the office of the county recorder of the county or counties in which such district is situated. District name change

SEC. 4. Section 61823 of said code is amended to read:

61823. If the ordinance annexing land to the district is effective, the president and secretary shall, if no petition for disapproval and veto of such ordinance is filed within the time provided by law, or if such petition is filed and upon the election the electors shall not disapprove and veto said ordinance, file with the Secretary of State and record with the county recorder of the county in which the district is situated certified copies of the ordinance and certificates stating said facts. Annexing ordinance

SEC. 5. Section 3533 of the Streets and Highways Code is amended to read:

3533. On receiving the certificate of sale, the county recorder shall record it. The county recorder shall also record the receipt of the city treasurer for the total amount of the redemption money. Certificate of sale

SEC. 6. Section 4659 of said code is amended to read:

4659. The county recorder shall record the receipt of the city treasurer for the total amount of the redemption money. Receipt

SEC. 7. Section 5418 of said code is amended to read:

5418. In describing a lot or parcel of land in a complaint for the recovery of any assessment it shall be sufficient to refer to the same by its number upon the diagram; provided, a certified copy of the warrant, assessment and diagram shall have been previously filed in the office of the recorder of the county in which the lot or parcel of land is situated. It shall be the duty of the recorder to so file any such certified copy presented to him upon payment of the filing fee. Description of land

SEC. 8. Section 8127 of said code is amended to read:

8127. A certified copy of the resolution shall be recorded in the office of the county recorder of the county in which the district is situated and filed with the Secretary of State. The organization shall thereupon be complete. Resolution

SEC. 9. Section 1808 of the Health and Safety Code is amended to read:

1808. The governing body shall record in the office of the county recorder a notice of payment, claiming a lien on the property for the amount of the payment Notice of payment

SEC. 10. Section 2285 of said code is amended to read:

2285. Notice of the lien shall be recorded by the district board in the office of the county recorder of the county in Notice of lien

which the property is sitated within one year after the first item of expenditure by ie board or within 90 days after the completion of the work whichever first occurs.

SEC. 11. Section 234 of said code is amended to read:

Annexation order

2341. The order o annexation shall be entered in the minutes of the board ad certified copies shall be filed with the Secretary of State ad with the county clerk and recorded with the county recoder of each county in which the district or any part of it is ituated.

SEC. 12. Section 2832 of said code is amended to read:

Certified copy of order

2832. The clerk of the board of supervisors shall immediately record a certified copy of the order in the office of the county recorder in which the district is situated and also file a certified copy with the Secretary of State. The district is then formed as a pest abatement district, with all of the rights, privileges, and powers set forth in this chapter, and those necessarily incident thereto.

SEC. 13. Section 14750 of said code is amended to read:

Canvass

14750. If it appears from the canvass that a majority of the votes cast in the district and in the territory proposed to be annexed are in favor of the change in boundary, the directors shall so find and upon the recording of a copy of its finding certified under seal of the district in the office of the county recorder, the territory is a part of the district.

SEC. 14. Section 14815 of said code is amended to read:

Resolution discontinuing district, etc.

14815. A certified copy of any resolution of a board of supervisors, discontinuing a district, excluding a portion of its territory, or changing its boundaries, after being adopted, and signed by the chairman and the clerk of the board and certified to by the clerk of the board under its seal, shall, within 10 days after adoption, be recorded by the clerk of the board in the office of the county recorder of the county in which the fire district is located.

SEC. 15. Section 14825 of said code is amended to read:

Fire companies

14825. Fire companies in unincorporated towns may be organized by recording with the county recorder a certificate signed by the foreman or presiding officer and by the secretary.

SEC. 16. Section 14827 of said code is amended to read:

Certificate

14827. The certificate shall be renewed and re-recorded every six months

SEC. 17. Section 32004.6 of said code is amended to read:

Annexation resolution

32004.6. If a majority of votes cast within the area in which the election is held, and in both the district and the territory proposed to be annexed if an election is held in both areas, are in favor of annexation, or, if no election is required and the governing body determines subject to the provisions of Section 32001 of this code that such annexation is for the best interests of the district, it shall, by resolution entered in its minutes, declare the territory annexed and shall describe the altered boundaries of the district. A certified copy thereof

shall be recorded in the office of the county recorder, and filed with the county assessor, county engineer, the State Board of Equalization and the Secretary of State.

SEC. 18. Section 32004.8 of said code is amended to read:

32004.8. The hearing, notice, election, fixing of boundaries, declaration of exclusion by resolution, and recording and filing of the resolution, unless otherwise provided in Section 32004.7, shall be as in the manner provided by Sections 32004.3, 32004.4, 32004.5, and 32004.6 relating to annexation of territory. Procedure re annexation of territory

SEC. 19. Section 33573 of said code is amended to read:

33573. The legislative body shall record with the county recorder of the county in which the project area is situated a description of the land within the project area and a statement that proceedings for the redevelopment of the project area have been instituted under this part. Description of land, etc

SEC. 20. Section 9304 of the Public Resources Code is amended to read:

9304. If the petition is granted the directors shall make and enter in their minutes an order changing the boundaries of the district. A copy of the order shall be recorded with the county recorder of each county in which any portion of the district is situated and certified copies of the order shall be transmitted to the chief and to the Secretary of State. Order changing boundaries

SEC. 21. Section 9313 of said code is amended to read:

9313. If the petition is granted the board of directors shall make and enter on their minutes an order changing the boundaries of the district. A copy of the order shall be recorded with the county recorder of each county in which any portion of the district is situated and certified copies of the order shall be transmitted to the chief and to the Secretary of State. Same

SEC. 22. Section 9316 of said code is amended to read:

9316. If the inclusion is granted the board of directors shall make and enter on their minutes an order changing the boundaries of the district. A copy of the order shall be recorded with the county recorder of each county in which any portion of the district is situated and certified copies of the order shall be transmitted to the chief and to the Secretary of State. Inclusion order

SEC. 23. Section 9713 of said code is amended to read:

9713. If the petition is granted, the board of supervisors shall make and enter in their minutes an order changing the boundaries of their district. A copy of the order shall be recorded with the county recorder of each county in which any portion of the districts affected is situated, and certified copies of the order shall be transmitted to the chief and to the Secretary of State. Order changing boundaries

CHAPTER 505

An act to amend Section 3352 of the Labor Code and to repeal Chapter 9 (commencing at Section 4250) of Part 1 of Division 4 of the Labor Code, relating to workmen's compensation.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 23, 1959.]

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

SECTION 1. Section 3352 of the Labor Code is amended to read:

"Employee"

3352. "Employee" excludes:

(a) Any person whose employment is both casual and not in the course of the trade, business, profession, or occupation of his employer.

(b) Any person engaged in vending, selling, offering for sale, or delivering directly to the public, any newspaper, magazine, or periodical where the title thereto has passed to the person so engaged.

(c) Any person performing services in return for aid or sustenance only, received from any religious, charitable or relief organization.

(d) Any person holding an appointment as deputy clerk, deputy sheriff, or deputy constable appointed for his own convenience, and who receives no compensation from the county or municipal corporation or from the citizens thereof for his services as such deputy. This exclusion is operative only as to employment by the county or municipal corporation and does not deprive any person so deputized from recourse against a private person employing him for injury occurring in the course of and arising out of such employment.

(e) Any convict whose labor is used by the State Highway Commission on state highways or roads.

(f) Any person engaged in household domestic service except as provided in Section 3358.5.

(g) Any person performing voluntary services at or for a recreational camp, hut or lodge operated by a nonprofit organization, exempt from federal income tax under Section 101 (6) of the Internal Revenue Code, of which he or a member of his family is a member and who receives no compensation for such services other than meals, lodging or transportation.

(h) Any person engaged as a part-time gardener in connection with a private dwelling; provided, the number of hours devoted to such work for any individual does not regularly exceed 44 hours per month. This exclusion is operative only as to his employment by the owner or occupant of such a private dwelling, and does not deprive any such part-time gardener from recourse under this division against any other

person employing him for injuries occurring in the course of and arising out of the employment.

(i) Any person performing voluntary service as a ski patrolman who receives no compensation for such services other than the use of ski tow or ski lift facilities.

SEC. 2. Chapter 9 (commencing at Section 4250) of Part 1 of Division 4 of the Labor Code is repealed. Repeal

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CHAPTER 506

An act to amend Section 82 of the Elections Code, relating to presidential voting for new residents.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 23, 1959.] In effect September 18, 1959

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

SECTION 1. Section 82 of the Elections Code is amended to read:

82. A new resident shall register to vote in the manner provided in Section 82.6 and shall meet all of the residence qualifications prescribed in Article II, Section 1, of the Constitution; provided, however, that those statements relating to state and county residence appearing in the affidavit of registration shall not be deemed applicable to a new resident. The county clerk shall clearly note on the affidavit of registration of a new resident the fact that he is a new resident and qualified to vote only to the extent provided in this chapter. The affidavits of registration of new residents shall be separately bound and shall not be furnished to precinct boards under Section 375 nor used in connection with the preparation of the index of voters prepared under Sections 370 and 370.1.

Nothing in this section shall be construed to give to new residents a right to vote greater than that provided in this chapter.

CHAPTER 507

An act to amend Section 604.1 of the Vehicle Code, and to amend Section 21652 of the Vehicle Code as proposed by Assembly Bill No. 5, relating to access to public highways from service roads.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 23, 1959.] In effect September 18, 1959

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

SECTION 1. Section 604.1 of the Vehicle Code is amended to read:

604.1. Entering From Service Roads. When any service road has been constructed on and along any public highway Entering from service roads

and the main thoroughfare of the public highway has been separated from such service road it is unlawful for any person to drive any vehicle into such main thoroughfare except through an opening in the dividing curb, section, separation or line.

SEC. 2. Section 21652 of the Vehicle Code as proposed by Assembly Bill No. 5 is amended to read:

Same

21652. When any service road has been constructed on and along any public highway and the main thoroughfare of the public highway has been separated from the service road, it is unlawful for any person to drive any vehicle into the main thoroughfare except through an opening in the dividing curb, section, separation, or line.

Effect Stats 1959, Ch 3

SEC. 3. Section 2 of this act becomes operative only if the Vehicle Code as proposed by Assembly Bill No. 5 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said code takes effect, at which time Section 604.1 of the Vehicle Code adopted in 1935 is repealed.

CHAPTER 508

An act to amend Sections 7493, 7660, 7670, 7675, 7852, 7916, 8126, 8128, 8147, 8148, 8149, 8191, 8307 and the heading of Article 4 (commencing at Section 7916) of Chapter 6 of Part 2 of Division 2 of the Revenue and Taxation Code, to repeal Article 5 (commencing at Section 7751) of Chapter 5 of Part 2 of Division 2 and Section 7981 of said code, and to add thereto Sections 7676, 7711.5, 8149.5 and 8404 and Articles 1.5 (commencing at Section 7861) and 2.5 (commencing at Section 7881) to Chapter 6 of Part 2 of Division 2 of said code, all relating to the motor vehicle fuel license tax.

In effect September 18, 1959

[Approved by Governor May 23, 1959 Filed with Secretary of State May 23, 1959]

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

SECTION 1. Section 7493 of the Revenue and Taxation Code is amended to read:

Service of notice

7493. The notice may be served personally or by mail. If by mail, service shall be made pursuant to Section 1013 of the Code of Civil Procedure and shall be addressed to the applicant at his address as it appears in the records of the board, but the service shall be deemed complete at the time of the deposit of the notice in the mail without extension of time for any reason.

SEC. 2. Section 7660 of said code is amended to read:

Determination of tax, penalty

7660. If any distributor fails, neglects, or refuses to file the return within the time prescribed by this chapter, the board shall estimate the motor vehicle fuel distributions of the distributor for the period for which he made no return within the

time required. Upon the basis of this estimate the board shall determine the license tax due from the distributor, and shall add to the license tax a penalty of 10 percent thereof. The board may make a determination for more than one period and may make one or more determinations for the same period

SEC. 3. Section 7670 of said code is amended to read:

Deficiency determination

7670. If the board is not satisfied with the return made by any distributor, it may make a deficiency determination of the license tax required to be paid by the distributor based upon information contained in the return or upon any information in the possession of the board. The board may make a determination for more than one period and may make one or more determinations for the same period. When a business is discontinued a determination may be made at any time thereafter, within the period specified in Section 7675, as to liability arising out of that business, irrespective of whether the determination is issued prior to the due date of the liability as otherwise specified in this part.

SEC. 4. Section 7675 of said code is amended to read:

Limitation

7675. Except in the case of fraud, intent to evade this part or authorized rules and regulations, or failure to make a return, every notice of a deficiency determination shall be given to the distributor within three years after the first day of the second calendar month following the monthly period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires the later. In the case of a failure to make a return the notice of determination shall be mailed within eight years after the date the return was due.

SEC. 5. Section 7676 is added to said code, to read:

Agreement to extend

7676. If before the expiration of the time prescribed in Section 7675 for the mailing of a notice of deficiency determination the taxpayer has consented in writing to the mailing of the notice after such time, the notice may be mailed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

SEC. 6. Section 7711.5 is added to said code, to read:

Increase or decrease

7711.5. The board may decrease or increase the amount of the determination before it becomes final, but the amount may be increased only if a claim for the increase is asserted by the board at or before the hearing.

SEC. 7. Section 7852 of said code is amended to read:

Prohibition

7852. After receiving the notice the persons so notified shall neither transfer nor make other disposition of the credits, other personal property, or debts in their possession or under their control at the time they receive the notice until the controller consents to a transfer or disposition or until 30 days elapse after the receipt of the notice.

SEC. 8. Article 5 (commencing at Section 7751) of Chapter 5 of Part 2 of Division 2 of said code is repealed.

Repeal

SEC. 9. Article 1.5 (commencing at Section 7861) is added to Chapter 6 of Part 2 of Division 2 of said code, to read:

Article 1.5. Suit for Tax

Recovery of unpaid tax, etc.

7861. The Controller may request the Attorney General to bring suit for the recovery of any unpaid license tax, interest, penalties, and costs.

Suit by Attorney General

7862. The Attorney General shall bring suit for any amount due and costs on the written request of the Controller and in the name of the people of the State of California in a court of competent jurisdiction in the County of Sacramento.

Effect of payment

7863. Payment of an amount to the board for and on account of the license tax and the acceptance thereof does not bar an action by the State to recover any additional amount which is actually due.

Unit of attachment

7864. In the action a writ of attachment may issue, and no bond or affidavit previous to the issuing of the attachment is required.

Certificate as evidence

7865. In the action a certificate issued by the board showing unpaid license taxes determined against any distributor shall be prima facie evidence of all of the following:

(a) The determination of the license tax, the delinquency thereof, and the amount of the license tax, interest, penalties, and costs due and unpaid to the State.

(b) The indebtedness of the distributor to the State in the amount of the license tax, interest, and penalties therein appearing unpaid.

(c) The full compliance by all persons required to perform administrative duties under this part with all the forms of law in relation to the determination and levy of the license tax.

SEC. 10. Article 2.5 (commencing at Section 7881) is added to Chapter 6 of Part 2 of Division 2 of said code, to read:

Article 2.5. Warrant for Collection of Tax

Warrant for collection

7881. The Controller or his authorized representative may issue a warrant for the collection of any tax, interest, or penalty and for the enforcement of any lien.

Same

7882. The warrant shall be directed to any sheriff, constable, or marshal and shall have the same force and effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner and with the same force and effect as a levy of and sale pursuant to a writ of execution.

Fees

7883. The Controller may pay or advance to the sheriff, marshal or constable, the same fees, commissions, and expenses for his services as are provided by law for similar services pursuant to a writ of execution. The Controller, and not the court, shall approve the fees for publication in a newspaper.

Same

7884. The fees, commissions, and expenses are the obligation of the person required to pay any amount under this

part and may be collected from him by virtue of the warrant or in any other manner provided in this part for the collection of the tax.

SEC. 11. The heading of Article 4 (commencing at Section 7916) of Chapter 6 of Part 2 of Divison 2 of said code is amended to read:

Article 4. Collection of Tax From Deposited Security

SEC. 12. Section 7916 of said code is amended to read:

Payment by State Treasurer

7916. Upon receipt of a certificate of the Controller setting forth the amount of a taxpayer's delinquencies, the State Treasurer shall pay to the Controller the amount so certified from the money deposited with him by the taxpayer or from the amounts received from the sale of bonds or other obligations deposited with the Treasurer by the taxpayer. Securities deposited with the State Treasurer which have a prevailing market price may be sold by him for the purposes of this section at private sale at a price not lower than the prevailing market price thereof.

Repeal

SEC. 13. Section 7981 of said code is repealed.

SEC. 14. Section 8126 of said code is amended to read:

Credit or refund

8126. If the board determines that any amount not required to be paid under this part has been paid by any person, the board shall set forth in its records and certify to the State Board of Control the amount collected in excess of the amount legally due and the person from whom it was collected and, if the State Board of Control approves, shall certify the amount to the Controller for credit or refund.

In the case, however, of a determination by the board that an amount not exceeding twenty-five dollars ($25) was not required to be paid under this part, the board, without obtaining the approval of the State Board of Control, may certify the amount to the Controller for credit or refund.

SEC. 15. Section 8128 of said code is amended to read:

Same Limitation

8128. No credit or refund under this article shall be allowed after three years from the first day of the second calendar month following the month for which the overpayment was made, or with respect to determinations made under Article 2 or 2.5 of Chapter 5 of this part, after six months from the dates the determinations become final, or after six months from the date of overpayment, whichever period expires the later, unless a claim therefor is filed with the board within such period. No credit shall be approved by the board after the expiration of such period unless a claim for credit is filed with the board within such period, or unless the credit relates to a period for which a waiver is given pursuant to Section 7676.

SEC. 16. Section 8147 of said code is amended to read:

Proceeding for recovery

8147. No suit or proceeding shall be maintained in any court for the recovery of any amount collected or paid under

this part unless a claim for refund or credit has been duly filed under Article 1 or 2 of this chapter.

SEC. 17. Section 8148 of said code is amended to read:

Notice of action

8148. Within 90 days after the mailing of the notice of action upon a claim for refund or credit, the claimant may bring an action against the Controller with respect to a claim under Article 1 of this chapter, or against the board with respect to a claim filed under Article 2 of this chapter on the grounds set forth in the claim in a court of competent jurisdiction in the County of Sacramento for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.

SEC. 18. Section 8149 of said code is amended to read:

Same

8149. If the board or the Controller fails to mail notice of action on a claim within six months after the claim is filed, the claimant may, prior to the mailing of notice, consider the claim disallowed and bring an action against the Controller or the board on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed.

SEC. 19. Section 8149.5 is added to said code, to read:

Waiver

8149.5. Failure to bring suit or action within the time specified in this article constitutes a waiver of all demands against the State on account of any alleged claim.

SEC. 20. Section 8191 of said code is amended to read:

Illegal determination

8191. If the board determines that any amount has been illegally determined to be due from any person, the board shall set forth in its records and certify to the State Board of Control the amount determined in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the Controller and the board.

SEC. 21. Section 8307 of said code is amended to read:

Producer's and broker's reports

8307. On or before the last day of each month, every producer and broker shall file on forms prescribed by the board a report showing such information with respect to the operations of the preceding calendar month as the board may require To facilitate the administration of this part the board may require the filing of such reports for other than monthly periods.

SEC. 22. Section 8404 is added to said code, to read:

Prosecutions

8404. Any prosecution for violation of any of the penal provisions of this part shall be instituted within three years after the commission of the offense.

Recovery of taxes

SEC. 23. Nothing contained in this act shall be construed to prevent the commencement or maintenance of any action for the recovery of taxes paid under protest prior to the date on which this act takes effect.

CHAPTER 509

An act to add Section 26502 to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to airbrakes for vehicles.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 23, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 26502 is added to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, to read:

26502. When the foot valve is fully open, final brake chamber pressure at the furthermost axle shall not be more than 10 percent below the maximum available air reservoir pressure.

CHAPTER 510

An act to add Section 670.87 to the Vehicle Code, and to add Section 26507 to the Vehicle Code as proposed by Assembly Bill No. 5, relating to airbrakes for vehicles.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 23, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 670.87 is added to the Vehicle Code, to read:

Check valve

670.87. Pneumatic System — Check Valve Required. A check valve shall be installed and properly maintained in the air supply piping of every motor vehicle equipped with airbrakes, either between the air compressor and the first reservoir or tank immediately adjacent to the air intake of said reservoir, or between No. 1 reservoir (wet tank) and No. 2 reservoir (dry tank) immediately adjacent to the air intake of the No. 2 reservoir; provided, that the air supply for the brakes is not drawn from the No. 1 reservoir and that the No. 1 and No. 2 reservoirs are connected by only one pipeline.

SEC. 2. Section 26507 is added to the Vehicle Code as proposed by Assembly Bill No. 5, to read:

Same

26507. A check valve shall be installed and properly maintained in the air supply piping of every motor vehicle equipped with airbrakes, either between the air compressor and the first reservoir or tank immediately adjacent to the air intake of said reservoir, or between No. 1 reservoir (wet tank) and No. 2 reservoir (dry tank) immediately adjacent to the air intake of the No. 2 reservoir; provided, that the air supply

for the brakes is not drawn from the No. 1 reservoir and that the No. 1 and No. 2 reservoirs are connected by only one pipeline.

Effect. Stats 1959, Ch 3

SEC. 3. Section 2 of this act becomes operative only if the Vehicle Code as proposed by Assembly Bill No. 5 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said code takes effect, at which time Section 670.87 of the Vehicle Code adopted in 1935 is repealed.

CHAPTER 511

An act to amend Section 160.6 of the Agricultural Code, relating to licenses for pest control.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 23, 1959.]

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

SECTION 1. Section 160.6 of the Agricultural Code is amended to read:

160.6. It is unlawful to operate any aircraft in the business of pest control unless the pilot operating the aircraft holds (a) a valid certificate of qualification issued by the director or (b) a valid apprentice certificate issued by the director. A fee of twenty-five dollars ($25) shall accompany each application for each such certificate.

Before a certificate of qualification may be issued, the applicant shall pass an examination to demonstrate to the director his ability to conduct pest control operations, and his knowledge of the nature and effect of materials used in pest control. Certificates of qualification issued to successful candidates shall disclose therein in which of three general classes of pest control operations, to wit: the use of herbicides and defoliants, the use of pesticides other than herbicides and defoliants (dust) and the use of pesticides other than herbicides and defoliants (liquid), the applicant is qualified and the holder of a certificate of qualification shall only be authorized to conduct those pest control operations in which he is found qualified.

No certificate of qualification shall be issued to any applicant, other than the holder of a valid apprentice certificate, who has not had in effect a valid certificate of qualification issued to him by the director within the previous two calendar years.

No certificate of qualification shall be issued to the holder of an apprentice certificate until he shall have served as an apprentice pursuant to a certificate issued under the provision of this chapter for one year and until he shall present to the director satisfactory documentary proof consisting of a certified statement by a licensed agricultural aircraft operator of his completion of not less than one hundred fifty (150) hours

of operation of fixed-wing aircraft or fifty (50) hours of operation of nonfixed-wing aircraft within the past two calendar years in agricultural pest control activities.

In the case of applicants for apprentice certificate, the examination shall be designed to demonstrate the candidate's ability to conduct the specific pest control operations listed in his application. Successful candidates for apprentice certificates shall be authorized to conduct only the specific kinds of pest control operations for which they are found to be qualified and such operations shall be listed on their apprentice certificates.

The applicant for an apprentice certificate shall satisfy the director, through documentary evidence or other suitable information, that he will be employed by a person holding a license currently in effect and that he will be employed under the direct and personal supervision of a person holding a valid certificate of qualification. All certificates issued after the effective date of this section shall expire on the last day of the calendar year for which they were issued. Certificates may be renewed upon application to the director, accompanied by a renewal fee of five dollars ($5), within the calendar year next following the date of expiration.

The director may refuse to issue such certificate or renewal of certificate to any pilot, and may revoke or suspend the certificate of any pilot when, after a hearing, he is satisfied that the pilot is not qualified to conduct pest control operations or has violated any of the provisions of this chapter, or rules or regulations issued hereunder, or has failed or refused to comply with any lawful order of the commissioner or the director.

It is unlawful for the holder of an apprentice certificate to conduct pest control operations in accordance with the provisions of his certificate unless he is employed under the direct and personal supervision of a person holding a valid certificate of qualification.

In the event the holder of a valid certificate of qualification or a valid apprentice certificate shall be called to active duty as a member of the Armed Forces of the United States of America, the holder, upon the termination of such active duty, shall be entitled to renewal of such certificate, notwithstanding any other provisions of this section, upon application to the director and payment of the renewal fee; provided, that such holder shall not be entitled to renewal of a certificate of qualification until he shall have demonstrated to the director his ability to conduct pest control operations and his knowledge of the nature and effect of materials used in pest control.

CHAPTER 512

An act to amend Sections 194, 194.1 and 194.2 of the Streets and Highways Code and Section 11005 of the Revenue and Taxation Code, relating to municipal population determinations.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 23, 1959.]

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

SECTION 1. Section 194 of the Streets and Highways Code is amended to read:

Allocation

194. The commission shall allocate annually, and the department shall expend or cause to be expended within the cities and cities and counties of this State, from the State Highway Fund, the amount transferred to the State Highway Fund from the Highway Users Tax Fund for expenditure in cities, as provided in Section 2107.

Such expenditures shall be made within each city, including city and county, in the proportion that the total population of such city bears to the total population of all cities in this State. For the purpose of this section the population in each city is that determined by the last preceding federal census. In the case of a city incorporated subsequent to the last census, or in the case of inhabited unincorporated territory being annexed to a city subsequent to the last census, the department shall ascertain the population of the city, or of the annexed territory, by multiplying the number of registered electors therein by three. In the case of uninhabited unincorporated territory being annexed to a city subsequent to the last census, the department shall ascertain the population of the annexed territory, by multiplying the number of registered electors therein by three two years after the completion of annexation proceedings or at such earlier time as the legislative body may request.

SEC. 2. Section 194.1 of said code is amended to read:

Special census by Federal Government

194.1. Any city or city and county whose population has been increased substantially since the last federal census may apply to the United States Bureau of Census to determine the increase in population. Upon receipt from the bureau of its determination of population, the city or city and county shall file a certified copy of the determination with the department and the Controller.

All allocations under Section 194 and all payments under Section 11005 of the Revenue and Taxation Code for any allocation subsequent to the filing of the determination shall be based upon the population so determined. The respective departments in making the computations required by these sections shall add to the total population of all cities and cities and counties all increases of population shown by the determination over the population of the last federal census. For

the purposes of this paragraph, a written or telegraphic certification from the Director of the Census to the department and the Controller of the determination of population may be accepted by the department and the Controller in lieu of the filing by the city or city and county of the certified copy of the determination.

The cost of any investigation by the United States Bureau of Census is a proper charge against the city or city and county applying therefor and shall be paid by it to the bureau.

After January 1, 1960, no city or city and county may apply to the United States Bureau of Census to determine the increase in population more than twice in a period between decennial censuses.

This section does not apply to counties.

SEC. 3. Section 194.2 of said code is amended to read:

Special census by Department of Finance

194.2 On and after July 1, 1958, any city or city and county whose population has been increased substantially since the last federal census may apply to the Department of Finance to estimate the increase in population. The department may make the estimate if in the opinion of the department there is available adequate information upon which to base the estimate. Upon completion of the estimate, the Department of Finance shall file a certified copy thereof with the department and the Controller.

All allocations under Section 194 and all payments under Section 11005 of the Revenue and Taxation Code for any allocation subsequent to the filing of the estimate shall be based upon the population so estimated if the increase in population is 5 percent or more of the population as determined by the last federal census. The respective departments, in making the computations required by these sections, shall add to the total population of all cities and cities and counties all increases of population shown by the estimate.

The Department of Finance may assess a reasonable charge, not to exceed the actual cost thereof, for the preparation of population estimates pursuant to this section, which is a proper charge against the city or city and county applying therefor. The amount received shall be deposited in the State Treasury as a reimbursement to be credited to the appropriation from which the expenditure is made.

No population estimates shall be made between April 1, 1960, and the release of the 1960 federal census figures by the United States Bureau of Census. Subsequent to the release of the 1960 federal census figures, population estimates conducted pursuant to this section shall not be applied for more frequently than once in every calendar year.

The 5 percent limitation contained in the second paragraph of this section shall not apply to estimates made subsequent to the 1960 federal census.

This section does not apply to counties.

SEC. 4. Section 11005 of the Revenue and Taxation Code is amended to read:

Disbursements

11005. The balance of all motor vehicle license fees and any other money deposited, in accordance with law, in the Motor Vehicle License Fee Fund and remaining unexpended therein at the close of business on the last day of the calendar month immediately preceding the month in which such balance is required to be disbursed under the provisions of this section, after payment of refunds therefrom and after making the deductions authorized by Sections 11003 and 11004 shall, on order of the Controller, be disbursed during the months of December and June of each fiscal year as follows:

(a) Fifty percent thereof shall be paid to the cities and cities and counties of this State in the proportion that the population of each city or city and county bears to the total population of all cities and cities and counties in this State, as determined by the Controller. For the purpose of this subdivision the population of each city or city and county is that determined by the last federal census. In the case of a city incorporated subsequent to the last census, or in the case of an inhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the city or the annexed territory by multiplying the number of registered electors therein by three. In the case of uninhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the annexed territory, by multiplying the number of registered electors therein by three two years after the completion of annexation proceedings or at such earlier time as the legislative body may request. In the case of the consolidation of one city with another subsequent to the last census the population of the consolidated city for the purpose of this subdivision is the aggregate population of the respective cities as determined by the last federal census.

The money so paid shall be expended by the cities and cities and counties for law enforcement, the regulation and control and fire protection of highway traffic, and any other state purpose.

(b) Fifty percent thereof shall be paid to the counties and cities and counties of the State in the proportion that the population of each county or city and county bears to the total population of all the counties and cities and counties of the State, as determined by the Controller. For the purpose of this subdivision the population of each county or city and county is that determined by the last federal census.

(c) The Controller, during the month of April, may advance 75 percent of such balance he estimates shall be disbursed to each city, county, and city and county during the month of June of each fiscal year pursuant to this section.

CHAPTER 513

An act to amend Section 2286 of the Business and Professions Code, relating to the healing arts.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 23, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2286 of the Business and Professions Code is amended to read:

2286. There shall be at least 10 questions on each subject included in the examination for each certificate. The answers to the questions shall be marked on a scale of 0 to 100. Each applicant shall obtain not less than a general average of 75 percent and not less than 60 percent in any two subjects.

CHAPTER 514

An act to amend Section 2216 of the Business and Professions Code, relating to the healing arts.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 23, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2216 of the Business and Professions Code is amended to read:

2216. If it appears to the satisfaction of the board that the applicant was commissioned in the United States Army, Navy, Public Health Service, or any service in the Armed Forces of the United States as defined in Section 2210 of this code, the board shall require the applicant to pass the physician's and surgeon's examination before a certificate may be issued.

CHAPTER 515

An act to amend Section 12606 of the Business and Professions Code, relating to weights and measures.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 23, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 12606 of the Business and Professions Code is amended to read:

12606. Whenever any commodities are sold in containers, the net quantity of the contents of the container shall be plainly and conspicuously marked, branded, or otherwise

indicated on the side or top thereof or on a label or tag attached thereto. The provisions of this section do not apply:

(a) To containers while being used for the delivery of a food which, in accordance with the practice of the trade, is to be processed, labeled, packed or repacked on premises other than where originally placed in such containers.

(b) To transparent wrappings, devoid of any words, letters or numerals, used as a means of protecting the commodity, when the weight or count of the contents, or any portion thereof, is accurately determined at time of, and for the immediate purpose of, sale.

(c) To an unlidded container when the weight of the contents, or any portion thereof, can be accurately determined at the time of, and for the immediate purpose of sale, by the seller at the request of the buyer, on a weighing device installed for the purpose on the premises of the seller and sealed in accordance with the provisions of this division.

(d) To an unlidded container when the count of the contents, or any portion thereof, is accurately determined at time of, and for the immediate purpose of, sale.

(e) To containers of fruits and vegetables, when the quantity is expressed in terms of count as required by the provisions of Chapter 2 (commencing at Section 781), Division 5 of the Agricultural Code, and the count is accurate with no tolerance below the actual count allowed.

CHAPTER 516

An act to amend Sections 2808, 3357, 3718, 3795, 4104.5, 4105.2, 4106, 4150, 4217, 4803 and 4834.5 of the Revenue and Taxation Code, and to repeal Sections 568 and 4152 thereof, relating to property taxation.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 23, 1959.]

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

Repeal

SECTION 1. Section 568 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 2808 of said code is amended to read:

Valuations

2808. The assessor shall transmit the valuations to the auditor, who shall enter the descriptions and the separate valuations on the roll as part of the original assessment, and shall compute the taxes due thereon.

SEC. 3. Section 3357 of said code is amended to read:

Affidavit

3357. Immediately after the publication is completed, the tax collector shall file with the county recorder a copy of the publication and an attached affidavit. This affidavit is prima facie evidence of the facts stated. The affidavit shall show:

(a) That it is affixed to a true copy of the publication.

(b) The manner of publication.

(c) If the publication was in a newspaper, its name and place of publication and the date of each appearance.

(d) If not published in a newspaper, the places of posting.

SEC. 4 Section 3718 of said code is amended to read:

Deposit and report

3718. The tax collector shall deposit the money received from the sale like tax collections and shall immediately transmit a report of sale to the county treasurer and a duplicate of the report to the county auditor. The report shall show:

(a) The cost of advertising the sale.

(b) The sums received for individual parcels.

(c) Identification of the parcels by year, page and number of the delinquent and current roll.

(d) The cost of recording the deeds.

SEC. 5. Section 3795 of said code is amended to read:

Copies

3795. As many executed copies of the agreement as there are parties to it and two additional executed copies shall be submitted to the Controller. If he does not approve the agreement, he shall return a copy of it to each party with a statement of his objections to it, and thereafter a new or modified agreement may be made. If the Controller approves the agreement, he shall sign each executed copy, return one signed copy to each party, one copy to the tax collector, and keep one executed copy on file in his office.

SEC. 6. Section 4104.5 of said code is amended to read:

Surrender of records

4104.5. Whenever the powers and duties of the redemption officer are transferred pursuant to law from one county officer to a different county officer, the abstract list, all secured rolls, delinquent rolls, indexes, and any other records necessary to or intended for the proper performance of the duties of redemption officer shall be surrendered by the officer having custody thereof to the officer becoming the redemption officer.

At the time of the transfer the auditor shall charge the redemption officer with all unpaid taxes on the delinquent rolls or abstract list.

SEC. 7. Section 4105.2 of said code is amended to read:

Certificate of redemption

4105.2. Upon redemption, the redemption officer shall issue certificates of redemption in the required number of copies which, with the approval of the Controller as to form, shall show:

(a) The year of sale and number.

(b) A description of the property.

(c) In detail, the amounts to be paid.

(d) The name of the person making the payment.

(e) The date of redemption.

SEC. 8. Section 4106 of said code is amended to read:

Delivery and receipt

4106. Unless the redemption officer is the tax collector, the certificates, with the money, shall be delivered to the county treasurer, who shall receipt each certificate.

If the redemption officer is the tax collector, the money shall be delivered to him and he shall receipt each certificate.

In either case, one certificate shall be given to the person making payment; one, shall be transmitted to the Controller; and one, shall remain in the redemption officer's office.

Upon request of the assessor or the auditor, an additional certificate shall be made. Unless the tax collector is the redemption officer, the redemption officer shall report the redemption to the tax collector.

SEC. 9. Section 4150 of said code is amended to read:

Redemption

4150. In all other respects, the redemption shall be made in the ordinary manner.

Repeal

SEC. 10. Section 4152 of said code is repealed.

SEC. 11. Section 4217 of the said code is amended to read:

Installment payment of delinquent taxes

4217. Any person may elect to pay delinquent taxes in installments under this article at any time prior to the deed to the State, except that if payment of delinquent taxes in installments is started under this article and the amount required to be paid in any fiscal year is not paid as required by this article, payments may not again be started under this article until July 1st of the second succeeding fiscal year after that in which such default occurs.

SEC. 12. Section 4803 of said code is amended to read:

Notice

4803 When any sale to the State, certificate of sale, redemption certificate, or deed to the State, is canceled or corrected under this part, the redemption officer shall immediately notify the Controller of the fact.

SEC. 13. Section 4834.5 of said code is amended to read:

Clerical errors

4834.5. Clerical errors on the delinquent roll may be corrected by the redemption officer with the written consent of the district attorney, at any time before the State has disposed of the property. If the property has been tax deeded, a new or amended deed to the State shall be issued pursuant to Section 4839. This section shall be construed as an additional procedure to that set forth in Sections 4946 to 4948, inclusive, of this code.

CHAPTER 517

An act to amend Section 4002 of the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, relating to violation of registration requirements.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 23, 1959.]

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

SECTION 1. Section 4002 of the Vehicle Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

4002. When moved or operated under a permit issued by the department, registration is not required of:

(a) A vehicle not previously registered while being moved or operated from a dealer's, distributor's, or manufacturer's

place of business to a place where essential parts of the vehicle are to be altered or supplied.

(b) A vehicle while being moved from a place of storage to another place of storage.

(c) A vehicle which has been disabled as the result of an accident, while being moved for the purpose of repairs.

(d) A vehicle while being moved or operated for the purpose of dismantling or wrecking the same and permanently removing it from the highways.

CHAPTER 518

An act to amend Sections 819, 828.65, and 829.45 of the Agricultural Code, relating to containers.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 23, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 819 of the Agricultural Code is amended to read:

Sweet potatoes

819. Sweet potatoes shall be free from mold, decay, and soft and wet rots; and free from serious damage due to a corky condition in the flesh, insect injury, bruises, growth cracks, or other disease, freezing, grass roots, or other causes. Damage to any one sweet potato is not serious unless it causes a waste of 10 percent, by weight, of the individual potato.

Not more than 10 percent, by weight, of the sweet potatoes in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause and not to exceed 2 percent shall be allowed for sweet potatoes affected by soft and wet rots.

All containers of sweet potatoes except consumer size units holding 10 pounds or less, shall bear upon them in plain sight and in plain letters on one outside end of each box, lug or carton and either on one side or the top cover of each basket or other similar container, the name of the person who first packed or authorized the packing of the sweet potatoes, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

All sweet potatoes when in containers which are closed must be in standard containers numbers 27, 47, 48, 48A, 48B, and 50A. The container requirements of this section shall not apply to sweet potatoes in containers which are not closed or in sacks.

SEC. 2. Section 828.65 of said code is amended to read:

Containers

828.65.	46	Standard cauliflower crate	$8\frac{1}{2}$	18	$21\frac{5}{8}$
	47	Sweet potato container	$11\frac{1}{2}$	$10\frac{11}{16}$	$16\frac{3}{8}$
	48	Sweet potato container	10	11	$16\frac{3}{4}$
	48A	Sweet potato box	$10\frac{1}{2}$	$11\frac{1}{2}$	18
	48B	Three-fourths sweet potato container	$7\frac{1}{4}$	11	$16\frac{3}{4}$

SEC. 3. Section 829.45 of said code is amended to read:

Same

829.45. 17 Sweet potatoes, numbers 27, 47, 48, 48A, 48B, and 50A.

18. Tomatoes, number 27.

19. Asparagus, numbers 51 and 52.

CHAPTER 519

An act to amend Sections 3.6, 3.9 and 4.24 of the Los Angeles Metropolitan Transit Authority Act of 1957 (Chapter 547, Statutes 1957), relating to the Los Angeles Metropolitan Transit Authority.

In effect September 18 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 23, 1959.]

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

SECTION 1. Section 3.6 of the Los Angeles Metropolitan Transit Authority Act of 1957 is amended to read:

Sec. 3.6. (a) The authority shall appoint a chairman, who shall be a member of the authority, and shall also appoint a secretary and a treasurer. The authority may also appoint a vice chairman from its members, said vice chairman to act as chairman in the absence or inability of the chairman. The secretary may be a member of the authority. The treasurer shall not be a member of the authority. The authority may appoint an executive director, who may be a member of the authority, and who shall be a man of recognized ability and experience, to hold office during the pleasure of the authority. Subject to the general control of the authority, to the requirements and restrictions of any indenture under which bonds are at any time outstanding, and to the provisions of any contract for superintendence authorized by subdivision (b) of Section 3.6, the executive director shall have management of the properties and business of the authority and the employees thereof, shall direct the enforcement of all resolutions, rules and regulations of the authority, and shall perform such other duties as may be prescribed from time to time by the authority. The authority may appoint a general attorney and a chief engineer, and shall appoint or provide for the appointment of other officers, attorneys, engineers, consultants, agents and employees as may be necessary for any purpose of the authority, including, but not limited to, engineering and other studies and the acquisition, construction, extension, operation, maintenance, and policing of the system, and may contract with any thereof and with the executive director, but no such contract shall be for a term of longer than 10 years. It shall define their duties and require bonds of such of them as the authority may designate. The compensation of the executive director, general attorney, chief engineer, and all other officers, attorneys, consultants, agents and employees shall be fixed by the authority,

and such compensation shall be paid out of funds of the authority available for that purpose. The authority may employ a fiscal agent or adviser and may retain the services of such agents as may be deemed advisable to assist in the sale and distribution of the authority's bonds or the underwriting thereof. The consent of the Department of Finance shall not be required in carrying out the provisions of this Section 3.6.

(b) The authority may to the extent permitted by the Constitution of the State of California, make a contract for superintendence with any corporation (sometimes in this act referred to as the superintending corporation) which has executive personnel with experience and skill applicable to the superintendence of the operation and maintenance of any part of the system for the furnishing of its services and the services of experienced and qualified personnel for the superintendence of the operation and maintenance of the system or any part thereof, including, without limiting the generality of the foregoing, superintendence over personnel, purchases, properties and operations and matters relating thereto, and any revenue bond indenture may require such contract. The personnel whose services are so furnished under such contract shall not include the executive director or general attorney. No such contract shall extend beyond the term of 10 years or such longer time as there are outstanding any revenue bonds under an indenture which requires such contract. In any such contract with a corporation for superintending services, the duties of such corporation shall be designated. Neither such contract, nor the corporation which is a party thereto with respect to its rights and duties thereunder, shall be subject to control or regulation by the Public Utilities Commission or by any political subdivision of the State of California other than by the authority as provided in such contract.

(c) Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection. It is declared to be in the public interest that the authority shall not express any preference for one union over another Notwithstanding any other provision of this act, whenever a majority of the employees employed by the authority in a unit appropriate for collective bargaining indicate a desire to be represented by a labor organization, the authority, upon determining as provided in subdivision (d) of this section that such labor organization represents the employees in the appropriate unit, shall enter into a written contract with the accredited representative of such employees governing wages, salaries, hours and working conditions. In case of a dispute over wages, salaries, hours or working conditions, which is not resolved by negotiations in good faith between the authority and the labor organization, upon the agreement of both, the authority and the labor organization may submit said dispute to the decision of the majority

of an arbitration board, and the decision of the majority of such arbitration board shall be final. The arbitration board shall be composed of two representatives of the authority, and two representatives of the labor organization, and they shall endeavor to agree upon the selection of the fifth member. If they are unable to agree, the names of five persons experienced in labor arbitration shall be obtained from the Supervisor of Conciliation of the Division of Conciliation, Department of Industrial Relations The labor organization and the authority shall, alternately, strike a name from the list so supplied, and the name remaining after the labor organization and the authority have stricken four names, shall be designated as the arbitrator. The labor organization and the authority shall determine by lot who shall first strike from the list. The decision of a majority of the arbitration board shall be final and binding upon the parties thereto. The expenses of arbitration shall be borne equally by the parties. Each party shall bear his own costs.

No contract or agreement shall be made with any labor organization, association, group, or individual, or be assumed under the provisions of this section, where such organization, association, group, or individual denies membership to or in any manner discriminates against any employee on the grounds of race, creed, color or sex; provided, that such organization may preclude from membership any individual who advocates the overthrow of the Government by force or violence. The authority shall not discriminate in regard to employment against any person because of his race, creed, or color.

(d) If there is a question whether a labor organization represents a majority of employees or whether the proposed unit is or is not appropriate, such matters shall be submitted to the State Conciliation Service for disposition. The State Conciliation Service shall promptly hold a public hearing after due notice to all interested parties and shall thereupon determine the unit or units appropriate for the purposes of collective bargaining. In making such determination and in establishing rules and regulations governing petitions, the conduct of hearings and elections, the State Conciliation Service shall be guided by relevant federal law and administrative practice, including but not limited to the self-determination rights accorded crafts or classes in the Labor Management Relations Act, 1947, and the Railway Labor Act.

The State Conciliation Service shall provide for an election to determine the question of representation and shall certify the results to the parties. Any certification of a labor organization to represent or act for the employees in any collective bargaining unit shall not be subject to challenge on the grounds that a new substantial question of representation within such collective bargaining unit exists until the lapse of one year from the date of certification or the expiration of any collective bargaining agreement, whichever is later; pro-

vided, that no collective bargaining agreement shall be construed to be a bar to representation proceedings for a period of more than two years.

(e) Whenever the authority acquires existing facilities from a publicly or privately owned public utility, either in proceedings by eminent domain or otherwise, the authority shall assume and observe all existing labor contracts. To the extent necessary for operation of facilities, all of the employees of such acquired public utility whose duties pertain to the facilities acquired shall be appointed to comparable positions in the authority without examination, subject to all the rights and benefits of this act, and these employees shall be given sick leave, seniority, vacation and pension credits in accordance with the records and labor agreements of the acquired public utility. Members and beneficiaries of any pension or retirement system or other benefits established by that public utility shall continue to have the rights, privileges, benefits, obligations and status with respect to such established system. No employees of any acquired public utility shall suffer any worsening of his wages, seniority, pension, vacation or other benefits by reason of the acquisition.

The authority may extend the benefits of this section to officers or supervisory employees of the acquired utility.

(f) The authority shall not acquire any existing system or part thereof whether by purchase, lease, condemnation, or otherwise, nor shall the authority dispose of or lease any transit system or part thereof, nor merge, consolidate or coordinate any transit system or part thereof, nor substitute any type of equipment on any system or part thereof for the then existing equipment, or reduce or limit the lines or service of any existing system or of its system unless it shall first have made adequate provision for any employees who are or may be displaced, or whose wages, hours, place, or conditions of employment are or may be adversely affected. The terms and conditions of such provisions shall be a proper subject of collective bargaining with the labor organizations that represent such employees. In the event that at the time the authority acquires a system or part thereof, and former or furloughed employees of such system are at that time entitled to protection under a collective bargaining agreement or an order of the Public Utilities Commission or other public agency, the authority shall provide for the continuation of such protection for the period of the agreement or order

(g) Notwithstanding the provisions of the Government Code, employees of the authority may authorize and, upon such authorization, the authority may make deductions from wages and salaries of such employees:

(1) Pursuant to a collective bargaining agreement with a duly designated or certified labor organization for the payment of union dues, fees, or assessments.

(2) For the payment of contributions pursuant to any health and welfare plan or pension or retirement plan.

(3) For any purpose for which deductions may be authorized by employees of any private employer.

(h) The obligation of the authority to bargain in good faith with a duly designated or certified labor organization and to execute a written collective bargaining agreement with such labor organization covering the wages, hours and working conditions of the employees represented by such labor organization in an appropriate unit, and to comply with the terms thereof shall not be limited or restricted by the provisions of the Government Code or other laws or statutes and the obligation of the authority to bargain collectively shall extend to all subjects of collective bargaining which are or may be proper subjects of collective bargaining with a private employer. Notwithstanding the provisions of the Government Code or other laws or statutes, the authority shall make deductions from wages and salaries of its employees upon receipt of authorization therefor for the payment of union dues, fees or assessments, for the payment of contributions pursuant to any health and welfare plan or pension plan or for any other purpose for which deductions may be authorized by employees of any private employer, where such deductions are pursuant to a collective bargaining agreement with a duly designated or certified labor organization.

SEC. 2. Section 3.9 of said act is amended to read:

Sec. 3.9. The authority shall be subject to Chapter 9 (commencing at Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 3. Section 4.24 of said act is amended to read:

Sec. 4.24. The authority may provide for a retirement system; provided, that the adoption, terms and conditions of any retirement system covering employees of the authority represented by a labor organization in accordance with Section 3.6 shall be pursuant to a collective bargaining agreement between such labor organization and the authority.

CHAPTER 520

An act to amend Sections 84 and 89 of, and to add Sections 82.5, 82.6, 92 and 93 to the Elections Code, relating to presidential voting for new residents.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 23, 1959.]

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

SECTION 1. Section 82.5 is added to the Elections Code, to read:

Blank affidavits of registration

82.5. The county clerk shall have blank affidavits of registration prepared for new residents containing the information

required in Section 230, excepting the provisions relating to state and county residence. The affidavit shall be printed with the caption "New Resident" immediately below the heading "Affidavit of Registration." No duplicate copy of the registration shall be required.

SEC. 2. Section 82.6 is added to said code, to read:

Registration of new residents

82.6. Registration for new residents shall be in progress beginning on the ninetieth and ending on the fifty-fourth day prior to the presidential election.

New residents shall register in the office of the county clerk. If an elector, under the provisions of this chapter, is unable to appear in the office of the clerk he may, if he is within the county, apply in writing and obtain from the county clerk a blank affidavit of registration. He shall then appear before a notary public and make an affidavit of registration.

SEC. 3. Section 84 of said code is amended to read:

Application for ballot

84. Application for a ballot shall be made by a new resident, in person, in the office of the county clerk of the county in which he resides not earlier than five days nor later than one day prior to the election. At the time of making application, the applicant shall submit to the county clerk, upon a form provided by the county clerk, a certified statement from the county clerk, or equivalent official, of his former residence to the effect that the applicant was a qualified voter in the other state immediately prior to his removal to this State or that he would have been qualified to vote in the presidential election had he remained in such other state, and that he has not applied for an absent voter's ballot from that state.

SEC. 4. Section 89 of said code is amended to read:

List

89. The county clerk shall keep open to public inspection a list of all persons who have voted as new residents with the name, address, and application date of each such voter. Such lists shall be preserved for a period of four years from the date of the election.

SEC. 5. Section 92 is added to said code, to read:

Cancellation of registration

92. After the completion of the official canvass and not later than the first day of the following January, the county clerk shall cancel all registrations of new residents. The county clerk shall mail a notice to each person at the address given on the registration stating that "your registration as a voter for presidential electors has been canceled this day and before you shall again be entitled to vote, you will be required to register as provided by law, when you have met the requirements of voters entitled to vote at elections other than presidential elections.

SEC. 6. Section 93 is added to said code, to read:

Canceled affidavits

93. The county clerk shall preserve the canceled affidavits of registration as required in Section 330.5.

CHAPTER 521

An act to amend Section 653 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to county boards of education.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 23, 1959.]

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

SECTION 1. Section 653 of the Education Code is amended to read:

653. County boards of education may:

(a) Adopt rules and regulations governing the administration of the office of the county superintendent of schools.

(b) Review the county superintendent of schools annual itemized estimate of anticipated revenue and expenditures before such annual itemized estimate is filed with the auditor as required by Section 29040 of the Government Code and make such revisions, reductions or additions therein that it deems advisable and proper. No such itemized estimate shall be filed by the county superintendent of schools or be approved by the board of supervisors until it has first been so reviewed and approved by the county board of education.

CHAPTER 522

An act to add Section 34315.5 to the Health and Safety Code, relating to housing authorities.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 34315.5 is added to the Health and Safety Code, to read:

34315.5. An authority may transfer real property not needed by the authority to a fire protection district for fire protection purposes without consideration if the board determines that such transfer is necessary or desirable to effectuate the purposes of the authority.

CHAPTER 523

An act to amend Sections 1781 and 1782 of the Education Code as enacted at the 1959 Regular Session, relating to the annexation, to school districts, of territory not in an elementary or high school district.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1781 of the Education Code as enacted at the 1959 Regular Session is amended to read:

Annexation recommendation

1781. Whenever any territory within a county is listed in the Annual Report of Assessed Valuation and Tax Rates as territory not included within the boundaries of both an elementary school district and a high school district, the Committee on School District Organization may recommend to the board of supervisors of the county in which such territory is located between July 1st and August 31st, that such territory be annexed to one or more adjoining school districts as the board of supervisors considers most convenient and proper.

SEC. 2. Section 1782 of said code is amended to read:

Action on recommendation

1782. Upon receipt of the recommendation of the report of the Committee on School District Organization, the board of supervisors may set a date of hearing and may give notice thereof as provided in Sections 1811 to 1816, inclusive.

CHAPTER 524

An act to amend Section 24074 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 24074 of the Business and Professions Code is amended to read:

24074. Before the filing of such a transfer application with the department, if the intended transfer of the business or license involves a purchase price or consideration, the licensee and the intended transferee shall establish an escrow with some person, corporation, or association not a party to the transfer acting as escrow holder, and the intended transferee shall deposit with the escrow holder the full amount of the purchase price or consideration. The licensee and intended transferee shall also enter into an agreement, which agreement shall be deposited with the escrow holder, directing the escrow holder, out of the purchase price or consideration, to pay the claims of the bona fide creditors of the licensee who

file their claims with the escrow holder before the escrow holder is notified by the department of its approval of the transfer of the license or if the purchase price or consideration is not sufficient to pay the claims in full, to distribute the consideration pro rata to the creditors of the licensee. The agreement shall also provide that the escrow holder shall make the payment or distribution within a reasonable time after the completion of the transfer of the license.

CHAPTER 525

An act to amend Section 631 of the Code of Civil Procedure, relating to waiver of jury trial.

In effect September 18 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 631 of the Code of Civil Procedure is amended to read:

631. Trial by jury may be waived by the several parties to an issue of fact in manner following:

1. By failing to appear at the trial;
2. By written consent filed with the clerk or judge;
3. By oral consent, in open court, entered in the minutes or docket;
4. By failing to announce that a jury is required, at the time the cause is first set upon the trial calendar if it be set upon notice or stipulation, or within five days after notice of setting if it be set without notice or stipulation; provided, that in justice courts such waiver may be made by failure of either party to demand a jury within two days after service upon him of the notice provided for in Section 594 of this code; provided further, that in any superior court action if a jury is demanded by either party in the memorandum to set cause for trial and such party thereafter by announcement or by operation of law waives a trial by jury, then in said event any and all adverse party or parties shall be given 10 days' written notice by the clerk of the court of such waiver, whereupon, notwithstanding any rule of the court to the contrary, such adverse party or parties shall have not exceeding five days immediately following the receipt of such notice of waiver, within which to file and serve a demand for a trial by jury and deposit advance jury fees for the first day's trial whenever such deposit is required by rule of court, and if it is impossible for the clerk of the court to give such 10 days' notice by reason of the trial date, or if for any cause said notice is not given, the trial of said action shall be continued by the court for a sufficient length of time to enable the giving of such notice by the clerk of the court to such adverse party.

Regardless of anything contained in the foregoing to the contrary, the court may in its discretion, upon such terms as may be just, allow a trial by jury to be had, although there has been a waiver of such a trial.

5. By failing to deposit with the clerk, or judge, a sum equal to the amount of one day's jury fees payable under the law, as provided herein. In justice courts such deposit must be made two days prior to the date set for trial or prior to the date to which the trial has been postponed because of the demand for a jury trial; in other courts such deposit must be made 14 days prior to the date set for trial.

6. By failing to deposit with the clerk or judge, promptly after the impanelment of the jury, a sum equal to the mileage or transportation (if any be allowed by law) of the jury accrued up to that time;

7. By failing to deposit with the clerk or judge, at the beginning of the second and each succeeding day's session a sum equal to one day's fees of the jury, and the mileage or transportation, if any there be.

The court may, in its discretion upon such terms as may be just, allow a trial by jury to be had although there has been a waiver of such a trial.

CHAPTER 526

An act to amend Sections 4999, 5000, 5003, and 5004 of the Water Code, relating to recordation of water extractions and diversions.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 4999 of the Water Code is amended to read:

4999. The Legislature finds and declares that by reason of the combination of light rainfall, concentrated population, the transition of considerable areas of land from agricultural use to urban use, and a similar dependence on ground water supplies which prevails in the Counties of Riverside, San Bernardino, Los Angeles, and Ventura, together with the fact that most such underground water supplies are overdrawn, it is necessary that the provisions of this part apply to said counties only. Declaration

SEC. 2. Section 5000 of said code is amended to read:

5000. As used in this Part 5, the following terms shall have the respective meanings stated below, viz: Definitions

(a) "Ground water" means water beneath the surface of the ground whether or not flowing through known and definite channels.

(b) "Surface water" means water on the surface of the ground.

(c) "Four counties" means the Counties of Riverside, San Bernardino, Los Angeles, and Ventura.

(d) 'Person" means all persons whether natural or artificial, including the United States of America, the State of California, and all political subdivisions, districts, municipalities and public agencies of or in either the State or the United States.

(e) "Sources" means any point of diversion or extraction of water and includes among other things wells, tunnels, and headworks.

SEC. 3. Section 5003 of said code is amended to read:

"Notice of extraction and diversion of water"

5003. No prescriptive right which might otherwise accrue to extract ground water shall arise or accrue to, nor shall any statute of limitations operate in regard to such ground water in the four counties or any of them after the year 1956 in favor of any person required to file such notice of extraction and diversion of water, until such person shall file with the board the first "Notice of Extraction and Diversion of Water" substantially in the form mentioned in Section 5002; and as to each person who fails to file such notice by the end of the year 1957, it shall be deemed for the period from that time until the first notice of such person is filed, that no claim of right to the extraction of ground water from any such source in the four counties has been made by such person, and that water so extracted by such person from such ground water source during such period has not been devoted to or used for any beneficial use. The beneficial use of water from any ground water source within the four counties in any year by such person shall be deemed not to exceed the quantity reported in the notice filed for such year.

SEC. 4. Section 5004 of said code is amended to read:

Same: Failure to file

5004. After the year 1959, failure to file with the board a notice for any calendar year within six months after the close of such calendar year shall be deemed equivalent for all purposes to nonuse for such year of any ground water within the four counties by each person failing to so file a notice within said period; provided, that this section and Section 5003 shall not apply to any person whose aggregate extractions of ground water in any year does not exceed 25 acre-feet nor to any extractions of ground water with respect to which no notice is required to be filed under this part.

CHAPTER 527

An act to amend Section 1269b of the Penal Code, relating to bail and deposits instead of bail.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 1269b of the Penal Code is amended to read:

1269b. The officer in charge of a jail wherein an arrested person is held in custody and the clerk of the justice or municipal court of the judicial district in which the offense was alleged to have been committed and the clerk of the superior court in which the case against the defendant is pending shall have authority to approve and accept bail in such amount as fixed by the warrant of arrest or schedule of bail or order admitting to bail in cash or surety bond executed by a certified, admitted surety insurer as provided in the Insurance Code, to issue and sign an order for the release of the arrested person, and to set a time and place for the appearance of the arrested person before the appropriate court and give notice thereof, as follows:

(a) For appearance before the court of an arrested person who has been arrested for having committed a misdemeanor and is being held in custody prior to the filing of a formal complaint, and for appearance before the court of a defendant charged with a misdemeanor by a formal complaint filed in the court. If a defendant has appeared before a judge of the court on the charge contained in the complaint the bail shall be in the amount fixed by such judge at the time of such appearance; if no such appearance has been made the bail shall be in the amount fixed in the warrant of arrest or, if no warrant of arrest has been issued, the amount of bail shall be pursuant to a schedule of bail in such case previously fixed and approved by the judge or judges of the court of the judicial district in which the offense is alleged to have been committed.

(b) For appearance before the court of a defendant charged with a felony by a formal complaint filed in court. If a defendant has appeared before a judge of the court on the charge contained in the complaint, the bail shall be in the amount fixed by such judge at the time of such appearance; if no such appearance has been made the bail shall be in the amount fixed in the warrant of arrest.

(c) The schedule of bail referred to herein shall be one adopted by the judge or a majority of the judges of each judicial district. It shall contain a list of such misdemeanor offenses and the amounts of bail applicable thereto as the judge or judges determine to be appropriate. The schedule of bail may also contain a general clause providing for a designated amount of bail as the judge or judges of the judicial district determine to be appropriate for all misdemeanor offenses not specifically listed in the schedule. The schedule of bail may be revised from time to time by the judge or judges of the judicial district. A copy of the schedule shall be sent to the officer in charge of the county jail and to the officer in charge of each city jail within the judicial district.

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

All money and surety bonds so deposited with such officer shall be transmitted immediately to the judge or clerk of the

court by which the order was made or warrant issued or bail schedule fixed.

If a defendant or arrested person so released fails to appear at the time and in the court so ordered upon his release from custody, the court before which he was ordered to appear may forfeit the cash bail or surety bond, with or without issuing a warrant, and if the bail is a surety bond the surety company is obligated as provided by Section 1306 of the Penal Code, subject to the right of the court to set aside the forfeiture as provided by law.

CHAPTER 528

An act to repeal Sections 2974 and 2975 of, and to add Section 2975 to, the Civil Code, relating to mortgages of personal property or crops to secure future advances.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

Repeals

SECTION 1. Sections 2974 and 2975 of the Civil Code are repealed.

SEC. 2. Section 2975 is added to said code, to read:

Security for future advances

2975. Mortgages of personal property or crops or both may be given to secure future advances.

The lien for the following advances and expenditures made by the mortgagee under a mortgage for future advances has the same priority as that originally established by the mortgage:

1. If the maximum amount to be secured is stated in the mortgage, all advances to that amount outstanding at any one time (without regard to advances already repaid or discharged), whether optional or obligatory.

2. If the maximum amount to be secured is not stated in the mortgage, all obligatory advances, and all optional advances made without actual notice of intervening liens.

3. In all cases, advances and expenditures necessary to preserve the security.

Accrued interest has the same priority as the advance or expenditure to which it relates.

Repayment in full of amounts owing under a mortgage for future advances does not extinguish the mortgage. Any such mortgage shall be discharged on demand of the mortgagor in conformity with the provisions of Section 2941 of this code.

As used in this section future advances include sums that may be advanced, expenditures that may be made, and indebtedness or obligations that may be incurred subsequent to the execution of the mortgage.

CHAPTER 529

An act to amend Section 4500 of the Penal Code, relating to penalties for assaults by prison inmates.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 4500 of the Penal Code is amended to read:

4500. Every person undergoing a life sentence in a state prison of this State, who, with malice aforethought, commits an assault upon the person of another with a deadly weapon or instrument, or by any means of force likely to produce great bodily injury is punishable with death; provided, however, in cases in which the person subjected to such assault does not die within a year and a day after such assault and as a proximate result thereof, the punishment shall be death or imprisonment in the state prison for life without possibility of parole for nine years, at the discretion of the court or jury trying the same, and the matter of punishment shall be determined as provided in Section 190.1 of this code. For the purpose of computing the days elapsed between the commission of the assault and the death of the person assaulted, the whole of the day on which the assault was committed shall be counted as the first day.

CHAPTER 530

An act to amend Sections 6075 and 6077 of the Harbors and Navigation Code, relating to harbor districts.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 6075 of the Harbors and Navigation Code is amended to read:

6075. Notwithstanding the provisions of Section 6012, it may acquire, construct, own, operate, control, or develop any and all harbor works or facilities within the limits of its established boundaries. No such harbor works or facilities shall be so acquired, constructed, owned, operated, controlled, or developed within any port district, chartered port, harbor inprovement district, incorporated city, or recreational harbor district without the consent of each district, port, or city in which the harbor works or facilities are located.

Powers and limitations

SEC. 2. Section 6077 of said code is amended to read:

6077. It may borrow money and incur indebtedness and issue bonds or other evidence of indebtedness. All bond elec-

Incurring indebtedness

tions called by the board shall be conducted and held pursuant to Article 1 (commencing with Section 43600) of Chapter 4 of Division 4, Title 4 of the Government Code.

When in that article, the word "city" is used it includes the district and whenever the words "legislative body" are used they mean the board.

The purposes for which bonded indebtedness may be incurred by the district are described in Section 6075.

All bonds issued shall be signed by the board and a district shall not incur a bonded indebtedness which in the aggregate exceeds 15 percent of the assessed value of all the real and personal property in the district.

CHAPTER 531

An act to add Section 23120 to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to the wearing of glasses by drivers.

In effect September 18 1959

[Approved by Governor May 23, 1959 Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 23120 is added to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, to read:

23120. No person shall operate a motor vehicle while wearing glasses having a temple width of one-half inch or more if any part of such temple extends below the horizontal center of the lens so as to interfere with lateral vision.

CHAPTER 532

An act to amend Section 17 of the Penal Code, relating to the definition of crimes as felonies or misdemeanors.

In effect September 18, 1959

[Approved by Governor May 23, 1959 Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 17 of the Penal Code is amended to read:

17. A felony is a crime which is punishable with death or by imprisonment in the state prison. Every other crime is a misdemeanor. When a crime, punishable by imprisonment in the state prison, is also punishable by fine or imprisonment in a county jail, in the discretion of the court, it shall be deemed a misdemeanor for all purposes after a judgment imposing a punishment other than imprisonment in the state prison.

Where a court commits a defendant to the Youth Authority upon conviction of a crime punishable, in the discretion of the court, by imprisonment in the state prison or fine or imprisonment in a county jail, the crime shall be deemed a misdemeanor.

CHAPTER 533

An act to amend Section 19615 of the Education Code as proposed by Senate Bill No. 2, relating to the repayment of State School Building Aid.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 19615 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

19615. If, on or before June 30th of any fiscal year, the governing board of any school district files a request with the State Controller for a deferment of the annual repayment due from such district during the next succeeding fiscal year for an apportionment received by the district pursuant to this chapter (Sections 19551 to 19689, inclusive) or Chapter 8 (Sections 19401 to 19486, inclusive) of this division, and it is determined, in accordance with this section, that the district is entitled to a deferment of all or part of such annual repayment, the deferment shall be made in accordance with such determination. The request for deferment, having once been filed with the State Controller, shall remain in effect each ensuing year, and the State Controller shall continue to compute and allow the deferment in accordance with this section each year, until such time as the governing board of the school district files a written request with the State Controller to discontinue the deferment.

As used in the preceding paragraph, "any school district" means a district which is liable for the repayment of the principal amount of apportionments made to the district under the provisions of Chapter 8 (Sections 19401 to 19486, inclusive) of this division and which has received a conditional apportionment under this chapter (Sections 19551 to 19689, inclusive).

The portion of the annual repayment to be deferred under this section shall be determined as follows:

There shall be computed the amount required to be raised by taxes on property within the district, during the fiscal year in which the annual repayment is to be deducted pursuant to Sections 19436 and 19611, for the payment of principal and interest on (a) any bonded indebtedness incurred for school purposes prior to the first conditional apportionment to the school district under this chapter (Sections 19551 to 19689, inclusive), (b) any bonded indebtedness which was incurred

as a condition to any apportionment under this chapter, and (c) any bonded indebtedness incurred, the proceeds of which were required to be contributed for the purposes for which an apportionment was made under this chapter (Sections 19551 to 19689, inclusive). To this amount shall be added the amount required during such fiscal year, for the annual repayment of school building apportionments under Chapter 8 (Sections 19401 to 19486, inclusive) of this division and under this chapter (Sections 19551 to 19689, inclusive). The total of these amounts shall constitute the "basic tax amount."

If the applicant district is a unified district, the amount to be deferred shall be separately considered for each grade level thereof. For this purpose, the basic tax amount shall only include the amounts specified in the preceding paragraph required to be raised for the repayment of principal and interest on bonded indebtedness which was incurred for, or as a condition to receiving an apportionment for, or required by the board to be contributed for the purposes of, the grade level being considered, plus those amounts required for the annual repayment of apportionments made under Chapter 8 (Sections 19401 to 19486, inclusive) of Division 14 and this chapter (Sections 19551 to 19689, inclusive) for such grade level. It is hereby declared that this paragraph is not intended as a change in the present law but rather as a declaration of existing law.

There shall be computed the amount which would be produced by a tax of forty-five cents ($0.45) on each one hundred dollars ($100) of assessed valuation of the district during such year, to be known as the "45-cent tax amount." The amount of the annual repayment to be deferred during the fiscal year in which the annual repayment is due shall be the amount, if any, by which the basic tax amount exceeds the 45-cent tax amount. The amount deferred shall be added to the annual repayment for the next succeeding fiscal year.

On or before the last day of July of each fiscal year, the State Controller shall request the Director of Finance to, and the Director of Finance shall, determine and certify to the State Controller the amount of bonded debt service included in the "basic tax amount." On or before the third Monday in August of each fiscal year, the State Controller shall request the county auditor of each county to, and the county auditor of each county shall, determine and certify to the State Controller the current assessed valuation of property within each district which has filed a request for a deferment under this section.

Before the date on which the board of supervisors makes the levy of taxes for county purposes, the State Controller shall make the deferment determination required by this section for each district requesting a deferment, and, for each district which is entitled to a deferment, shall notify, in writing, the board of supervisors of the county, the governing board of the district, the county auditor, and the county superintendent of schools having jurisdiction over the district of

the amount of the repayment of the district which is to be deferred under this section.

For the purposes of this section the "annual repayment" means the amount of the annual repayment of the district due in a fiscal year as determined pursuant to Section 19434 and Section 19607, plus the then unpaid deferred amount of any annual repayment due in any previous fiscal years. Any repayments by a district of a deferred amount shall be first applied to loans granted under Chapter 8 (Sections 19401 to 19486, inclusive) of this division.

Notwithstanding any other provision of this chapter, if, at the end of the 30-year period provided in Section 19439 or Section 19614, as the case may be, there are any deferred amounts due in any previous fiscal year remaining unpaid, repayments shall continue to be made in the manner provided by this section during each fiscal year thereafter until the amounts are paid, or for an additional period of 10 years, whichever first occurs. At the expiration of the additional 10-year period the unpaid portion of the deferred amounts shall be canceled on the books of the State Controller, and the provisions of Section 19439 or Section 19614, as the case may be, shall thereupon become applicable thereto and the board shall execute a conveyance to the district as provided in Section 19440 or Section 19616, whichever is applicable.

CHAPTER 534

An act to amend Sections 682.1 and 682.2 of the Code of Civil Procedure, relating to writs of execution.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 682.1 of the Code of Civil Procedure is amended to read:

682.1. A writ of execution issued on a judgment for the recovery of money must be substantially in the following form: Writ of execution Form

(Title of Court)
(Number and abbreviated title of action)
THE PEOPLE OF THE STATE OF CALIFORNIA:
To the Sheriff, Constable or Marshal of
the _____ County of _____ Greeting:

On _____ a judgment was entered by the above entitled court in the above entitled
* action in favor of _____ as judgment creditor
* and against _____ as judgment debtor

and said judgment was duly entered in (referring to where entered) for

** $ principal,
** $ attorney fees,
** $ interest, and
** $____costs, making a total amount of
** $ the judgment as entered, and

WHEREAS, according to an affidavit and/or a memorandum of costs after judgment filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

** $ accrued interest, and
** $____accrued costs, together with $____ fee for the issuance of this writ, making a total of
** $____as accrued costs, accrued interest, and fees.

Credit must be given for payments and partial satisfactions in the amount of $_____
which is to be first credited against the total accrued costs and accrued interest, with any excess credited against the judgment as entered, leaving a net balance of
** $_____
actually due on the date of the issuance of this writ of which
** $_____
is due on the judgment as entered and bears interest at 7 percent per annum, in the amount of $_____ per day, from the date of issuance of this writ, to which must be added the commissions and costs of the officer executing this writ.

Notice by mail of any sale under the writ of execution (has) (has not) been requested. The following named persons have requested such notice of sale:

Names Addresses

THESE PRESENTS ARE THEREFORE TO COMMAND YOU to satisfy the said judgment with interest and costs as provided by law and your costs and disbursements out of the personal property of said debtor, except that one-half of the earnings of the judgment debtor received for his personal services rendered at any time within 30 days next preceding the levy of execution pursuant to this writ shall be exempt from such levy, and if sufficient personal property cannot be found, then out of his real property; or if the judgment be a lien upon real property, then out of the real property belonging to him on the day when the abstract of judgment was filed as provided in Section 674 of this code, or at any time thereafter, and make return of this writ within not less than 10 days nor more than 60 days after your receipt thereof, with what you have done endorsed hereon.

Given under my hand (and the seal of _____) on _____ 19___.

Note to printer: where the asterisk (*) appears in the foregoing form, it is intended that the printed form shall have the same arrangement and number of words in the line.

Where the double asterisk (**) appears in the foregoing form, it is intended that the dollar sign characters ($) shall appear under one another in vertical column.

SEC. 2. Section 682.2 of said code is amended to read:

682.2. Whenever a writ of execution is issued, the clerk, or, if there is no clerk, then the judge of the court, shall enter on the face of the writ the amounts of any costs and interest which have accrued from the date of entry of the judgment to the date of the issuance of the writ. The amount of interest which has accrued from the date of entry of the judgment to the date of issuance of the writ of execution shall be entered on the face of the writ in a like manner to costs if the judgment creditor has filed an affidavit as to the amount of such interest at the time of the request for the issuance of the writ. The clerk shall also enter the amount of interest which accrues daily, from the date of issuance of the writ, on the amount due on the judgment as entered. Issuance

Interest, on the amount of the judgment remaining unpaid as shown on the writ, from the date of issuance of the writ to the date of levy of execution, shall be computed by the levying officer and this amount plus the commissions and costs of the levying officer shall be added to the net balance actually due on the date of the issuance of the writ, as stated therein, in determining the total amount to be satisfied by execution.

SEC. 3. This act becomes operative on January 1, 1960. Operative date

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CHAPTER 535

An act to amend Section 1632 of the Welfare and Institutions Code, relating to tuberculosis tests.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.] In effect September 18, 1959

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

SECTION 1. Section 1632 of the Welfare and Institutions Code is amended to read:

1632. Each person who operates and lives in, or who is employed in, an institution licensed by the State Department of Social Welfare pursuant to subsection (a) of Section 1620 of this code shall have on file with the institution a certificate from a physician showing that during the preceding year he has submitted to an X-ray of the lungs, or an approved intradermal tuberculin test, which, if positive, was followed by an X-ray of the lungs, and has been found free from active tuberculosis. The provisions of this section shall not apply to any boarding home, institution or other facility for the reception and care of children operated by and for the adherents

of a bona fide church, sect, or denomination and who rely upon prayer in the practice of religion for their protection and health; provided, such institution, boarding home or other facility for the reception and care of children limits its admission to members of the particular faith of those operating the facility.

CHAPTER 536

An act to amend Section 5003 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to license plates.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 5003 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

5003. The department shall maintain a record of the registration of exempt vehicles with regular series plates, which record shall not be open to public inspection. The record shall be disclosed in the event of any accident involving a vehicle so registered on demand of the Attorney General or upon an order of court. In the event of an inquiry by a county sheriff, city chief of police, or judge of any court relating to such exempt vehicle in connection with an alleged violation of state or local traffic laws, the department shall notify the supervisor of the person to whom the vehicle was assigned of the inquiry and the alleged violation and shall notify the inquiring official that this has been done without disclosing the name of the person involved.

CHAPTER 537

An act to amend Section 13106 of the Government Code, relating to quitclaiming of state-owned easements and rights-of-way.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 13106 of the Government Code is amended to read:

13106. With the approval of the state agency concerned, the director may quitclaim in the name of the State, the right, title and interest of the State in and to easements and rights-of-way owned by the State, other than those acquired for highway purposes, which he determines are no longer needed for state purposes.

(a) Unless the conveyance of the easement or right-of-way is made to the Federal Government, or an agency thereof, or to a county, city, district, or other local governmental agency of this State, the director shall comply with the provisions of this subdivision. Prior to the disposition of any easement or right-of-way owned by the State pursuant to this section, notice thereof shall be published pursuant to Section 6061 of the Government Code in a newspaper published in the county in which the easement or right-of-way is situated, and if there is no newspaper published in such county, notice shall be published in a newspaper published in an adjoining county and shall be posted in at least three public places in the county in which the easement or right-of-way is situated, including one posting on the real property in which the easement or right-of-way is located.

(b) If the easement or right-of-way was acquired by the State for a price approximating its market value at the time of acquisition, the director, when he disposes of such easement or right-of-way shall make a reasonable effort to obtain as the price for the sale thereof an amount approximately equivalent to the current market value at the time of such disposition.

CHAPTER 538

An act to amend Section 10036 of the Health and Safety Code, relating to vital statistics.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 10036 of the Health and Safety Code is amended to read:

10036. Notwithstanding any other provisions of law relating to retention of public records, the State Registrar may cause the original records of birth, death and marriage filed under the provisions of this division to be destroyed if all of the following requirements are met:

(a) A microfilm copy of such birth, death and marriage records has been made.

(b) Fifteen years shall have elapsed since the date of registration of such birth records and five years shall have elapsed since the date of registration of such death and marriage records.

(c) Any microfilm so used meets the minimum standards recommended by the National Bureau of Standards for permanent record purposes.

(d) Adequate provisions are made that the film reflect additions or corrections to the records.

(e) A copy of the microfilm is maintained in such a manner that it can be used for all purposes served by the original record.

(f) A copy of the microfilm has been stored at a separate physical location in such a place and manner as reasonably to assure its preservation indefinitely against loss or destruction.

CHAPTER 539

An act to amend Section 10612 of the Health and Safety Code, relating to vital statistics.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 10612 of the Health and Safety Code is amended to read:

10612. A fee of four dollars ($4) shall be paid to the State Registrar by the applicant at the time of application for a delayed birth registration under the provisions of Chapter 9 of this division. Upon acceptance of the application the State Registrar shall retain the fee.

CHAPTER 540

An act to amend Section 1705.5 of the Harbors and Navigation Code, relating to the San Francisco Harbor.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 1705.5 of the Harbors and Navigation Code is amended to read:

1705.5. Notwithstanding any other provision of law, the authority shall establish and adjust salary ranges for laborers, workmen and mechanics employed by it. In establishing or changing such ranges consideration shall be given to the prevailing rates for comparable service in other public employment and in private business. The authority may make a change in salary range retroactive to the date of application for such change. Such salary ranges may be fixed on an hourly, per diem, or monthly basis or any combination thereof.

The authority may authorize payments into a private fund to provide health and welfare benefits to nonpermanent employees in classes compensated in accordance with the provisions of the first paragraph of this section where the authority finds as to any such position that:

(a) Such payments by employers are the prevailing practice in comparable employment in the locality of the work and the payments are for the purpose of providing to employees specified benefits such as, but not limited to: hospital, medical,

surgical, and life insurance; sick leave, vacation allowance, pensions, supplementary unemployment and disability compensation, and other similar or related health and welfare benefits, or any combination thereof.

(b) Participation in the benefits provided by such funds is not limited to state employees.

(c) The provisions of the plans which provide the benefits meet the standards established by the authority.

Payments made by the authority to any such fund on behalf of any employee shall be in lieu of benefits such as vacation allowance, sick leave, and retirement which are now or may hereafter be granted directly by the authority in accordance with law.

The authority is empowered to determine the equitable application of such health and welfare benefits to insure that the employees receive benefits comparable to, but not in excess of, those provided in comparable private employment.

Any payments authorized by this section shall be a proper charge against any funds available for the support of the authority.

CHAPTER 541

An act to add Section 2078 to the Harbors and Navigation Code, relating to the San Francisco Harbor.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2078 is added to the Harbors and Navigation Code, to read:

2078. The authority may lease or rent any real property, within the City and County of San Francisco, from any person or any city, city and county, county, district, state, federal, or other public agency.

CHAPTER 542

An act to repeal Section 12970 of, to amend Sections 12973 and 12973.5 of, and to add Sections 12970 and 12970.1 to, the Insurance Code, relating to fees charged by the Insurance Commissioner.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 12970 of the Insurance Code is repealed. Repeal

SEC. 2. Section 12973 of said code is amended to read:

12973. The commissioner shall require in advance, in lawful money of the United States as a fee for issuing certificates Fees

when the fee is not otherwise specified, sums as follows: (a) where there is sufficient demand so that the commissioner in his discretion has prepared a form of the certificate in advance, which requires only the filling in of blanks for completion, two dollars ($2); and (b) for issuing any other certificate, the reasonable cost of preparing and issuing such certificate, but not to exceed ten dollars ($10) for the first copy of such certificate and two dollars ($2) for each additional copy thereof.

SEC. 3. Section 12973.5 of said code is amended to read:

Same

12973.5. The commissioner shall charge and collect in advance the following fees:

(a) For filing any application for a license, permit, or certificate of authority when a fee for either filing the application or issuing the license, permit, or certificate is not elsewhere specified in this code, ten dollars ($10).

(b) For filing any application to take any qualifying examination required by this code to be taken by a licensee other than an insurer, or to be taken by any applicant for a license other than a certificate of authority when a fee for filing such application or giving such examination is not elsewhere specified in this code, twenty-five dollars ($25).

SEC. 4. Section 12970 is added to said code, to read:

Same

12970. The commissioner shall require in advance, in lawful money of the United States, as a fee for examining the copy of any instrument or document furnished to him for certification purposes the following fees:

(a) For comparing with the instrument or document on file with the commissioner a photostatic copy of the original on file with him, or a copy reproduced at the same time as the document or instrument so filed with the commissioner or a photostatic copy thereof:

(1) Twenty-five cents ($0.25) for each page of a copy of the financial statement of an insurer filed pursuant to Section 900, excluding from such computation the title page and similar preliminary material and pages entirely completed by the filing insurer with the designation "None" or its equivalent indicating that the information requested is not applicable to the filing insurer, and

(2) Ten cents ($0.10) for each page of any other such instrument or document.

(b) For comparing an instrument or document made other than as described in (a) above with one on file with the commissioner:

(1) One dollar ($1) for each page of a copy of the financial statement of an insurer filed pursuant to Section 900, excluding from such computation the title page and similar preliminary material and pages entirely completed by the filing insurer with the designation "None" or its equivalent indicating that the information requested is not applicable to the filing insurer, and

(2) Twenty-five cents ($0.25) for each page of any other such instrument or document

The term "page" as used in this section is one side of a single sheet of paper.

The fee for the furnishing by the commissioner of copies of any instrument or document filed in his office shall be determined by Section 12973.7.

SEC. 5. Section 12970.1 is added to said code, to read:

12970.1. In addition to all other fees required for furnishing copies of instruments or documents filed in his office, the commissioner shall require the payment, in lawful money of the United States, of an amount approximately equal to the postage or other delivery charges he must pay for delivery of the copies so furnished if at the request of the person ordering them they are delivered by any more expensive means than ordinary first-class United States mail. Same

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CHAPTER 543

An act to amend Section 25663 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.] In effect September 18, 1959

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

SECTION 1. Section 25663 of the Business and Professions Code is amended to read:

25663. Every person who employs or uses the services of any person under the age of 21 years in or on that portion of any premises, during business hours, which are primarily designed and used for the sale and service of alcoholic beverages for consumption on the premises is guilty of a misdemeanor.

CHAPTER 544

An act to add Section 24209 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.] In effect September 18, 1959

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

SECTION 1. Section 24209 is added to the Business and Professions Code, to read:

24209. The department may, on its own motion at any time before a penalty assessment is placed into effect and without any further proceedings, reconsider the penalty, but such reconsideration shall be limited to its reduction.

CHAPTER 545

An act to add Section 23087 to the Business and Professions Code, relating to alcoholic beverages.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 23087 is added to the Business and Professions Code, to read:

23087. Whenever any matter is pending before the board or a court of record involving a dispute between the department and a licensee, petitioner or protestant and the parties to such a dispute agree upon a settlement or adjustment thereof, the tribunal shall upon the stipulation by the parties that such an agreement has been reached, remand the matter to the department.

CHAPTER 546

An act to amend Sections 24048.2 and 24048.4 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 24048.2 of the Business and Professions Code is amended to read:

Issuance or transfer of license

24048.2. No retailer's on-sale license issued on a calendar year basis shall be issued or transferred between December 1st and December 31st, unless before such issuance or transfer an application to renew such license has been filed and the annual fee for such renewal paid.

SECTION 2. Section 24048.4 of said code is amended to read:

Same

24048.4. No license issued on a fiscal year basis shall be issued or transferred between June 1st and June 30th, unless before such issuance or transfer an application to renew such license has been filed and the annual fee for such renewal paid.

CHAPTER 547

An act to amend Section 23034 of the Business and Professions Code, relating to stills.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 23034 of the Business and Professions Code is amended to read:

23034. "Still" means any apparatus capable of being used for separating alcohol, or alcoholic vapors or solutions from

alcohol or alcoholic solutions or mixtures, but does not include stills or apparatus used for laboratory purposes or solely in the production of distilled water or substances other than alcoholic beverages.

CHAPTER 548

An act to amend Section 23095 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 23095 of the Business and Professions Code is amended to read:

23095. Whenever a decision of the department suspending a license for 30 days or less becomes final, whether by failure of the licensee to appeal the decision or by exhaustion of all appeals and judicial review, the licensee may, before the operative date of such suspension, petition the department for permission to make an offer in compromise, to be paid into the Alcohol Beverage Control Fund, consisting of a sum of money in lieu of serving such suspension. Upon the receipt of such a petition, the department may stay the proposed suspension and cause such investigation to be made as it deems desirable and may grant such petition if it is satisfied (a) that the public welfare and morals would not be impaired by permitting the licensee to operate during the period set for suspension and that the payment of the sum of money will achieve the desired disciplinary purposes; (b) that the books and records of the licensee are kept in such a manner that the loss of sales of alcoholic beverages which the licensee would have suffered had such suspension gone into effect can be determined with reasonable accuracy therefrom. Such offer in compromise shall be the equivalent of 20 percent of the estimated gross sales of alcoholic beverages for each day of such proposed suspension, and such offer in compromise shall be not less than two hundred fifty dollars ($250) nor more than two thousand dollars ($2,000).

CHAPTER 549

An act to amend Section 23081 and to add 23081.5 of the Business and Professions Code, relating to appeals from decisions of the Department of Alcoholic Beverage Control.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 23081 of the Business and Professions Code is amended to read:

Appeal

23081. On or before the tenth day after the last day on which reconsideration of a final decision of the department can be ordered, any party aggrieved by a final decision of the department may file an appeal with the board from such decision. The appeal shall be in writing and shall state the grounds upon which a review is sought. A copy of the appeal shall be mailed by the appellant to each party who appeared in the proceeding before the department, including the department which shall thereafter be treated in all respects as a party to the appeal. The right to appeal shall not be affected by failure to seek reconsideration before the department.

SEC. 2. Section 23081.5 is added to said code, to read:

Same: When filed

23081.5. An appeal to the board shall be deemed filed on the date it is received in the principal office of the board; provided, however, an appeal mailed to the board by means of registered mail shall be deemed filed with the board on the date of the registry with the United State Post Office.

CHAPTER 550

An act to amend Section 25660 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 25660 of the Business and Professions Code is amended to read:

25660. Bona fide evidence of majority and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces. Proof that the defendant-licensee, or his employee or agent, demanded, was shown and acted in reliance upon such bona fide evidence in any transaction, employment, use, or permission forbidden by Sections 25658, 25663 or 25665 shall be a defense to any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon.

CHAPTER 551

An act to amend Section 16111 of the Education Code, and Section 10652 of the Education Code as proposed by Senate Bill No. 2, relating to tuition fees for veterans' children.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 16111 of the Education Code is amended to read:

Dependents and children of veterans

16111. No state-owned college, university, or other school shall charge any tuition, or incidental fees to any dependent receiving assistance under Division 4, Chapter 4, Article 2 of the California Military and Veterans Code or to any child of any veteran of the United States military service who has a service-connected disability, and whose annual income not including governmental compensation for such service-connected disability, does not exceed three thousand dollars ($3,000). Nothing contained in this section shall prevent the Regents of the University of California from charging to and collecting from nonresident students an admission fee and rate of tuition in accordance with Section 20003, nor shall anything in this section prevent the charging and collecting of fees required of nonresident students admitted to colleges and schools under the jurisdiction of the Department of Education, or the Director of Education.

SEC. 2. Section 10652 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

Same

10652. No state-owned college, university, or other school shall charge any tuition, or incidental fees to any dependent receiving assistance under Division 4, Chapter 4, Article 2 of the California Military and Veterans Code or to any child of any veteran of the United States military service who has a service-connected disability, and whose annual income not including governmental compensation for such service-connected disability, does not exceed three thousand dollars ($3,000). Nothing contained in this section shall prevent the Regents of the University of California from charging to and collecting from nonresident students an admission fee and rate of tuition in accordance with Section 23053, nor shall anything in this section prevent the charging and collecting of fees required of nonresident students admitted to colleges and schools under the jurisdiction of the Department of Education, or the Director of Education.

Effect Stats 1959, Ch 2

SEC 3 Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 16111 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 552

An act to amend Section 20363 of the Government Code, relating to the State Employees' Retirement System.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 20363 of the Government Code is amended to read:

20363. For the purposes of this section "veteran" means a member of the Veterans' Home of California.

Any veteran who is employed by the Veterans' Home of California, or by the Post Exchange thereof or in other Post Fund activities, is excluded from membership in this system unless he files, or has filed prior to October 1, 1959, an election in writing to become a member. Such election shall be filed within 90 days after notice of eligibility to participate from the system, and shall not thereafter be revocable.

Any veteran employed in the Post Exchange or other Post Fund activities who does not elect to become a member of the system, and who by such failure to elect terminates his membership in the system, shall be paid forthwith all of his accumulated contributions.

SEC. 2. This act shall become operative on the first day of the month next succeeding the ninety-first day after final adjournment of the 1959 Regular Session of the Legislature.

CHAPTER 553

An act to amend Section 1506 of, and to add Section 1507 to, the Penal Code, relating to appeals in habeas corpus proceedings.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 1506 of the Penal Code is amended to read:

Appeal and hearing

1506. An appeal may be taken to the district court of appeal by the people from a final order of a superior court made upon the return of a writ of habeas corpus discharging a defendant or otherwise granting all or any part of the relief sought, in all criminal cases, excepting criminal cases where judgment of death has been rendered, and in such cases to the Supreme Court; and in all criminal cases where an application for a writ of habeas corpus has been heard and determined in a district court of appeal, either the defendant or the people may apply for a hearing in the Supreme Court. Such ap-

peal shall be taken and such application for hearing in the Supreme Court shall be made in accordance with rules to be laid down by the judicial council. If the people appeal, or petition for hearing in either the district court of appeal or the Supreme Court, the defendant shall not be discharged from custody pending final decision upon the appeal or petition for hearing and he must, in any case in which a judgment of conviction has become final, be retaken into custody if he has been discharged; provided, however, that in bailable cases the defendant may be admitted to bail, in the discretion of the judge, pending decision of the appeal or petition for hearing. If the order grants relief other than a discharge from custody, the trial court or the court in which the appeal or petition for hearing is pending may, upon application by the people, in its discretion, and upon such conditions as it deems just stay the execution of the order pending final determination of the matter.

SEC. 2. Section 1507 is added to said code, to read:

Same

1507. Where an application for a writ of habeas corpus has been made by or on behalf of any person other than a defendant in a criminal case, an appeal may be taken to the district court of appeal from a final order of a superior court granting all or any part of the relief sought; and where such application has been heard and determined in a district court of appeal, either on an application filed in that court or on appeal from a superior court, and all or any part of the relief sought has been granted, an application may be made for a hearing in the Supreme Court. Such appeal shall be taken and such application for hearing in the Supreme Court shall be made in accordance with rules to be laid down by the Judicial Council. The court which made the order granting relief or the court in which the appeal or petition for hearing is pending may, in its discretion, and upon such conditions as it deems just stay the execution of the order pending final determination of the matter.

CHAPTER 554

An act to amend Sections 1300 and 1320 of the Business and Professions Code, relating to clinical laboratory technology.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1300 of the Business and Professions Code is amended to read:

Fees

1300. The amount of application and license fee under this chapter shall be as follows:

(a) The application fee for a clinical laboratory bioanalyst's license is twenty-five dollars ($25).

(b) The annual renewal fee for a clinical laboratory bioanalyst's license shall be fixed by the board at not more than fifteen dollars ($15) nor less than five dollars ($5).

(c) The application fee for a clinical laboratory technologist's license is five dollars ($5).

(d) The annual renewal fee for a clinical laboratory technologist's license shall be fixed by the board at not more than three dollars ($3) nor less than one dollar ($1).

(e) The application fee for a clinical laboratory permit is ten dollars ($10); provided, however, that when the applicant is a city, county, or city and county, or an official thereof, no fee shall be required.

(f) The annual renewal fee for a clinical laboratory permit shall be fixed by the board at not more than fifteen dollars ($15) nor less than five dollars ($5); provided, however, that when the applicant is a city, county, or city and county, or official thereof, no fee shall be required.

(g) The application fee for a clinical laboratory technologist trainee's registration certificate is one dollar ($1).

(h) The annual renewal fee for a clinical laboratory technologist trainee's registration certificate is one dollar ($1).

(i) The application fee for a duplicate certificate is one dollar ($1).

SEC. 2. Section 1320 of said code is amended to read:

Revocation or suspension of licenses

1320. Licenses or permits issued by the board may be revoked or suspended for each of the following reasons:

(a) Conduct involving moral turpitude or dishonest reporting of tests.

(b) Violation of any of the rules and regulations of the board applicable to this chapter.

(c) Permitting a registered clinical laboratory technologist trainee to perform tests, procure specimens, or act for the director in the absence of a duly licensed clinical laboratory technologist, bioanalyst, or physician and surgeon.

(d) Violation of any provision of the Business and Professions Code governing the practice of medicine and surgery.

(e) Proof that the holder has made false statements in material regard on his application for licensure or laboratory permit or that he has used any degree or certificate as a means of qualifying for licensure which has been purchased or procured by barter or by any unlawful means or obtained from any institution which at the time said degree or certificate was obtained was not recognized or accredited by the department of education of the state where said institution is or was located to give training in the field of study in which the degree or certificate is claimed.

(f) The use of any degree, certificate, or title in any manner, which has been purchased or procured by barter or by any unlawful means or obtained from any institution which at the time said degree, certificate, or title was obtained was not recognized or accredited by the department of education of the state where said institution is or was located to give

training in the field of study in which the degree, certificate, or title is claimed.

(g) Violation of any of the provisions of the premarital and prenatal laws, Article 2a, Chapter 1, Title 1, Part 3, Division 1 of the Civil Code and Part 2, Division 16 of the Health and Safety Code.

(h) The advertising of clinical laboratory procedures to the lay public in magazines, newspapers, directories, circulars, signs, etc.

(i) Knowingly accepting an assignment for clinical laboratory tests or specimens from and the rendering a report thereon to persons not licensed by law to submit such specimens or assignments.

(j) Rendering a report on clinical laboratory work actually performed in another clinical laboratory without designating the laboratory in which the test was performed.

(k) Conviction of a felony or of any crime involving moral turpitude under the laws of any state or of the United States arising out of or in connection with the practice of clinical laboratory technology. The record of conviction or a certified copy thereof shall be conclusive evidence of such conviction.

(*l*) Violation of any of the provisions of this chapter.

CHAPTER 555

An act to amend Section 3000 of, and to add Section 3000.5 to, the Harbors and Navigation Code, relating to the San Francisco Port Authority.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 3000 of the Harbors and Navigation Code is amended to read:

3000. In addition to the other powers granted by this part, the authority may: Powers

(a) Construct the number of wharves required by the needs of commerce, and locate them at points and upon lines which it determines are most suitable for the best interests of commerce.

(b) Repair, maintain, and construct wharves and thoroughfares required by the needs of commerce.

(c) Erect improvements necessary for the safe landing, loading and unloading, and protection of all classes of merchandise, and for the safety and convenience of passengers passing into and out of San Francisco by water.

(d) Devote so much of its property as it finds is not required for the preceding uses to such development and use as will, in the finding of the authority, yield maximum profits, when leased to private persons or agencies, to be used by the

authority in the furtherance of commerce and navigation. The authority shall not operate any facilities developed pursuant to this subdivision, but shall lease such facilities to private persons or agencies.

SEC. 2. Section 3000.5 is added to said code, to read:

Leases

3000.5. In devoting property to the purposes set forth in subdivision (d) of Section 3000, the authority may enter into leases for a period not to exceed 99 years. All such leases shall be made upon competitive bids after such public advertising, inviting proposals or bids therefor, as the authority deems sufficient. The lease shall be awarded to the person whose bid will yield the maximum profits, as specified in subdivision (d) of Section 3000, taking into consideration the proposed term. If the authority deems it appropriate, it may offer the property with the costs of all or part of the construction to be paid by the lessee, and the construction contract may provide for payment by the lessee. Nothing in this section or in subdivision (d) of Section 3000 shall authorize the authority to pay any of the costs of construction.

CHAPTER 556

An act to amend Sections 3203, 3234, and 3403 of, and to add Section 3407.5 to, the Public Resources Code, relating to oil and gas.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 3203 of the Public Resources Code is amended to read:

Notice of intention to start drilling

3203. The owner or operator of any well shall, before commencing the work of drilling the well, file with the supervisor or the district deputy a written notice of intention to commence drilling. The notice shall contain the following:

(a) The location and elevation above sea level of the floor of the proposed derrick and drill rig.

(b) The number or other designation by which the well shall be known. Such number or designation shall be subject to the approval of the supervisor.

(c) The owner's or operator's estimate of the depth of the point at which water will be shut off, together with the method by which the shutoff is intended to be made, and the size and weight of casing to be used.

(d) The owner's or operator's estimate of the depths between which production will be attempted.

After the completion of any well the provisions of this section shall also apply, as far as may be, to the deepening or redrilling of the well, or any operation involving the plugging of the well, or any operations permanently altering in any

manner the casing of the well. The number or designation by which any well heretofore drilled has been known, and the number or designation specified for any well in a notice filed as required by Section 3203, shall not be changed without first obtaining a written consent of the supervisor.

SEC. 2. Section 3234 of said code is amended to read:

Inspection of records

3234. The records of any operator, when filed with the district deputy, as provided in this chapter, shall be open to inspection to those authorized in writing by such operators, to the state officers, and to the district board of oil and gas commissioners.

Such records shall in no case other than those expressly provided in this chapter, be available as evidence in court proceedings. No officer or employee or member of any district board of commissioners shall be allowed to give testimony as to the contents of such records, except at such court proceedings as are provided in this chapter for the review of a decision of the supervisor or a district board of commissioners, or in any proceeding initiated for the enforcement of an order of the supervisor, or for the enforcement of a lien created by this chapter, or for the collection of an assessment levied pursuant to this chapter, or in criminal proceedings arising out of such records or the statements upon which they are based.

A copy of any document, order, requisition, or decision made, executed, or issued by the supervisor or the district deputy, when certified by the supervisor or the district deputy to be a true copy of the original, shall be received in evidence in any proceeding herein provided, in like manner and with the same effect as the original.

The records of any operator who is defunct or no longer in business in California and which relate to an abandoned or deserted well shall be open to inspection or for copying by anyone after the supervisor determines that the conditions specified are met.

The records of any operator filed for a completed or producing well that has been transferred by sale, lease, or otherwise shall be available to the new owner or lessee for his inspection or copying and shall also be available for inspection or copying by others upon the written authorization of such new owner or lessee.

SEC. 3. Section 3403 of said code is amended to read:

Production charge on gas

3403. There shall annually be imposed upon the person operating each gas well in this State, or owning royalty or other interests in respect to the production from such well, a charge which shall be payable to the State Treasurer based upon the amount of gas produced in the preceding calendar year other than gas which is used for recycling or otherwise in oil-producing operations or gas which has been injected and withdrawn from underground storage, and which shall be computed at a uniform rate per thousand cubic feet. The charge shall be apportioned among all of such persons in frac-

tional amounts proportionate to their respective fractional interests in respect to the production of such well, but the whole of such charge shall be payable by the operator, who shall withhold their respective proportionate shares of such charge from the amounts otherwise payable or deliverable to such owners of royalty or other interests.

SEC. 4. Section 3407.5 is added to said code, to read:

Error in annual report

3407.5. If any person files the report required under Section 3406 and by error or otherwise fails to include the full amount of his taxable oil or gas production in such report, then the department shall make an estimate of the deficit, based on the monthly production reports filed by such person under Section 3227, and add it to his report. The department shall make a reasonable effort to reconcile the yearly report filed under Section 3406 with the data filed on the regular monthly production reports, before proceeding to change the report but failure to do so shall not invalidate the assessment.

CHAPTER 557

An act to amend Section 1052 of the Fish and Game Code, relating to licenses.

In effect September 18 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 1052 of the Fish and Game Code is amended to read:

1052. It is unlawful for any person to do any of the following:

(a) Transfer any license or license tag.

(b) Use, or have in his possession while hunting, any license or license tag not lawfully issued to him.

(c) Use, while fishing, any license or license stamp not lawfully issued to him.

(d) Predate or postdate any license or license tag.

(e) Alter, mutilate, or deface any license or license tag or entries thereon, to evade the provisions of this code.

CHAPTER 558

An act to add Section 29022 to the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to integrity of diplomas.

In effect September 18 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 29022 is added to the Education Code, to read:

29022. It is the intent of this Legislature to encourage privately supported education and protect the integrity of diplomas conferred by privately supported as well as publicly supported educational institutions.

It is also the intent of the Legislature to encourage the recognition by tax-supported institutions of work completed and diplomas issued by privately supported institutions, to the end that students may have equal opportunities for equal accomplishment and ability.

In the present period the need for educational services for the youth is so great that it cannot be met by tax-supported institutions alone. The contribution of privately supported educational institutions to the preservation of our liberties is essential. These objectives can best be achieved by protecting the integrity of diplomas issued by such institutions.

CHAPTER 559

An act to amend Section 1505 of the Penal Code, relating to the writ of habeas corpus.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.] In effect September 18, 1959

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

SECTION 1. Section 1505 of the Penal Code is amended to read:

1505. If the officer or person to whom a writ of habeas corpus is directed, refuses obedience to the command thereof, he shall forfeit and pay to the person aggrieved a sum not exceeding five thousand dollars ($5,000), to be recovered by action in any court of competent jurisdiction.

CHAPTER 560

An act to amend Section 5006 of the Water Code, relating to the State Water Rights Board.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.] In effect September 18, 1959

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

SECTION 1. Section 5006 of the Water Code is amended to read:

5006. Each notice shall be sworn to and shall be accompanied by a filing fee which shall be fixed by the board. Such filing fees shall be fixed so as to be sufficient on the average to pay the administrative expenses of the board in listing and

processing notices of the character presented, and may be graduated in accordance with the number of water sources from which extractions or diversions are shown.

CHAPTER 561

An act to amend Section 1364 of the Financial Code, relating to investments

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 1364 of the Financial Code is amended to read:

1364. An amount not exceeding in all 10 percent of the bank's savings deposits in evidences of indebtedness of companies incorporated in the United States and, directly or indirectly, engaged in manufacturing, extraction, merchandising or commercial financing; provided:

(a) An amount exceeding 25 percent of the paid-up capital and surplus of the savings bank or exceeding 1 percent of the savings deposits of the bank, whichever is greater, may not be invested in such evidences of indebtedness of any one company;

(b) Any unsecured evidences of indebtedness must be issued by a company substantially all of whose property is free of mortgage and shall carry a covenant by the obligor that they will be secured equally with any mortgage bond, except a purchase money mortgage, which may be later issued;

(c) The company is of such size as to attract at least statewide interest in its publicly held securities and its gross income shall have averaged not less than ten million dollars ($10,000,000) and its net income shall have averaged not less than one million dollars ($1,000,000) for the five fiscal years preceding the investment and its gross income was not less than ten million dollars ($10,000,000) and its net income not less than one million dollars ($1,000,000) for at least three of said five fiscal years;

(d) Working capital as measured by consolidated current assets less consolidated current liabilities as shown in the latest published balance sheet shall exceed 150 percent of the total of consolidated debt due in longer than one year and "minority interest" (i.e., any outstanding interest in a subsidiary having a prior claim on the earnings of such subsidiary) except that the foregoing ratio requirement shall not apply in the case of evidences of indebtedness of any corporation whose consolidated gross assets less any valuation reserves exceed five hundred million dollars ($500,000,000) and whose consolidated current assets exceed consolidated current liabil-

ities by at least one hundred million dollars ($100,000,000) as shown by the latest published balance sheet. When new financing is involved, the changes in gross assets, capital structure and working capital shall be considered and reliance may be placed on the representations made in the official prospectus prepared under the rules of the Securities and Exchange Commission as to the application of the proceeds of such financing.

(e) The total consolidated debt of the company including current liabilities and "minority interest" (i.e., any outstanding interest in a subsidiary having a prior claim on the earnings of such subsidiary), as shown on the latest published balance sheet, does not exceed 33⅓ percent of its gross assets less valuation reserves; and

(f) The consolidated annual net income for the five fiscal years next preceding the investment, before deduction of state and federal taxes imposed on or measured by income or profits but after deducting all charges (including reserves, regularly recurring charges for amortization of discount, and expense allocable to funded debt); (1) shall have averaged not less than six times the annual consolidated interest charges existing at the time the investment is made; (2) in at least three of said five fiscal years shall have been at least four times the annual consolidated interest charges for the same year; and (3) for the fiscal year next preceding the investment shall have been not less than six times the consolidated interest charges for such year and not less than six times the annual consolidated charges on the funded debt outstanding at the time of the investment.

CHAPTER 562

An act to add Sections 305.2 and 744.1 to the Vehicle Code, and to add Sections 1816 and 13367 to the Vehicle Code as proposed by Assembly Bill No. 5, relating to traffic violations committed by minors.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 305.2 is added to the Vehicle Code, to read:

305.2. Minors' Licenses For purposes of the suspension or revocation of any driver's license issued to a minor, the department shall not provide any lighter penalty than would be given to an adult under similar circumstances.

Minors' License suspension or revocation

SEC. 2. Section 744.1 is added to said code, to read:

744.1. Conviction of Juvenile Traffic Offender. Every referee, probation officer, or other person responsible for the disposition of cases involving traffic offenses committed by persons under 21 years of age shall keep a full record of every case in which such a person is charged with a violation of this

Report of conviction

code involving a moving vehicle; and, except as provided in subdivision (b) of Section 305, shall report the offense to the department at its office in Sacramento not more than 30 days after the date of disposition of the case. No report need be made if it is found that the offense was not committed.

The report required by this section shall be made upon a form furnished by the department and shall contain all necessary information as to the identity of the offender, the arresting agency, and the date and nature of the offense.

SEC. 3. Section 1816 is added to the Vehicle Code as proposed by Assembly Bill No. 5, to read:

Same

1816. Every referee, probation officer, or other person responsible for the disposition of cases involving traffic offenses committed by persons under 21 years of age shall keep a full record of every case in which such a person is charged with a violation of this code involving a moving vehicle; and, except as provided in Section 13355, shall report the offense to the department at its office in Sacramento not more than 30 days after the date of disposition of the case. No report need be made if it is found that the offense was not committed.

The report required by this section shall be made upon a form furnished by the department and shall contain all necessary information as to the identity of the offender, the arresting agency, and the date and nature of the offense.

SEC. 4. Section 13367 is added to said code, to read:

License suspension or revocation

13367. For purposes of the suspension or revocation of any driver's license issued to a minor, the department shall not provide any lighter penalty than would be given to an adult under similar circumstances.

Effect Stats 1959, Ch 3

SEC. 5. Sections 3 and 4 of this act become operative only if the Vehicle Code as proposed by Assembly Bill No. 5 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said code takes effect, at which time Sections 305.2 and 744.1 of the Vehicle Code adopted in 1935 are repealed.

CHAPTER 563

An act to amend Section 20103 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to the county school service fund.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 20103 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

20103. The county superintendent of schools, with the approval of the county board of education, may at the end of the

school year 1946-47 transfer or cause to be transferred any unencumbered balance in the unapportioned county elementary school fund to a fund in the county treasury to be established by the county treasurer, known as the school district emergency aid fund. However, the amount so transferred shall not exceed the amount of the cash balance in the unapportioned county elementary school fund on July 1, 1933, plus any accounts receivable on that date, from unpaid loans and from delinquent county taxes due the fund under the provisions of law in effect on that date.

The school district emergency aid fund shall be used exclusively for the purpose of providing such temporary transfers of funds to school districts as are authorized by Section 31 of Article IV of the State Constitution. All such temporary transfers shall be made in the manner authorized by law on and after June 30, 1947.

Not later than July 1, 1958, the county superintendent of schools shall transfer the entire balance of the school district emergency aid fund, including cash balances and accounts receivable on that date, to the county school service fund.

SEC 2. The amendment of this section made by the 1959 Regular Session of the Legislature does not constitute a change in, but is a restatement of, the pre-existing law without substantive change.

CHAPTER 564

An act to amend Sections 23057 and 23758 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to state colleges and the University of California.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 23057 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

Servicemen's children Residency

23057. Any unmarried minor whose parent is in the active military service of the United States of America and is stationed in this State on the opening day of the semester during which the unmarried minor proposes to attend the university shall, for the purposes of this article (commencing at Section 23051), be deemed to be a resident of this State for such semester. Any admission fee or rate of tuition required of such unmarried minor shall not exceed the amount required of a resident student enrolled in the same course as such unmarried minor. Parent, for the purposes of this section, means the natural father during his lifetime and after his death, the natural mother of the unmarried minor, or an adopting parent.

SEC 2. Section 23758 of said code is amended to read:

Same

23758. Any person whose parent is in the active military service of the United States of America and is stationed in this State on the opening day of the semester during which the person proposes to attend the state college shall, for the purposes of Sections 23603 to 23607, inclusive, Sections 23751 to 23803, inclusive, Sections 24051 to 24104, inclusive, Sections 24451 to 24455, inclusive, and Sections 24581, 24582, and 24601, be deemed to be a resident of this State for such semester. Any admission fee or rate of tuition required of such person shall not exceed the amount required of a resident student enrolled in the same course as such person.

Declaratory of existing law

SEC. 3. The amendment of these sections made by the 1959 Regular Session of the Legislature does not constitute a change in, but is a restatement of, the pre-existing law without substantive change.

CHAPTER 565

An act to amend Section 15959 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to school district purchases.

In effect September 18, 1959

[Approved by Governor May 23, 1959 Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 15959 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

15959. The governing board of any school district may purchase from the Federal Government or any agency thereof any surplus property, as defined in the Surplus Property Act of 1944, in any amount needed for the operation of the schools of the district without taking estimates or advertising for bids.

SEC. 2. The amendment of this section made by the 1959 Regular Session of the Legislature does not constitute a change in, but is a restatement of, the pre-existing law, without substantive change.

CHAPTER 566

An act to amend Sections 4715 and 4725 of the Health and Safety Code, relating to the formation and consolidation of county sanitation districts.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 4715 of the Health and Safety Code is amended to read:

4715. If written objection to the formation of the district, signed by 5 percent of the voters registered in the district if the district contains less than 2001 registered voters, or by 2 percent of the registered voters, but not less than 100 registered voters, if the district contains 2001, or more, registered voters, is filed with the board, it shall, and in any event it may, either adopt an order abandoning the formation of the proposed district or order the matter of the formation of the district with the boundary lines determined at the close of the hearing submitted to the voters of the proposed district at an election. Objection

SEC. 2. Section 4725 of said code is amended to read:

4725. At the time provided in the order of hearing, or at any time to which the hearing is continued, the board of supervisors shall hear any objections to the proposed consolidation. If written objection to the proposed consolidation signed by more than 5 percent of the voters registered in any of the districts proposed to be consolidated is filed with the board it shall, and in any event it may, either adopt an order abandoning the proposed consolidation, or order the proposed consolidation submitted to the voters of the proposed consolidated district at an election, and fix the day for such election. Same Hearing

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CHAPTER 567

An act to amend Section 12 of the Alameda County Flood Control and Water Conservation District Act, relating to the levy and collection of taxes and assessments, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.] In effect immediately

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

SECTION 1. Section 12 of the Alameda County Flood Control and Water Conservation District Act is amended to read:

Sec. 12. The board shall have power, in any year:

1. To levy ad valorem taxes or assessments upon all property in the district to pay the general administrative costs and expenses of the district, and to carry out any of the objects or purposes of this act of common benefit to the district; provided, however, that said ad valorem tax or assessment shall not exceed one and one-half cents ($0.015) on each one hundred dollars ($100) of assessed valuation, and

2. To levy taxes or assessments in each or any of said zones and participating zones to pay the cost and expenses of carrying out, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of said respective zones, according to the benefits derived or to

be derived by said respective zones, by either of the following methods:

(a) By a levy or assessment upon all property within a zone or participating zone, including land, improvements thereon, and personal property;

(b) By a levy or assessment upon all real property within a zone or participating zones, including both land and improvements thereon.

It is declared that for the purposes of any tax or assessment levied under this subdivision, the property so taxed or assessed within a given zone is equally benefited.

3. To levy taxes or assessments by either method authorized by subdivision 2 of this section in each or any of said zones, according to the special benefits derived or to be derived by the specific properties therein, to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to such zone or zones, including the constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zone or zones.

In the event of project cooperation with any of the governmental bodies as authorized in subdivision 7 of Section 5 of this act, and requiring the making of a contract with any such governmental body for the purposes set forth in said subdivision 7, by the terms of which work is to be performed by any such governmental body in any specified zone or participating zones, for the particular benefit thereof, and by said proposed contract the district is to pay to such governmental body, a sum of money in consideration or subvention for the performance of said work by such governmental body, the board may, after proceedings in the manner prescribed in Section 11 of this act, levy and collect a special tax or assessment upon the property in such zone or participating zones, whereby to raise funds to enable the district to make such payment, in addition to other taxes or assessments herein otherwise provided for.

Said taxes or assessments shall be levied and collected together with and not separately from taxes for county purposes, and the revenues derived from said district taxes or assessments shall be paid into the county treasury to the credit of said district, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any zone from the taxes or assessments levied under the provisions of subdivision 2 or 3 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof In cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones.

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

Additional funds are needed for immediate use by the Alameda County Flood Control and Water Conservation District in order to undertake projects urgently needed for the protection of the health and safety of the lives and property of the district residents. This act would authorize the obtainment of such funds, but unless it becomes effective immediately, however, it can be of no benefit during the next fiscal year.

CHAPTER 568

An act to add Section 5254.5 to the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 5254.5 is added to the Streets and Highways Code, to read:

5254.5. The contract may provide that in the event the owner or contractor who may have taken any contract does not complete the work within the time limit specified in the contract or within such further time as the legislative body may give him, the owner or contractor shall pay to the city, liquidated damages as fixed by the legislative body and specified in the contract.

CHAPTER 569

An act to amend Section 5127 of the Agricultural Code, relating to California Beef Council fees.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 5127 of the Agricultural Code is amended to read:

5127. Any person who is subject to the fee required by Section 5125 may file in writing with the director a request for exemption from such fee. Upon the receipt of such request an exemption certificate shall be issued to the person so requesting, which certificate shall then be effective for the remainder of the fiscal year in which issued and shall expire on June 30th next following the date of issuance.

At the time the fee required by Section 5125 is to be collected the person subject to payment may present the exemption certificate or such evidence thereof as the director may prescribe, and upon such presentation the fee otherwise required shall not be collected.

CHAPTER 570

An act to add Section 8162.1 to the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to exemptions from courses in physical education.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 8162.1 is added to the Education Code, as enacted by the Legislature at its 1959 Regular Session, to read:

8162.1. The governing board of a school district may exempt any senior or four year high school pupil enrolled in the grades 9 through 12 in a school of the district from attendance upon courses of physical education, as required by Section 8160, if the pupil is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours.

CHAPTER 571

An act to amend Section 10203.7 of the Insurance Code, relating to group life insurance for agents.

In effect September 18 1959

[Approved by Governor May 23, 1959 Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 10203.7 of the Insurance Code is amended to read:

10203.7. Life insurance conforming to all the following conditions is another form of group life insurance:

(a) Written under a policy covering when issued, not less than 10 agents.

(b) Written under a policy issued to a principal, or if such principal be a life or life and disability insurer, by or to such principal, and with whom, or with an agent of whom, each of such agents is under contract to render personal services for a commission or other fixed or ascertainable compensation, the premium on which is to be paid by the principal or by the principal and the agents jointly, and insuring either all of the agents or all of any class or classes thereof, deter-

mined by conditions pertaining to the services to be rendered by such agents, provided that if a policy is intended to insure several such classes it may be issued to insure any such class of which 75 percent are covered and extended to other classes as 75 percent thereof express the desire to be covered.

(c) For amounts of insurance based upon some plan which will preclude individual selection.

(d) For the benefit of persons other than the principal.

(e) When the premium is to be paid by the principal and agents jointly, and the benefits of the policy are offered to all eligible agents, written under a policy insuring, when issued, not less than 75 percent of such agents.

(f) Terminating, if, subsequent to issue (1) the number of agents insured falls below 10 lives or 75 percent of the number eligible, and (2) the contribution of the agents, if the premiums for the insurance are on a renewable term insurance basis, exceed one dollar ($1) per month per one thousand dollars ($1,000) of insurance coverage plus an amount equal to any additional premium per one thousand dollars ($1,000) of insurance coverage charged to cover one or more hazardous occupations.

Such insurance may be issued with or without medical examination. For the purpose of this section the term agents shall be deemed to include agents, solicitors and salesmen.

CHAPTER 572

An act to amend Section 10270.5 of the Insurance Code, relating to group disability insurance.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 10270.5 of the Insurance Code is amended to read:

10270.5. Group disability insurance is that form of disability insurance which conforms to all of the following conditions:

(a) Written under a master policy,

(1) Issued either to the Federal or State Government, or to any federal or state agency, political subdivision or district, or to any public, governmental, or municipal corporation, or to any unit, agency or department thereof, or to any corporation, copartnership or individual employer, or to the trustee of any association of employers, offering insurance to all the employees of any such employer or of the employer members of such association or to all of any class or classes thereof determined by conditions pertaining to employment and covering not less than 10 such employees or such employees together with their dependents or spouses for amounts of insurance

based upon some plan which will preclude individual selection by the employee as to the amount of his insurance coverage thereunder; or

(2) Issued to a principal eligible to have issued to him a policy of group life insurance under the provisions of Section 10203.7 and insuring not less than 10 agents as defined in that section and eligible thereunder to be insured; or

(3) Issued to any association having a constitution and bylaws and formed in good faith for purposes other than that of obtaining insurance, offering insurance to all the eligible members of such association and covering not less than 10 such members or such members together with their dependents or spouses and not less than 50 percent of all eligible members for amounts of insurance based upon some plan which will preclude individual selection by the member as to the amount of his insurance coverage thereunder. If the master policy is to be issued to cover members of labor unions, it may be issued to more than one such union; or

(4) Issued to any trustees eligible to have issued to them a policy of group life insurance under the provisions of Section 10202.8 and insuring not less than 10 employees or members eligible thereunder to be insured or such employees or members together with their dependents or spouses; or

(5) Issued to a school district or districts or to the governing board of any school district or districts or to a private or parochial school or schools or to the governing board or person in charge of the operation of any private or parochial school or schools, insuring not less than 50 pupils of the school or district and providing benefits to pupils or persons responsible for their support for hospital, medical and surgical expenses resulting from accident to such pupils while they are in or on buildings or premises of the schools or districts during the time such pupils are required to be therein or thereon by reason of their attendance upon a college or a regular day school or any regular day school of a school district or districts or while being transported by the school or schools or district or districts to and from school or other place of instruction or while at any other place as an incident to school sponsored activities and while being transported to, from and between such places; and under which

(b) Transmission or collection of all premiums or premium contributions shall be performed by the policyholder, except where the policy specifies the persons other than the policyholder by whom such transmission or collection shall be made, and in one of the following situations:

(1) If such policy covers the employees of more than one employer, the insurer may collect premium contributions from individual employers whose employees are insured or may assist the policyholder in making such collections. If the employees of more than 100 such employers are covered under such policy, it shall state as a separate part of the premium to be charged

for the policy the amount to be charged by the insurer for such collection.

(2) If the policy covers a group of governmental employees and the governmental unit paying such employees will not transmit their premium contribution after payroll deduction, the insurer may collect from the individual employees. If more than 100 such employees are covered under such policy, it shall state as a separate part of the premium to be charged for the policy the amount to be charged by the insurer for such collection.

(3) If individual members of the group make payment of their share of the premium contribution to the insurer without billing or solicitation by the insurer during a period of temporary absence from active work of not exceeding 90 days, such payment may be received without the necessity of any separately stated charge by the insurer.

(4) If the policy covers the members of an association, the insurer may collect premium contributions from individual members or may assist the policyholder in making such collections. If more than 100 such members are covered under such policy, it shall state as a part of the premium to be charged for the policy the amount to be charged by the insurer for such collection.

(c) There is issued and delivered in accordance with the policy provision required by subsection (b) of Section 10270.6 an individual certificate setting forth the benefits and the exceptions under, and referring to, the master policy under which the certificate is issued.

Such certificates are not subject to the provisions of this chapter relating to the master policy, but the forms thereof shall be submitted to the commissioner for his approval and shall not be issued without such approval of such forms in the manner provided in the case of the master policy.

CHAPTER 573

An act to repeal Chapter 6 (commencing at Section 19301) of Division 14, and Sections 19566, 19567, 19569, 19573, 19575, 19578, 19605, 19622, 19652, 19653, and 19659, and to amend Sections 19576, 19595, and 19629, of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to state school building aid.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Chapter 6 (commencing at Section 19301) of Division 14, and Sections 19566, 19567, 19569, 19573, 19575, 19578, 19605, 19622, 19652, 19653, and 19659 of the Educa- Repeals

tion Code, as enacted by the Legislature at its 1959 Regular Session, are hereby repealed.

SEC. 2. Section 19576 of said code is amended to read:

Apportionments

19576. The board may approve, in whole or in part, an application submitted by a school district under Section 19571 and in such amount, not exceeding the amount applied for, as the board may deem appropriate.

The board may, upon approval of the application, in whole or in part, and subsequently from time to time, make a conditional apportionment or conditional apportionments not exceeding in the aggregate the total amount determined by the board as aforesaid, to the applicant school district from the State School Building Aid Fund for such portion or portions of the construction project as the board determines the district is ready to proceed with. If the board has approved an application and made an apportionment as to a portion or portions of a construction project, the board may approve the remaining portion or portions of the construction project and make an additional apportionment or apportionments within two years after the original approval without requiring a district to issue additional bonds.

If the board determines that the actual cost is in excess of the estimated cost of the specific school plant facilities or sites for which an apportionment to a district has been made, or for which a district's application has been approved in whole or in part pursuant to this section, the board may make an additional apportionment to such district in an amount equal to such excess even though such additional apportionment will result in the total apportionments to the district exceeding the amount of the application originally approved by the board. Before such additional apportionment becomes final the district, pursuant to Section 19590, shall hold an election to repay the amount of such additional apportionment which is in excess of the amount which the district has previously voted to repay. Such additional apportionment shall become final when the county superintendent of schools transmits to the board and the State Controller a certificate in duplicate stating that the school district has authorized the acceptance and expenditure of the necessary amount of such excess. The first paragraph of Section 19595 shall not apply to such additional apportionments. If such additional apportionments are made by the board within two years after the original approval, the district shall not be required to issue additional bonds.

Except as otherwise provided in this section, all provisions of this chapter (Sections 19551 to 19689, inclusive) relating to apportionments shall apply to apportionments made under this section.

Approval of an application under this section shall not be construed as creating or implying any obligation, commitment

or promise on the part of the board or the State to make apportionments under this chapter (Sections 19551 to 19689, inclusive).

SEC. 3. Section 19595 of said code is amended to read:

Same Limitations

19595. No apportionment shall be made to a school district for any grade level if the estimated cost of the project, as approved by the Director of Finance, is (1) an amount which would result in an apportionment to the district exceeding the amount authorized at the district election held under Section 19590, or (2) is an amount which if raised by the issuance and sale of bonds of the district running for 25 years bearing the current going rate of interest as determined by the board and the principal of which is payable in 25 equal annual payments, would require the levy of a tax under Section 22101 upon property in the district which would, when added to the tax actually being levied upon property in the district for the grade level as determined by the Director of Finance under said section, amount to less than thirty cents ($0.30) on each one hundred dollars ($100) of assessed valuation of property in the district during the next fiscal year.

SEC. 4. Section 19629 of said code is amended to read:

Unauthorized expenditures

19629. Whenever the State Controller determines that any money apportioned to a school district has been expended by such school district for purposes not authorized by this chapter (Sections 19551 to 19689, inclusive), or exceeds the final cost of the project which is authorized by Section 19571 of this chapter to be paid therefrom, the State Controller shall furnish written notice to the board, the governing board of the school district, the county superintendent of schools, the county auditor, and the county treasurer of the county whose county superintendent of schools has jurisdiction over the school district, directing the school district and the county treasurer to pay into the State Treasury, at the time of the next county settlement following receipt of such notice, the amount of such unauthorized expenditures, or the amount of such excess apportionment, as the case may be. Upon receipt of such notice, such governing board shall, at the time specified herein, order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the State School Building Aid Fund, to be reapportioned by the board.

It shall be the duty of such governing body and the county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State.

CHAPTER 574

An act to amend Section 17801 of the Education Code as enacted at the 1959 Regular Session, relating to basic state aid for high schools.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 17801 of the Education Code as enacted at the 1959 Regular Session is amended to read:

17801. (a) The Superintendent of Public Instruction shall allow to each high school district one hundred twenty dollars ($120) for each unit of average daily attendance in the district during the preceding fiscal year as computed under Sections 11403, 11452, and 11501, subject to the provisions of Section 17610, but not less than two thousand four hundred dollars ($2,400) shall be allowed to any high school district. to be known as basic state aid.

(b) The Superintendent of Public Instruction shall exclude from the computation of allowances provided by subdivision (a) of this section the average daily attendance during the preceding fiscal year of adults, as adults are defined in Section 6352, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

This section shall become effective on July 1, 1959.

CHAPTER 575

An act to amend Section 17903 of the Education Code as enacted at the 1959 Regular Session, relating to state equalization aid for high school districts.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 17903 of the Education Code as enacted at the 1959 Regular Session is amended to read:

17903. Notwithstanding anything in Sections 17614 and 17615, and Sections 17901 to 17906, inclusive, whichever are in effect, to the contrary, the amount computed for any high school district under Sections 17614 and 17615, and Sections 17901 to 17906, inclusive, whichever are in effect, shall be not less than it would have been had the foundation program of school support for such district under Sections 17651 to 17667, inclusive, whichever are in effect, been computed by multiplying the number of units of average daily attendance in the

district during the preceding fiscal year as computed under Sections 11403 and 11452, by three hundred fifty dollars ($350) and had the tax used in making the computation for the district under Sections 17702 and 17703 been seventy-five cents ($0.75).

This section shall become effective on July 1, 1959.

CHAPTER 576

An act to amend Section 10203.5 of the Insurance Code, relating to group life insurance.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 10203.5 of the Insurance Code is amended to read:

10203.5. (a) Life insurance conforming to all the following conditions is another form of group life insurance:

(1) Covering one of the following groups:

(A) All members are or become borrowers from one financial institution, including subsidiary or affiliated persons, under an agreement to repay the sum borrowed.

(B) All members are or become purchasers of merchandise or other property (exclusive of securities, investment certificates and bank deposits) under an agreement to pay the balance of the purchase price.

(2) The group numbers not less than 100 new entrants yearly.

(3) The amount insured on any one borrower or purchaser does not exceed the balance of the indebtedness to the institution or vendor and does not exceed ten thousand dollars ($10,000) on any one life.

(4) The repayment or payment of purchase price is to be made, under the agreement of loan or purchase, in installments over a period not exceeding 32 years or in one sum within a period not in excess of 18 months from the initial date of the debt on an agricultural or horticultural loan.

(5) The policy is issued upon application of and made payable to the institution, vendor, or a creditor to whom such vendor may transfer title to the indebtedness, as beneficiary, and the premiums are paid by or through the institution, vendor, or such creditor.

(b) A policy of insurance conforming to the provisions of this section is not subject to the provisions of Section 10209 or 10213.

CHAPTER 577

An act to add Sections 192 and 4015 to the Vehicle Code, as enacted by the Legislature at its 1959 Regular Session, relating to vehicles designed or capable of being used for firefighting purposes.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 192 is added to the Vehicle Code, as enacted by the Legislature at its 1959 Regular Session, to read:

"Authorized emergency vehicle"

192. An "authorized emergency vehicle" is any privately owned vehicle, except a tractor, designed or capable of being used for firefighting purposes, which is exempt from registration under Section 4015, when operated under a permit issued by the commissioner in responding to emergency fire calls.

SEC. 2. Section 4015 is added to said code, to read:

Exemption of firefighting vehicles

4015. Any privately owned vehicle, except a tractor, designed or capable of being used for firefighting purposes when operated upon a highway only in responding to, and returning from, emergency fire calls is exempt from registration.

CHAPTER 578

An act to add Section 6.1 to the Santa Clara County Flood Control and Water Conservation District Act (Chapter 1405, Statutes of 1951), relating to land acquired for district purposes.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 6.1 is added to the Santa Clara County Flood Control and Water Conservation District Act, to read:

SEC. 6.1. Whenever a part only of a parcel of land is required by the district for the control or conservation of flood, storm, or other waste waters, and the taking thereof, and the construction of the proposed public improvement thereon, will interfere with reasonable access to the remainder or a portion thereof, or will otherwise cause substantial damage to the remainder, the district may condemn, purchase, or otherwise acquire the whole parcel of land or such portion of the remainder to which access is impaired and may sell the remainder or exchange the same for other property required for district purposes. Or, in lieu of such acquisition of the remainder, the district may condemn, purchase, or otherwise acquire an easement for ingress to and egress from the remainder for use by the public, including the owner of the land.

CHAPTER 579

An act to add an article heading and to add Article 2 (commencing with Section 25580), to Chapter 6 of Part 2, Division 2, Title 3 of the Government Code, relating to parks and recreation.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. An article heading is added to Chapter 6, Part 2, Division 2, Title 3 of the Government Code, immediately preceding Section 25550, to read:

Article 1. General

SEC. 2. Article 2 (commencing with Section 25580) is added to Chapter 6 of Part 2, Division 2, Title 3 of said code, to read:

Article 2. County Park Abandonment Law of 1959

Short title

25580. This article may be cited as the County Park Abandonment Law of 1959.

Abandonment of park lands

25581. The board of supervisors of any county may abandon all or any portion of a park dedicated to the county for park purposes or acquired by the county by deed limiting its use to park purposes, and may sell the land comprising it pursuant to this article or use the land for other county purposes, if it finds that all of the park, where all is to be abandoned, or the portion to be abandoned is not being used by the public for park purposes and that all of said park, or the portion to be abandoned if less than all, is not appropriate, convenient or necessary for park purposes.

Same Election requirement

25582. If the land comprising all or any portion of such park has been purchased with funds realized from the sale of bonds of a bond issue authorized for the purpose of acquiring the land for park purposes, the question of abandonment of all or any portion of such park and the sale or conveyance of the land or the use of the land for other county purposes shall first be submitted to, and approved by a majority of the voters of the county voting at the next statewide election or at a special election called for that purpose.

Resolution of intention

25583. Before abandoning all or any portion of a park the board of supervisors shall adopt a resolution of intention by unanimous vote of all of its members describing the park or the portion of it proposed to be abandoned and fixing a time at least 60 days after the adoption of the resolution when it will meet to take final action.

Publication

25584. The resolution shall be published pursuant to Section 6063 in a newspaper of general circulation in the county printed and published nearest to the park all or a portion of which is proposed to be abandoned and in the newspaper of greatest circulation in the county if that newspaper is not

the one printed and published nearest to such park. Not less than four copies of the resolution shall be posted conspicuously not more than 100 feet apart at the point where any public highway or highways or park road or roads providing access into or through such park across the park boundaries and along the route of such highways or roads within the park boundaries.

Hearing

25585. At the time and place stated in the resolution the board of supervisors shall meet and hear and pass on objections to the abandonment of all or any portion of the park. If the board of supervisors sustains the objections, the proceedings shall terminate and a new resolution of intention describing all or any substantial part of the area proposed to be abandoned as a park shall not be adopted for six months.

Petition

25586. If at or before the hearing there is filed with the board of supervisors a petition signed by not less than 200 voters of the county objecting to the abandonment, the board of supervisors shall either terminate the proceedings or submit the question of abandonment to the voters of the county at the next statewide election or at a special election called for that purpose.

Jurisdiction

25587. If all objections are overruled or if the election required by Section 25586 results in a vote of approval by a majority of those voting thereat, the board of supervisors has jurisdiction to order the park or that portion thereof described in the resolution of intention abandoned and sold or used for other county purposes.

Private and other governmental agency rights

25588. No abandonment or sale or other county use of a park or portion thereof pursuant to this article shall affect any private right in lands acquired or owned by any private person or corporation, nor shall such abandonment or sale or other county use affect any right, easement or interest owned or under the control of any other governmental agency for public use other than park purposes.

In the absence of an express or implied reservation of a right of reversion in the dedication or instrument of purchase, the park lands abandoned pursuant to this article shall not revert to private ownership.

CHAPTER 580

An act to amend Section 25643 of the Government Code, relating to excepting property from county tax levy for structural fire protection.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 25643 of the Government Code is amended to read:

25643. The board of supervisors in any county which provides county funds for structural fire protection of areas in the

county in incorporated or unincorporated territory shall at the time of levying county taxes for support of said function, except from the levy of any tax for said purpose all property within the limits of any incorporated city or any fire protection district in said county, which by July 1st of each year, shall petition the board of supervisors in writing for the exclusion of such property from the levy of taxes for such purpose, such petition to be supported by a resolution to be adopted by the governing body of such incorporated city or fire protection district finding that such incorporated city or fire protection district has an organized fire department in operation and existence which is at such time providing adequate structural fire protection to all property within such incorporated city or fire protection district, and that no additional benefit in fire protection is received or required by such property from structural fire protection given by the county.

CHAPTER 581

An act to amend Section 514 of the Penal Code, relating to embezzlement.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.] In effect September 18, 1959

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

SECTION 1. Section 514 of the Penal Code is amended to read:

514. Every person guilty of embezzlement is punishable in the manner prescribed for theft of property of the value or kind embezzled; and where the property embezzled is an evidence of debt or right of action, the sum due upon it or secured to be paid by it must be taken as its value; if the embezzlement or defalcation is of the public funds of the United States, or of this State, or of any county or municipality within this State, the offense is a felony, and is punishable by imprisonment in the state prison not less than one nor more than 10 years; and the person so convicted is ineligible thereafter to any office of honor, trust, or profit in this State.

CHAPTER 582

An act to amend Sections 5721 and 5722 of the Elections Code, relating to assisted voters.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.] In effect September 18, 1959

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

SECTION 1. Section 5721 of the Elections Code is amended to read:

Assistance of voters

5721. When it appears from the register that a voter has declared under oath, when he registered:

(a) That he cannot read, or

(b) That by reason of physical disability he is unable to mark his ballot, or when a voter declares under oath, administered by any member of the precinct board at the time he appears at the polling place to vote, that he is then unable to mark his ballot because of physical disability, he shall receive the assistance of not more than two persons, of his own selection.

After assisting a voter no person shall divulge any information regarding the marking of the ballot.

SEC. 2. Section 5722 of said code is amended to read:

Oath

5722. The person assisting a voter in marking his ballot shall subscribe and take the following oath before assisting the voter:

State of California, County of _____, _____ Precinct, ss. _____ (here insert the name of the person assisting the voter) being duly sworn, says that he has been requested by _____ (here insert the name of the voter) to assist him in marking his ballot, and that he will never give any information regarding the same.

_____

Signature of person assisting the voter

Subscribed and sworn to before me, this _____ day of _____, 19___.

_____

Signature of officer before whom oath is taken

CHAPTER 583

An act to amend Section 5787 of, and to add Section 5787.01 to, the Public Resources Code, relating to the dissolution of recreation and park districts.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 5787 of the Public Resources Code is amended to read:

Dissolution Petition and election

5787. Upon receiving a petition, signed by 25 percent of the registered voters of the district, requesting its dissolution, its governing body shall, by resolution, call an election for this purpose. The provisions of Title 6, Division 1, Chapter 1, Article 10 (commencing at Section 58300) of the Government Code shall not apply to the dissolution of districts organized under this article.

SEC. 2. Section 5787.01 is added to said code, to read:

5787.01. As an alternative method of dissolution, the governing body of the district may by resolution duly adopted, and in the absence of a petition by the registered voters, order an election to determine whether or not the district shall be dissolved. Same Resolution

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CHAPTER 584

An act to amend Section 71140.1 of the Government Code, relating to attaches of municipal courts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.] In effect immediately

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

SECTION 1. Section 71140.1 of the Government Code is amended to read:

71140.1. The attaches of a municipal court may reside temporarily in counties adjoining the county in which they are employed if such temporary residence does not deprive them of their status as electors of the county or city and county in which they are appointed or elected.

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

In reliance upon Section 71140, Government Code, and the holding of the Attorney General thereon (21 Ops. Atty. Gen. 51) an estimated 200 municipal court attaches throughout the State have purchased homes and established residence in judicial districts within the same county as, but in other than the judicial district of, their employment. Since the enactment of Section 71140.1, Government Code (Stats. 1957, Ch. 1630) a question has arisen as to whether the qualifying language used therein with reference to temporary residence has the further unintended effect of requiring other municipal court attaches to reside in the judicial district in which they are elected or appointed, contrary to the provisions of Section 71140, Government Code. Correction is urgently needed to avoid any possibility of personal and financial hardship to the many attaches involved, as well as the possible disruption of their services to the various courts in which they are employed. It is therefore necessary that this act take immediate effect.

CHAPTER 585

An act to amend Section 8742 of, and to add Section 8745.5 to, the Business and Professions Code, relating to land surveying.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 8742 of the Business and Professions Code is amended to read:

Qualifications and experience

8742. The educational qualifications and experience in land surveying, which an applicant shall possess, shall be not less than the following prescribed minima:

(a) Actual experience in land surveying for at least six years.

(b) Graduation from a four-year course in civil or mining engineering in any school or college, approved by the board, is equivalent of three years of actual experience.

Credits earned toward graduation from an approved school or college shall likewise be accepted as the equivalent of their proportionate part of three years of practice.

Credits earned in a technical institute in a land surveying curriculum, approved by the board, shall be accepted as the equivalent of their proportionate part of one and one-half years of practice.

SEC. 2. Section 8745.5 is added to said code, to read:

Examination re mathematical, etc., subjects

8745.5. One division of the examination shall test the applicant's knowledge of appropriate mathematical and basic engineering subjects. Applicants who have passed the engineer-in-training examination, or who hold professional engineer registration, are exempt from this division of the examination.

Another division of the examination shall test the applicant's ability to apply his knowledge and experience and to assume responsible charge in professional practice of land surveying.

CHAPTER 586

An act to codify the Klamath River Basin Compact by adding Part 6 (commencing with Section 5900) to Division 2 of the Water Code, and to repeal Chapter 113 of the Statutes of 1957, and Chapter 2.5 (commencing with Section 8110) of Division 1 of Title 2 of the Government Code, relating to the Klamath River Basin.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Part 6 (commencing with Section 5900) is added to Division 2 of the Water Code, to read:

PART 6. KLAMATH RIVER BASIN COMPACT

5900. The Legislature of the State of California hereby ratifies and approves that certain compact designated as the "Klamath River Basin Compact between the States of Oregon and California," as set forth in Section 2 of Chapter 113 of the Statutes of 1957, which was approved at Klamath Falls, Oregon, on the seventeenth day of November, 1956, by the California Klamath River Commission, under authority of and in conformity with the provisions of Government Code Sections 8110-8119 (California Stats. 1953, Ch. 1473, p. 3085), and by a similar commission representing the State of Oregon under legislative authority of that state, and the provisions of said compact shall become the law of this State upon said compact becoming effective as provided in Article XIII of said compact.

Ratification of "Klamath River Basin Compact between the States of Oregon and California"

5901. The provisions of said Klamath River Basin Compact are as follows:

ARTICLE I. PURPOSES

The major purposes of this compact are, with respect to the water resources of the Klamath River Basin:

Purposes

A. To facilitate and promote the orderly, integrated and comprehensive development, use, conservation and control thereof for various purposes, including, among others: the use of water for domestic purposes; the development of lands by irrigation and other means; the protection and enhancement of fish, wildlife and recreational resources; the use of water for industrial purposes and hydroelectric power production; and the use and control of water for navigation and flood prevention.

B. To further intergovernmental co-operation and comity with respect to these resources and programs for their use and development and to remove causes of present and future controversies by providing (1) for equitable distribution and use of water among the two states and the Federal Government, (2) for preferential rights to the use of water after the effective date of this compact for the anticipated ultimate requirements for domestic and irrigation purposes in the Upper Klamath River Basin in Oregon and California, and (3) for prescribed relationships between beneficial uses of water as a practicable means of accomplishing such distribution and use.

ARTICLE II. DEFINITION OF TERMS

As used in this compact:

A. "Klamath River Basin" shall mean the drainage area of the Klamath River and all its tributaries within the States of California and Oregon and all closed basins included in the Upper Klamath River Basin.

Definitions

B. "Upper Klamath River Basin" shall mean the drainage area of the Klamath River and all its tributaries upstream from the boundary between the States of California and Oregon and the closed basins of Butte Valley, Red Rock Valley, Lost River Valley, Swan Lake Valley and Crater Lake, as delineated on the official map of the Upper Klamath River Basin approved on September 6, 1956, by the commissions negotiating this compact and filed with the Secretaries of State of the two states and the General Services Administration of the United States, which map is incorporated by reference and made a part hereof.

C. "Commission" shall mean the Klamath River Compact Commission as created by Article IX of this compact.

D. "Klamath Project" of the Bureau of Reclamation of the Department of the Interior of the United States shall mean that area as delineated by appropriate legend on the official map incorporated by reference under subdivision B of this article.

E. "Person" shall mean any individual or any other entity, public or private, including either state, but excluding the United States.

F. "Keno" shall mean a point on the Klamath River at the present needle dam, or any substitute control dam constructed in Section 36, Township 39 South, Range 7 East, Willamette Base and Meridian.

G. "Water" or "waters" shall mean waters appearing on the surface of the ground in streams, lakes or otherwise, regardless of whether such waters at any time were or will become ground water, but shall not include water extracted from underground sources until after such water is used and becomes surface return flow or waste water.

H. "Domestic use" shall mean the use of water for human sustenance, sanitation and comfort; for municipal purposes; for livestock watering; for irrigation of family gardens; and for other like purposes.

I. "Industrial use" shall mean the use of water in manufacturing operations.

J. "Irrigation use" shall mean the use of water for production of agricultural crops, including grain grown for feeding wildfowl.

ARTICLE III. DISTRIBUTION AND USE OF WATER

Distribution and use of water

A. There are hereby recognized vested rights to the use of waters originating in the Upper Klamath River Basin validly established and subsisting as of the effective date of this compact under the laws of the state in which the use or diversion is made, including rights to the use of waters for domestic and irrigation uses within the Klamath Project. There are also hereby recognized rights to the use of all waters reasonably required for domestic and irrigation uses which may hereafter be made within the Klamath Project.

B. Subject to the rights described in subdivision A of this article and excepting the uses of water set forth in subdivision E of Article XI, rights to the use of unappropriated waters originating within the Upper Klamath River Basin for any beneficial use in the Upper Klamath River Basin, by direct diversion or by storage for later use, may be acquired by any person after the effective date of this compact by appropriation under the laws of the state where the use is to be made, as modified by the following provisions of this subdivision B and subdivision C of this article, and may not be acquired in any other way:

1. In granting permits to appropriate waters under this subdivision B, as among conflicting applications to appropriate when there is insufficient water to satisfy all such applications, each state shall give preference to applications for a higher use over applications for a lower use in accordance with the following order of uses:

(a) Domestic use,

(b) Irrigation use,

(c) Recreational use, including use for fish and wildlife,

(d) Industrial use,

(e) Generation of hydroelectric power,

(f) Such other uses as are recognized under the laws of the state involved.

These uses are referred to in this compact as uses (a), (b), (c), (d), (e) and (f), respectively. Except as to the superiority of rights to the use of water for use (a) or (b) over the rights to the use of water for use (c), (d), (e) or (f), as governed by subdivision C of this article, upon a permit being granted and a right becoming vested and perfected by use, priority in right to the use of water shall be governed by priority in time within the entire Upper Klamath River Basin regardless of state boundaries. The date of priority of any right to the use of water appropriated for the purposes above enumerated shall be the date of the filing of the application therefor, but such priority shall be dependent on commencement and completion of construction of the necessary works and application of the water to beneficial use with due diligence and within the times specified under the laws of the state where the use is to be made. Each state shall promptly provide the commission and the appropriate official of the other state with complete information as to such applications and as to all actions taken thereon.

2. Conditions on the use of water under this subdivision B in Oregon shall be:

(a) That there shall be no diversion of waters from the Upper Klamath River Basin, but this limitation shall not apply to out-of-basin diversions of waters originating within the drainage area of Fourmile Lake.

(b) That water diverted from Upper Klamath Lake and the Klamath River and its tributaries upstream from Keno,

Oregon, for use in Oregon and not consumed therein and appearing as surface return flow and waste water within the Upper Klamath River Basin shall be returned to the Klamath River or its tributaries above Keno, Oregon.

3. Conditions on the use of water under this subdivision B in California shall be:

(a) That the waters diverted from the Klamath River within the Upper Klamath River Basin for use in California shall not be taken outside the Upper Klamath River Basin.

(b) That substantially all of the return flows and waste water finally resulting from such diversions and use appearing as surface waters in the Upper Klamath River Basin shall be made to drain so as to be eventually returned to the Klamath River upstream from Keno, Oregon.

C. 1. All rights, acquired by appropriation after the effective date of this compact, to use waters originating within the Upper Klamath River Basin for use (a) or (b) in the Upper Klamath River Basin in either state shall be superior to any rights, acquired after the effective date of this compact, to use such waters (i) for any purpose outside the Klamath River Basin by diversion in California or (ii) for use (c), (d), (e) or (f) anywhere in the Klamath River Basin Such superior rights shall exist regardless of their priority in time and may be exercised with respect to inferior rights without the payment of compensation. But such superior rights to use water for use (b) in California shall be limited to the quantity of water necessary to irrigate 100,000 acres of land, and in Oregon shall be limited to the quantity of water necessary to irrigate 200,000 acres of land.

2. The provisions of paragraph 1 of this subdivision C shall not prohibit the acquisition and exercise after the effective date of this compact of rights to store waters originating within the Upper Klamath River Basin and to make later use of such stored water for any purpose, as long as the storing of waters for such later use, while being effected, does not interfere with the direct diversion or storage of such waters for use (a) or (b) in the Upper Klamath River Basin

ARTICLE IV. HYDROELECTRIC POWER

Hydroelectric power

It shall be the objective of each state, in the formulation and the execution and the granting of authority for the formulation and execution of plans for the distribution and use of the waters of the Klamath River Basin, to provide for the most efficient use of available power head and its economic integration with the distribution of water for other beneficial uses in order to secure the most economical distribution and use of water and lowest power rates which may be reasonable for irrigation and drainage pumping, including pumping from wells.

ARTICLE V. INTERSTATE DIVERSION AND STORAGE RIGHTS, MEASURING DEVICES

Interstate diversion and storage rights

A. Each state hereby grants for the benefit of the other and its designees the right to construct and operate facilities for the measurement, diversion, storage and conveyance of water from the Upper Klamath River Basin in one state for use in the other insofar as the exercise of such right may be necessary to effectuate and comply with the terms of this compact. The location of such facilities shall be subject to approval by the commission.

B. Each state or its designee, exercising within the jurisdiction of the other a right granted under subdivision A of this article, shall make provision for the establishment, operation, and maintenance of permanent gaging stations at such points on streams or reservoir or conveyance facilities as may be required by the commission for the purpose of ascertaining and recording the volume of diversions by the streams or facilities involved. Said stations shall be equipped with suitable devices for determining the flow of water at all times. All information obtained from such stations shall be compiled in accordance with the standards of the United States Geological Survey, shall be filed with the commission, and shall be available to the public.

ARTICLE VI. ACQUISITION OF PROPERTY FOR STORAGE AND DIVERSION; IN LIEU TAXES

Acquisition of property for storage and diversion

A. Subject to approval of the commission, either state shall have the right (1) to acquire such property rights in the other state as are necessary for the diversion, storage, conveyance, measurement and use of water in conformity with this compact, by donation or purchase, or (2) to elect to have the other state acquire such property rights for it by purchase or through the exercise of the power of eminent domain. A state making the latter election shall make a written request therefor and the other state shall expeditiously acquire said property rights either by purchase at a price satisfactory to the requesting state, or, if such purchase cannot be made, then through the exercise of its power of eminent domain, and shall convey said property rights to the requesting state or its designee. All costs of such acquisition shall be paid by the requesting state. Neither state shall have any greater power to acquire property rights for the other state through the exercise of the power of eminent domain than it would have under its laws to acquire the same property rights for itself.

B. Should any diversion, storage or conveyance facilities be constructed or acquired in either state for the benefit of the other state, as herein provided, the construction, repair, replacement, maintenance and operation of such facilities shall be subject to the laws of the state in which the facilities are located, except that the proper officials of that state shall per-

mit the storage, release and conveyance of any water to which the other state is entitled under this compact.

C. Either state having property rights other than water rights in the other state acquired as provided in this article shall pay to each political subdivision of the state in which such property rights are located, each and every year during which such rights are held, a sum of money equivalent to the average annual amount of taxes assessed against those rights during the 10 years preceding the acquisition of such rights in reimbursement for the loss of taxes to such political subdivisions of the state. Payments so made to a political subdivision shall be in lieu of any and all taxes by that subdivision on the property rights for which the payments are made.

ARTICLE VII. POLLUTION CONTROL

Pollution control

A. The states recognize that the growth of population and the economy of the Upper Klamath River Basin can result in pollution of the waters of the Upper Klamath River Basin constituting a menace to the health and welfare of, and occasioning economic loss to, people living or having interests in the Klamath River Basin. The states recognize further that protection of the beneficial uses of the waters of the Klamath River Basin requires co-operative action of the two states in pollution abatement and control.

B. To aid in such pollution abatement and control, the commission shall have the duty and power:

1. To co-operate with the states or agencies thereof or other entities and with the United States for the purpose of promoting effective laws and the adoption of effective regulations for abatement and control of pollution of the waters of the Klamath River Basin, and from time to time to recommend to the governments reasonable minimum standards for the quality of such waters.

2. To disseminate to the public by any and all appropriate means information respecting pollution abatement and control in the waters of the Klamath River Basin and on the harmful and uneconomic results of such pollution.

C. Each state shall have the primary obligation to take appropriate action under its own laws to abate and control interstate pollution, which is defined as the deterioration of the quality of the waters of the Upper Klamath River Basin within the boundaries of such state which materially and adversely affects beneficial uses of waters of the Klamath River Basin in the other state. Upon complaint to the commission by the state water pollution control agency of one state that interstate pollution originating in the other state is not being prevented or abated, the procedure shall be as follows:

1. The commission shall make an investigation and hold a conference on the alleged interstate pollution with the water

pollution control agencies of the two states, after which the commission shall recommend appropriate corrective action.

2. If appropriate corrective action is not taken within a reasonable time, the commission shall call a hearing, giving reasonable notice in writing thereof to the water pollution control agencies of the two states and to the person or persons which it is believed are causing the alleged interstate pollution. Such hearing shall be held in accordance with rules and regulations of the commission, which shall conform as nearly as practicable with the laws of the two states governing administrative hearings. At the conclusion of such hearing, the commission shall make a finding as to whether interstate pollution exists, and if so, shall issue to any person or persons which the commission finds are causing such interstate pollution an order or orders for correction thereof.

3. It shall be the duty of the person against whom any such order is issued to comply therewith. Any court of general jurisdiction of the state where such discharge is occurring or the United States District Court for the district where the discharge is occurring shall have jurisdiction, on petition of the commission for enforcement of such order, to compel action by mandamus, injunction, specific performance, or any other appropriate remedy, or on petition of the person against whom the order is issued to review any order. At the conclusion of such enforcement or review proceedings, the court may enter such decree or judgment affirming, reversing, modifying, or remanding such order as in its judgment is proper in the circumstances on the basis of the rules customarily applicable in proceedings for court enforcement or review of administrative actions.

D. The water pollution control agencies of the two states shall, from time to time, make available to the commission all data relating to the quality of the waters of the Upper Klamath River Basin which they possess as the result of studies, surveys and investigations thereof which they may have made.

ARTICLE VIII. MISCELLANEOUS

Miscellaneous

A. Subject to vested rights as of the effective date of this compact, there shall be no diversion of waters from the basin of Jenny Creek to the extent that such waters are required, as determined by the commission, for use on land within the basin of Jenny Creek.

B. Each state shall exercise whatever administrative, judicial, legislative or police powers it has that are required to provide any necessary reregulation or other control over the flow of the Klamath River downstream from any hydroelectric powerplant for protection of fish, human life or property from damage caused by fluctuations resulting from the operation of such plant.

ARTICLE IX. ADMINISTRATION

Administration

A. 1. There is hereby created a commission to administer this compact. The commission shall consist of three members The representative of the State of California shall be the Department of Water Resources. The representative of the State of Oregon shall be the State Engineer of Oregon who shall serve as ex officio representative of the State Water Resources Board of Oregon. The President is requested to appoint a federal representative who shall be designated and shall serve as provided by the laws of the United States.

2. The representative of each state shall be entitled to one vote in the commission. The representative of the United States shall serve as chairman of the commission without vote. The compensation and expenses of each representative shall be fixed and paid by the government which he represents. Any action by the commission shall be effective only if it be agreed to by both voting members.

3. The commission shall meet to establish its formal organization within 60 days after the effective date of this compact, such meeting to be at the call of the governors of the two states. The commission shall then adopt its initial set of rules and regulations governing the management of its internal affairs providing for, among other things, the calling and holding of meetings, the adoption of a seal, and the authority and duties of the chairman and executive director. The commission shall establish its office within the Upper Klamath River Basin.

4. The commission shall appoint an executive director, who shall also act as secretary, to serve at the pleasure of the commission and at such compensation, under such terms and conditions and performing such duties as it may fix. The executive director shall be the custodian of the records of the commission with authority to affix the commission's official seal, and to attest to and certify such records or copies thereof. The commission, without regard to the provisions of the civil service laws of either state, may appoint and discharge such consulting, clerical and other personnel as may be necessary for the performance of the commission's functions, may define their duties, and may fix and pay their compensation. The commission may require the executive director and any of its employees to post official bonds, and the cost thereof shall be paid by the commission.

5. All records, files and documents of the commission shall be open for public inspection at its office during established office hours.

6. No member, officer or employee of the commission shall be liable for injury or damage resulting from (a) action taken by such member, officer or employee in good faith and without malice under the apparent authority of this compact, even though such action is later judicially determined to be unauthorized, or (b) the negligent or wrongful act or omis-

sion of any other person, employed by the commission and serving under such officer, member or employee, unless such member, officer or employee either failed to exercise due care in this selection, appointment or supervision of such other person, or failed to take all available action to suspend or discharge such other person after knowledge or notice that such other person was inefficient or incompetent to perform the work for which he was employed. No suit may be instituted against a member, officer or employee of the commission for damages alleged to have resulted from the negligent or wrongful act or omission of such member, officer or employee or a subordinate thereof occurring during the performance of his official duties unless, within 90 days after occurrence of the incident, a verified claim for damages is presented in writing and filed with such member, officer or employee and with the commission. In the event of a suit for damages against any member, officer or employee of the commission on account of any act or omission in the performance of his or his subordinates' official duties, the commission shall arrange for the defense of such suit and may pay all expenses therefor on behalf of such member, officer or employee. The commission may at its expense insure its members, officers and employees against liability resulting from their acts or omissions in the performance of their official duties. Nothing in this paragraph shall be construed as imposing any liability upon any member, officer or employee of the commission that he would otherwise not have.

7. The commission may incur obligations and pay expenses which are necessary for the performance of its functions. But it shall not pledge the credit of any government except by and with the authority of the legislative body thereof given pursuant to and in keeping with the constitution of such government, nor shall the commission incur any obligations prior to the availability of funds adequate to meet them.

8. The commission may:

(a) Borrow, accept or contract for the services of personnel from any government or agency thereof, from any intergovernmental agency or from any other entity.

(b) Accept for any of its purposes and functions under this compact any and all donations, gifts, grants of money, equipment, supplies, materials and services from any government or agency thereof or intergovernmental agency or from any other entity.

(c) Acquire, hold and dispose of real and personal property as may be necessary in the performance of its functions.

(d) Make such studies, surveys and investigations as are necessary in carrying out the provisions of this compact.

9. All meetings of the commission for the consideration of and action on any matters coming before the commission, except matters involving the management of internal affairs of the commission and its staff, shall be open to the public. Matters coming within the exception of this paragraph may

be considered and acted upon by the commission in executive session under such rules and regulations as may be established therefor.

10. In the case of the failure of the two voting members of the commission to agree on any matter relating to the administration of this compact as provided in paragraph 2 of this subdivision A, the representative from each state shall appoint one person and the two appointed persons shall appoint a third person. The three appointees shall sit as an arbitration forum. The terms of appointment and the compensation of the members of the arbitration forum shall be fixed by the commission. Matters on which the two voting members of the commission have failed to agree shall be decided by a majority vote of the members of the arbitration forum. Each state obligates itself to abide by the decision of the arbitration forum, subject, however, to the right of each state to have the decision reviewed by a court of competent jurisdiction.

11. The commission shall have the right of access, through its authorized representatives, to all properties in the Klamath River Basin whenever necessary for the purpose of administration of this compact. The commission may obtain a court order to enforce its right of access.

B. 1. The commission shall submit to the governor or designated officer of each state a budget of its estimated expenditures for such period and at such times as may be required by the laws of that state for presentation to the legislature thereof. Each state pledges itself to appropriate and pay over to the commission one-half of the amount required to finance the commission's estimated expenditures as set forth in each of its budgets, and pledges further that concurrently with approval of this compact by its legislature the sum of not less than $12,000 will be appropriated by it to be paid over to the commission at its first meeting for use in financing the commission's functions until the commission can prepare its first budget and receive its first appropriation thereunder from the states.

2. The commission shall keep accurate accounts of all receipts and disbursements, which shall be audited yearly by a certified public accountant, and the report of the audit shall be made a part of its annual report. The accounts of the commission shall be open for public inspection during established office hours.

3. The commission shall make and transmit to the legislature and governor of each state and to the President of the United States an annual report covering the finances and activities of the commission and embodying such plans, recommendations and findings as may have been adopted by the commission.

C. 1. The commission shall have the power to adopt, and to amend or repeal, such rules and regulations to effectuate the purposes of this compact as in its judgment may be appropriate.

2. Except as to matters involving exclusively the management of the internal affairs of the commission and its staff or involving emergency matters, prior to the adoption, amendment or repeal of any rule or regulation the commission shall hold a hearing at which any interested person shall have the opportunity to present his views on the proposed action in writing, with or without the opportunity to present the same orally. The commission shall give adequate advance notice in a reasonable manner of the time, place and subject of such hearings.

3. Emergency rules and regulations may be adopted without a prior hearing, but in such case they may be effective for not longer than 90 days.

4. The commission shall publish its rules and regulations in convenient form.

ARTICLE X. STATUS OF INDIAN RIGHTS

A. Nothing in this compact shall be deemed:

Status of Indian rights

1. To affect adversely the present rights of any individual Indian, tribe, band or community of Indians to the use of the waters of the Klamath River Basin for irrigation.

2. To deprive any individual Indian, tribe, band or community of Indians of any rights, privileges, or immunities afforded under federal treaty, agreement or statute.

3. To affect the obligations of the United States of America to the Indians, tribes, bands or communities of Indians, and their reservations.

4. To alter, amend or repeal any of the provisions of the Act of August 13, 1954, (68 Stat. 718) as it may be amended.

B. Lands within the Klamath Indian Reservation which are brought under irrigation after the effective date of this compact, whether before or after Section 14 of said Act of August 13, 1954, becomes fully operative, shall be taken into account in determining whether the 200 000-acre limitation provided in paragraph 1 of subdivision C of Article III has been reached.

ARTICLE XI. FEDERAL RIGHTS

Nothing in this compact shall be deemed:

Federal rights

A. To impair or affect any rights, powers or jurisdiction of the United States, its agencies or those acting by or under its authority, in, over and to the waters of the Klamath River Basin, nor to impair or affect the capacity of the United States, its agencies or those acting by or under its authority in any manner whatsoever, except as otherwise provided by the federal legislation enacted for the implementation of this compact as specified in Article XIII

B. To subject any property of the United States, its agencies or instrumentalities, to taxation by either state or any subdivision thereof, unless otherwise provided by act of Congress

C. To subject any works or property of the United States, its agencies, instrumentalities or those acting by or under its authority, used in connection with the control or use of waters which are the subject of this compact, to the laws of any state to an extent other than the extent to which those laws would apply without regard to this compact, except as otherwise provided by the federal legislation enacted for the implementation of this compact as specified in Article XIII.

D. To affect adversely the existing areas of Crater Lake National Park or Lava Beds National Monument, or to limit the operation of laws relating to the preservation thereof

E. To apply to the use of water for the maintenance, on the scale at which such land and water areas are maintained as of the effective date of this compact, of officially designated waterfowl management areas, including water consumed by evaporation and transpiration on water surface areas and water used for irrigation or otherwise in the Upper Klamath River Basin; nor to affect the rights and obligations of the United States under any migratory bird treaty or the Migratory Bird Conservation Act (45 Stat. 1222), as amended to the effective date of this compact.

Article XII. General Provisions

General provisions

A. Each state and all persons using, claiming or in any manner asserting any right to the use of the waters of the Klamath River Basin under the authority of either state shall be subject to the terms of this compact.

B. Nothing in this compact shall be construed to limit or prevent either state from instituting or maintaining any action or proceeding, legal or equitable, in any court of competent jurisdiction for the protection of any right under this compact or the enforcement of any of its provisions.

C. Should a court of competent jurisdiction hold any part of this compact to be contrary to the Constitution of either state or the United States, all other provisions shall continue in full force and effect, unless it is authoritatively and finally determined judicially that the remaining provisions cannot operate for the purposes, or substantially in the manner, intended by the states independently of the portions declared unconstitutional or invalid.

D. Except as to matters requiring the exercise of discretion by the commission, the provisions of this compact shall be self-executing and shall by operation of law be conditions of the various state permits, licenses or other authorizations relating to the waters of the Klamath River Basin issued after the effective date of this compact.

E. The physical and other conditions peculiar to the Klamath River Basin constitute the basis for this compact, and neither of the states hereby, nor the Congress of the United States by its consent, considers that this compact establishes

any general principle or precedent with respect to any other interstate stream.

ARTICLE XIII. RATIFICATION

A. This compact shall become effective when ratified by the legislature of each signatory state, and when consented to by an act of Congress of the United States which will, in substance, meet the provisions hereinafter set forth in this article. Ratification

B. The act of Congress referred to in subdivision A of this article shall provide that the United States or any agency thereof, and any entity acting under any license or other authority granted under the laws of the United States (referred to in this article as "the United States"), in connection with developments undertaken after the effective date of this compact pursuant to laws of the United States, shall comply with the following requirements:

1. The United States shall recognize and be bound by the provisions of subdivision A of Article III.

2. The United States shall not, without payment of just compensation, impair any rights to the use of water for use (a) or (b) within the Upper Klamath River Basin by the exercise of any powers or rights to use or control water (i) for any purpose whatsoever outside the Klamath River Basin by diversions in California or (ii) for any purpose whatsoever within the Klamath River Basin other than use (a) or (b). But the exercise of powers and rights by the United States shall be limited under this paragraph 2 only as against rights to the use of water for use (a) or (b) within the Upper Klamath River Basin which are acquired as provided in subdivision B of Article III after the effective date of this compact, but only to the extent that annual depletions in the flow of the Klamath River at Keno resulting from the exercise of such rights to use water for uses (a) and (b) do not exceed 340,000 acre-feet in any one calendar year.

3. The United States shall be subject to the limitation on diversions of waters from the basin of Jenny Creek as provided in subdivision A of Article VIII.

4. The United States shall be governed by all the limitations and provisions of paragraph 2 and subparagraph (a) of paragraph 3 of subdivision B of Article III.

5. The United States, with respect to any irrigation or reclamation development undertaken by the United States in the Upper Klamath River Basin in California, shall provide that substantially all of the return flows and waste water finally resulting from such diversions and use appearing as surface waters in the Upper Klamath River Basin shall be made to drain so as to be eventually returned to the Klamath River upstream from Keno, unless the Secretary of the Interior shall determine that compliance with this requirement would

render it less feasible than under an alternate plan of development, in which event such return flows and waste waters shall be returned to the Klamath River at a point above Copco Lake.

C. Upon enactment of the act of Congress referred to in subdivision A of this article and so long as such act shall be in effect, the United States, when exercising rights to use water pursuant to state law, shall be entitled to all of the same privileges and benefits of this compact as any person exercising similar rights.

D. Such act of Congress shall not be construed as relieving the United States of any requirement of compliance with state law which may be provided by other federal statutes.

ARTICLE XIV. TERMINATION

Termination

This compact may be terminated at any time by legislative consent of both states, but despite such termination, all rights then established hereunder or recognized hereby shall continue to be recognized as valid by the states.

Repeal

SEC. 2. Chapter 2.5 (commencing with Section 8110) of Division 1 of Title 2 of the Government Code is repealed.

Same

SEC. 3. Chapter 113 of the Statutes of 1957 is repealed

CHAPTER 587

An act to codify Section 6 of Chapter 184 of the Statutes of 1957, by repealing said section, and by adding Section 18212 to the Financial Code, relating to capital and surplus of industrial loan companies.

In effect September 18, 1959

[Approved by Governor May 23, 1959 Filed with Secretary of State May 25, 1959]

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

SECTION 1. Section 18212 is added to the Financial Code, to read:

Minimum capital, etc.

18212. The provisions of Sections 18203, 18205, 18206, and 18208, as amended at the 1957 Regular Session of the Legislature, relating to minimum capital, paid-in surplus and reserve shall be applicable to an industrial loan company that commences business after September 11, 1957 and to an industrial loan company that opens an additional office or place of business after September 11, 1957.

Repeal

SEC. 2. Section 6 of Chapter 184 of the Statutes of 1957 is repealed.

CHAPTER 588

An act to codify Chapter 1473 of the Statutes of 1957 by repealing Section 1 thereof and by adding Section 1153.1 to the Agricultural Code, relating to the establishment of a market news service in the Klamath Basin.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.] In effect September 18, 1959

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

SECTION 1. Section 1153.1 is added to the Agricultural Code, to read:

1153.1. The director shall co-operate with the Secretary of Agriculture, and with the appropriate office of the State of Oregon, to establish a market news service in the Klamath Basin. Market news service

SEC. 2. Section 1 of Chapter 1473 of the Statutes of 1957 is repealed. Repeal

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CHAPTER 589

An act to codify Chapter 992 of the Statutes of 1945 by repealing said act, and by adding Article 3 (commencing with Section 13410) to Chapter 4 of Part 3, Division 3, Title 2 of the Government Code, relating to the purchase and acquisition of surplus property from the Federal Government or its agencies.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.] In effect September 18, 1959

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

SECTION 1. Article 3 (commencing with Section 13410) is added to Chapter 4 of Part 3, Division 3, Title 2 of the Government Code, to read:

Article 3. Purchase of Federal Surplus Property

13410. The department may purchase, lease or otherwise acquire from the Federal Government or any agency thereof for use of state agencies, surplus real property, including buildings, fixtures, and equipment situated thereon, whenever in his judgment such purchase or acquisition and the terms and conditions thereof are in the best interests of the State. Purchase of real property

13411. Any and all negotiations with the Federal Government or its agencies for or in connection with the purchase or acquisition of such property, and all activities, functions and responsibilities pertaining thereto, are hereby vested in and Conduct of negotiations

shall be assumed and conducted exclusively by the department. No other state officer or agency shall, except on the authorization of the department, negotiate with the Federal Government or its agencies for or in connection with the purchase or acquisition of such property. Any state agency may inspect such property to determine whether the same would be useful in the performance of its duties and may make recommendations to the department concerning the same.

Duties of department

13412. The department shall (1) keep in constant touch with federal agencies charged with the sale or disposition of such property and secure from them full details as to the nature and availability of such property and the terms and conditions under which it can be purchased or acquired; (2) transmit information thus secured to all state agencies in order that they may possess complete and up-to-date information as to the nature and selling price of available property; (3) prescribe procedure consistent with this article to be followed by state agencies in requisitioning and paying for such property and inform them of such procedure.

Agency procedures

13413. Unless otherwise prescribed by the department, state agencies desiring to purchase or acquire such property shall submit their estimates or requisitions therefor to the department, and shall pay for such property, in accordance with existing laws governing state purchases.

Exception

13414. This article shall not apply to the Regents of the University of California.

Repeal

SEC. 2. Chapter 992 of the Statutes of 1945 is repealed.

CHAPTER 590

An act to maintain the Government Code by amending Sections 13210, 13212, and 13213 thereof, relating to state burial grounds.

In effect September 18 1959

[Approved by Governor May 23 1959 Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 13210 of the Government Code is amended to read:

Control by Department of Finance

13210. The Department of Finance has control of the state burial grounds in the City of Sacramento, and of the Union Cemetery in San Mateo County accepted by Chapter 1096 of the Statutes of 1947.

SEC. 2. Section 13212 of said code is amended to read:

Who may be interred

13212. There may be interred in the state burial grounds in the City of Sacramento the remains of any person who:

(a) Was a state officer or a member of the Senate or Assembly at the time of his death.

(b) At the death of any state officer or member of the Senate or Assembly, was the spouse of the officer or member.

SEC. 3. Section 13213 of said code is amended to read:

13213. The department may employ such employees as are necessary to perform its duties concerning the state burial grounds in the City of Sacramento and the Union Cemetery. Employment

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CHAPTER 591

An act to codify Sections 7, 7.1, and 7.2 of Chapter 20 of the Statutes of 1946, First Extraordinary Session, by amending Sections 6 and 7 and repealing Sections 7.1 and 7.2, and by adding Part 7.5 (commencing with Section 15490) to Division 3 of Title 2 of the Government Code, relating to the State Allocation Board.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.] In effect September 18, 1959

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

SECTION 1. Part 7.5 (commencing with Section 15490) is added to Division 3 of Title 2 of the Government Code, to read:

PART 7.5. STATE ALLOCATION BOARD

15490. (a) There is in the State Government the State Allocation Board, consisting of the Director of Finance, the Director of Public Works, and the Superintendent of Public Instruction. Two Members of the Senate appointed by the Senate Committee on Rules, and two Members of the Assembly appointed by the Speaker, shall meet and, except as otherwise provided by the Constitution, advise with the board to the extent that such advisory participation is not incompatible with their respective positions as Members of the Legislature. State Allocation Board

(b) The members of the board and the Members of the Legislature meeting with the board shall receive no compensation for their services but shall be reimbursed for their actual and necessary expenses incurred in connection with the performance of their duties.

(c) The Director of Finance shall provide such assistance to the board as it may require.

(d) All meetings of the board shall be open and public.

(e) All records of the board shall be open to inspection by the public during regular office hours.

SEC. 2. Section 6 of Chapter 20 of the Statutes of 1946, First Extraordinary Session is amended to read:

Sec. 6. As used in this act, (a) "department" means the State Department of Finance; (b) "director" means the State Director of Finance; (c) "Controller" means the State Controller; and, (d) "board" means the State Allocation Board. Definitions

SEC. 3. Section 7 of Chapter 20 of the Statutes of 1946, First Extraordinary Session is amended to read:

Rules, regulations and administration

Sec. 7. (a) The board shall prescribe rules and regulations for the general administration of this act, requiring such procedure, forms and information as it deems necessary.

(b) The board may provide, by rule, that, after approval of an application and upon submission of a claim by a local agency, not to exceed 50 percent of the State's share of the estimated cost of the project may be made as an advance to such local agency.

(c) The director shall administer this act and shall provide such assistance to the board as it may require.

Repeals

SEC. 4. Sections 7.1 and 7.2 of Chapter 20 of the Statutes of 1946, First Extraordinary Session are repealed.

CHAPTER 592

An act to maintain the Agricultural Code by amending Sections 375.6, 1014, 1071.4, and 4273 thereof, and by repealing Sections 83 and 207.6 thereof, relating to the plant and animal industry and the products thereof.

In effect September 18, 1959

[Approved by Governor May 23, 1959 Filed with Secretary of State May 25, 1959.]

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

Repeal

SECTION 1. Section 83 of the Agricultural Code is repealed.

Same

SEC. 2. Section 207.6 of said code is repealed.

SEC. 3. Section 375.6 of said code is amended to read:

Exceptions

375.6. This article does not apply to:

(a) A poultry plant operating under the sanitary regulations of the Agricultural Marketing Service of the United States Department of Agriculture.

(b) Poultry meat bearing the official mark of a city, county or state poultry plant inspection service for sanitation outside of the State which has requirements equal to those herein when approved by the director, providing that if any packing, repacking, cutting up or recutting is done, in other than a retail store or public eating house, in California it must be in a poultry plant licensed as provided herein.

(c) A poultry plant where poultry is slaughtered on the premises where produced and the poultry meat derived thereof (1) is sold by the producer thereof at retail on such premises, or (2) is sold at retail by the producer thereof off of such premises, either direct to consumers at their homes or at a retail stand operated by such producer in a farmers' market, or (3) is sold by the producer thereof, on or off the premises where produced, to retail stores or public eating houses. As used in this subdivision, "producer" includes only individual producers who do not employ, except in unforeseeable exigen-

cies, any person other than members of their immediate families.

(d) A poultry plant where poultry is slaughtered, dressed, and sold on the premises where produced for purposes other than resale, when the entire poultry meat output of the producer is so sold.

SEC. 4. Section 1014 of said code is amended to read:

1014. Nothing in this article repeals or amends any of the provisions of Chapter 3 (commencing with Section 26450) of Division 21 of the Health and Safety Code.

Health and Safety Code 26450 et seq.

SEC. 5. Section 1071.4 of said code is amended to read:

1071.4. It shall not be construed to be a violation of the provisions of this article for:

Acts not violations

(1) A person engaged in the business of farming and who does not manufacture nor sell economic poisons, to accommodate his neighbors by furnishing and applying registered economic poisons to trees or plants for them, without having obtained the license or having become a registrant as required by this article.

(2) A person, who holds a valid agricultural pest control license required by Article 1 (commencing with Section 160.1) of Chapter 1a of Division 2 of this code and who does not manufacture, nor deal in economic poisons, nor sell economic poisons except when used in connection with his own agricultural pest control service work, to use registered economic poisons in his own business without having obtained the license or having become a registrant as required by this article.

For the purposes of this section, the manufacturing of, or dealing in, economic poisons shall not include the mixing or diluting of registered economic poisons in accordance with directions placed upon the containers thereof by a registrant or in conformance with established custom or practice.

SEC. 6. Section 4273 of said code is amended to read:

4273. If the director finds that a stabilization and marketing plan is necessary to accomplish the purposes of this chapter, he shall formulate a stabilization and marketing plan for fluid milk for such area and issue a notice of public hearing upon the plan formulated to all producers and distributors of record with the Department of Agriculture who may be subject to the provisions of such plan The notice of hearing may be effected by mail, or by publication pursuant to Section 6062 of the Government Code in the area designated and shall specify the time and place of such hearing, which shall not be held prior to 10 days from the mailing, or from the final publication of such notice; provided, however, that if no daily newspaper of general circulation is published in the area designated, publication pursuant to Section 6066 of the Government Code will be considered proper publication of notice. At the hearing, interested parties shall be heard and records kept of the proceedings of such hearing for determination by

Hearing Stabilization and marketing plan

the director whether the plan proposed will accomplish the purposes of this chapter. If, after public hearing the director determines that the proposed plan will tend to accomplish the purposes of this chapter within the standards herein prescribed, he shall issue an order to all producers and distributors of record with the department and subject to the provisions of such plan, declaring such plan in effect within 45 days from the date of such hearing.

CHAPTER 593

An act to maintain the Civil Code by amending Sections 1172 and 3081.1 thereof, and by repealing Section 2924½ thereof, relating to instruments affecting property.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 1172 of the Civil Code is amended to read:

Duties of county recorders

1172. The duties of county recorders, in respect to recording instruments, are prescribed by the Government Code.

SEC. 2. Section 3081.1 of said code is amended to read:

Statement by person negotiating secured loan

3081.1. Every person other than a lender, who, for compensation payable by a borrower either directly or from the proceeds of a loan, negotiates a loan to be secured by real property must, before the borrower becomes obligated to complete the loan, deliver to the borrower a statement in writing, containing all the information required by Section 3081.2. It shall be personally signed by the borrower, and by the person negotiating the loan, or his authorized representative. The person negotiating the loan, or his authorized representative, in said statement shall certify that the loan is being made in compliance with the provisions of this chapter. When so executed, an exact copy thereof shall be delivered to the borrower at the time of its execution. The person negotiating the loan shall retain on file for a period of three years after the original date fixed for termination of the note a true and correct copy of such statement as signed by the borrower.

No person in connection with or incidental to the making of any loan regulated by this chapter shall induce, require or permit such statement to be signed by a principal to the transaction if such statement contains any blank portions required by subdivision (a), (b), (e), (f), (g), (h), (i) or (j) of Section 3081.2.

Repeal

SEC. 3. Section 2924½ of said code is repealed.

CHAPTER 594

An act to maintain the Code of Civil Procedure by amending Sections 13a, 89, 112, 196.1, 689d, and 690.27 thereof, relating to proceedings in civil cases including the organization, jurisdiction, and administration of courts of justice, and the procedure in civil actions and special proceedings of a civil nature.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 13a of the Code of Civil Procedure is amended to read:

Acts performed on special holidays

13a. Any act required by law to be performed on a particular day or within a specified period of time may be performed (but is not hereby required to be performed) on a special holiday as that term is used in Section 6705 of the Government Code, with like effect as if performed on a day which is not a holiday.

SEC. 2. Section 89 of said code is amended to read:

Original jurisdiction Municipal courts

89. 1 Municipal courts shall have original jurisdiction of civil cases and proceedings as follows:

(a) In all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three thousand dollars ($3,000) or less, except cases which involve the legality of any tax, impost, assessment, toll or municipal fine.

(b) In actions for dissolution of partnership, where the total assets of the partnership do not exceed three thousand dollars ($3,000); in actions of interpleader, where the amount of money, or the value of the property involved, does not exceed three thousand dollars ($3,000).

(c) To cancel or rescind a contract, when such relief is sought in connection with an action to recover money, not exceeding three thousand dollars ($3,000), or property of a value not exceeding three thousand dollars ($3,000), paid or delivered under or in consideration of such contract; to revise a contract where such relief is sought in an action upon such contract, of which action the court otherwise has jurisdiction.

(d) In all proceedings in forcible entry or forcible or unlawful detainer, where the rental value is three hundred dollars ($300) or less per month, and where the whole amount of damages claimed is three thousand dollars ($3,000) or less.

(e) In all actions to enforce and foreclose liens on personal property, where the amount of such liens is three thousand dollars ($3,000) or less.

(f) In all actions to enforce and foreclose liens of mechanics, material men, artisans, laborers, and of all other persons to whom liens are given under the provisions of Chapter 2, Title 4, Part 3 of this code, where the amount of such liens is three

thousand dollars ($3,000) or less; provided, that where an action to enforce any such lien is pending in a municipal court, and affects property which is also affected by a similar action pending in a superior court, or where the total amount of such liens sought to be foreclosed against the same property, by action or actions in a municipal court, aggregates an amount in excess of three thousand dollars ($3,000), the municipal court, in which any such action, or actions, is, or are, pending, upon motion of any interested party, shall order such action or actions pending therein transferred to the proper superior court. Upon the making of such order, the same proceedings shall be taken as are provided by Section 399 of this code, with respect to the change of place of trial.

(g) To issue temporary restraining orders and preliminary injunctions, to take accounts, and to appoint receivers, where necessary to preserve the property or rights of any party to an action of which the court has jurisdiction; to appoint a receiver in aid of execution as provided in Section 564, subdivision 4 of the Code of Civil Procedure; to charge the interest of a debtor partner with payment of the unsatisfied amount of any judgment rendered by such court in the manner provided in Section 15028 of the Corporations Code, or any amendment thereof, and in such cases to appoint a receiver and to make any order or perform any act mentioned or authorized in said section; in proceedings under Section 689 of this code, or any amendments thereof, to determine title to personal property seized in an action pending in, or upon execution issued by, such court.

2. Each municipal court shall have jurisdiction of all cases in equity to try title to personal property when the amount involved is not more than three thousand dollars ($3,000) and of all cases in equity when pleaded as defensive matter, in any case properly pending in such municipal courts.

SEC. 3. Section 112 of said code is amended to read:

Same: Justice courts

112. Justice courts shall have original jurisdiction of civil cases and proceedings as follows:

(a) In all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to five hundred dollars ($500) or less, except cases at law which involve the title or possession of real estate or the legality of any tax, impost, assessment, toll or municipal fine;

(b) In all proceedings in forcible entry, or forcible or unlawful detainer where the rental value is seventy-five dollars ($75) or less per month, and where the whole amount of damages claimed is five hundred dollars ($500) or less, and in such proceedings any competent evidence may be given and any question properly involved therein may be determined;

(c) In all cases to enforce and foreclose liens on personal property where the amount of such liens is five hundred dollars ($500) or less;

(d) To charge the interest of a debtor partner with payment of the unsatisfied amount of any judgment rendered by such court in the manner provided in Section 15028 of the Corporations Code, or any amendment thereof, and in such cases to appoint a receiver and to make any order or perform any act mentioned or authorized in said section; in proceedings under Section 689 of this code, or any amendment thereof, to determine title to personal property, seized in an action pending in, or upon execution issued by, such court; to appoint receivers in the cases mentioned in Section 547a of this code, or any amendment thereof, and to make all orders and perform all acts mentioned in said sections in connection with such cases.

SEC. 4. Section 196.1 of said code is amended to read:

Jurors' fees

196.1. The jurors' fees to be paid in criminal cases in justice and municipal courts are county charges where the cause is tried in a municipal or justice court. In any criminal case in an inferior court in which any fine or forfeiture which would accrue would be payable to the treasurer of the county in which the court is located, the sums required by law to be paid to the trial jurors in the case, are county charges. In all other cases the fees are proper charges against the municipality in which the court is located.

SEC. 5. Section 689d of said code is amended to read:

Hearing re title

689d. In cases in which a warrant is issued by the State of California, or a department or agency thereof, pursuant to Section 1785 of the Unemployment Insurance Code, or Section 18907, 6776, or 26191 of the Revenue and Taxation Code of said State, for the collection of tax liability owned to said State, a department or agency thereof, a hearing, for the purpose of determining title to the property in question as provided in Section 689 of this code, may be held by the superior court of the county, or city and county, in which the property levied upon is located.

SEC 6. Section 690.27 of said code is amended to read:

Exemptions

690.27. In cases in which a warrant is issued by the State of California, or a department or agency thereof, pursuant to Section 1785 of the Unemployment Insurance Code, or Section 6776, 18907, or 26191 of the Revenue and Taxation Code, for the collection of tax liability owed to the State, a department or agency thereof, the tax debtor shall be entitled to the exemptions provided in Sections 690 1 to 690 25, inclusive, and all the provisions of Section 690.26 shall be applicable to the assertion and determination thereof. The superior court of the county, or city and county, in which the property levied upon is located shall have jurisdiction to hear and determine the validity of the claim of exemption or the value of the property claimed exempt, whether or not the value of the property determines the right to exemption, in like manner as if the property were levied upon by writ of execution issued by said court.

CHAPTER 595

An act to maintain the Education Code by amending Sections 1825, 4105.5, 5001, 14641, 18366, and 22674 thereof, and by repealing Section 7714.2 thereof, and by amending Sections 939, 1409, 17151, 14372, 15716, and 27874, and repealing Section 19578, of the Education Code as proposed by Senate Bill No. 2, relating to institutions of learning, including the establishment, maintenance, government, and operation of schools and libraries.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 1825 of the Education Code is amended to read:

Annual election of board

1825. After the initial election of governing board members in any school district, a governing board member election shall be held annually on the third Tuesday of May to fill the offices of members whose terms expire on June 30th next succeeding the election. Each person elected shall hold office for a term of three years from July 1st next succeeding his election.

SEC. 2. Section 4105.5 of said code is amended to read:

Recall

4105.5. Governing board members may be recalled in the manner provided in Article 4 of Chapter 4 of this division.

SEC. 3. Section 5001 of said code is amended to read:

Prohibition of fees

5001. No assessor, tax collector, city, city and county, or county treasurer shall charge or receive any fees or compensation for assessing, collecting, receiving, keeping, or disbursing any school moneys, but the whole moneys collected shall be paid to the city, city and county, or county treasurer.

SEC. 4. Section 14641 of said code is amended to read:

Retirement after prior retirement

14641. When a member who has been retired and has thereafter re-entered membership in the retirement system, subsequently retires, he shall not receive the full retirement annuities specified in subdivision (b) of Section 14632, or 14639, according to whether retirement is for service or disability, but shall receive (1) an annuity, based upon his salary earned in service from the date of re-entry into the retirement system to the date of his subsequent retirement, and calculated under Section 14632 or 14639, as the case may be, plus (2) annuities equal to the annuities he received next preceding his re-entry into membership, adjusted according to any change in the provisions governing the calculation of retirement allowances made after said re-entry and applicable to allowances being paid at the date of the change; provided, that such subsequent retirement occurs before he renders after his re-entry, at least one year of service credited under the retirement system; otherwise, plus (3) annuities based on the same salary and service as that upon which the annuities he received next

preceding said re-entry were based, but calculated under Section 14632 regardless of whether retirement is for service or disability, on the basis of an age, taken to the preceding completed quarter year, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement; provided, however, that such adjusted age shall be taken at not less than 58 for males or 58½ for females if the subsequent and prior retirements were for disability. If the member renders five years of service after his re-entry into membership, the salary earnable by him after his re-entry shall be used in the calculation of benefits due for service rendered prior to such re-entry into membership

Such a member likewise shall not receive the full retirement salary specified in subdivision (a) of Section 14632 or 14639, according to whether retirement is for service or disability, but shall receive (1) a retirement salary, based upon his credited service from the date of re-entry into the retirement system to the date of his subsequent retirement, and calculated under Section 14632 or 14639, as the case may be, plus (2) a retirement salary equal to the retirement salary he received next preceding his re-entry into membership, adjusted according to any change in the provisions governing the calculation of retirement allowances made after said re-entry and applicable to allowances being paid at the date of the change; provided, that such subsequent retirement occurs before he renders after his re-entry, at least one year of service credited under the retirement system; otherwise, plus (3) a retirement salary based on the same service as that upon which the retirement salary he received next preceding said re-entry was based, but calculated under Section 14632, regardless of whether retirement is for service or disability on the basis of an age, taken to the preceding completed quarter year, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement.

SEC 5. Section 18366 of said code is amended to read:

Determination of wages

18366. The governing board of the school district shall ascertain the general prevailing rate of per diem wages in the locality in which the building is to be constructed for each craft, classification or type of workman needed for the construction of the building and shall specify in the resolution and in the notice, required by Section 18362, and in the lease or agreement made pursuant to this article, what the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work in the locality is for each craft, classification or type of workmen needed for the construction of the building. The holidays upon which such rate shall be paid need not be specified by the governing board, but shall be all holidays recognized in the collective bargaining agreement applicable to the particular craft, classification or type of workmen employed on the project.

In determining such rates, the governing board shall ascertain and consider the applicable wage rates established by col-

lective bargaining agreements and such rates as may have been predetermined for federal public works, within the locality and in the nearest labor market area. Where such rates do not constitute the rates actually prevailing in the locality, the governing board shall obtain and consider further data from the labor organizations and employers or employer associations concerned, including the recognized collective bargaining representatives for the particular craft, classification or type of work involved. The rate fixed for each craft, classification or type of work shall not be less than the prevailing rate paid in such craft, classification or type of work.

Any agreement or lease entered into pursuant to this article shall require that such general prevailing rates will be paid. It shall also require that work performed by any workman employed upon the project in excess of eight hours during any one calendar day shall be permitted only upon compensation for all hours worked in excess of eight hours per day at not less than 1½ times the basic rate of pay. There may also be included in leases or agreements entered into pursuant to this article any other requirements with respect to matters related to the subject of this section which the governing board deems necessary or desirable.

SEC. 6. Section 22674 of said code is amended to read:

Construction

22674 Anything in Chapter 2 of this division to the contrary notwithstanding, the property in any library district created under this chapter subsequent to the establishment of a county free library is subject to taxation for county free library purposes as though the library district had not been created

Repeal

SEC 7 Section 7714.2 of said code is repealed.

SEC. 8. Section 939 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

Annual election of board

939 After the initial election of governing board members in any school district, a governing board member election shall be held annually on the third Tuesday of May to fill the offices of members whose terms expire on June 30th next succeeding the election. Each person elected shall hold office for a term of three years from July 1st next succeeding his election.

SEC. 9 Section 1409 of said proposed code is amended to read:

Recall

1409 Governing board members may be recalled in the manner provided in Sections 1261 to 1285, inclusive.

SEC. 10. Section 17151 of said proposed code is amended to read:

Prohibition of fees

17151. No assessor, tax collector, city, city and county, or county treasurer shall charge or receive any fees or compensation for assessing, collecting, receiving, keeping, or disbursing any school moneys, but the whole moneys collected shall be paid to the city, city and county, or county treasurer.

SEC. 11. Section 14372 of said proposed code is amended to read:

Retirement after prior retirement

14372. When a member who has been retired and has thereafter re-entered membership in the retirement system, subsequently retires, he shall not receive the full retirement annuities specified in subdivision (b) of Section 14355, or 14369, according to whether retirement is for service or disability, but shall receive (1) an annuity, based upon his salary earned in service from the date of re-entry into the retirement system to the date of his subsequent retirement, and calculated under Section 14355 or 14369, as the case may be, plus (2) annuities equal to the annuities he received next preceding his re-entry into membership, adjusted according to any change in the provisions governing the calculation of retirement allowances made after said re-entry and applicable to allowances being paid at the date of the change; provided, that such subsequent retirement occurs before he renders after his re-entry, at least one year of service credited under the retirement system; otherwise, plus (3) annuities based on the same salary and service as that upon which the annuities he received next preceding said re-entry were based, but calculated under Section 14355 regardless of whether retirement is for service or disability, on the basis of an age, taken to the preceding completed quarter year, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement; provided, however, that such adjusted age shall be taken at not less than 58 for males or 58½ for females if the subsequent and prior retirements were for disability. If the member renders five years of service after his re-entry into membership, the salary earnable by him after his re-entry shall be used in the calculation of benefits due for service rendered prior to such re-entry into membership.

Such a member likewise shall not receive the full retirement salary specified in subdivision (a) of Section 14355 or 14369, according to whether retirement is for service or disability, but shall receive (1) a retirement salary, based upon his credited service from the date of re-entry into the retirement system to the date of his subsequent retirement, and calculated under Section 14355 or 14369, as the case may be, plus (2) a retirement salary equal to the retirement salary he received next preceding his re-entry into membership, adjusted according to any change in the provisions governing the calculation of retirement allowances made after said re-entry and applicable to allowances being paid at the date of the change; provided, that such subsequent retirement occurs before he renders after his re-entry, at least one year of service credited under the retirement system; otherwise, plus (3) a retirement salary based on the same service as that upon which the retirement salary he received next preceding said re-entry was based, but calculated under Section 14355, regardless of whether retirement is for service or disability on the basis of an age, taken to the preceding completed quarter year, and determined by deducting from his age at

his subsequent retirement, the aggregate time during which he was under retirement.

SEC 12. Section 15716 of said proposed code is amended to read

Determination of wages

15716 The governing board of the school district shall ascertain the general prevailing rate of per diem wages in the locality in which the building is to be constructed for each craft, classification or type of workman needed for the construction of the building and shall specify in the resolution and in the notice, required by Section 15712, and in the lease or agreement made pursuant to this article (commencing at Section 15701), what the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work in the locality is for each craft, classification or type of workmen needed for the construction of the building. The holidays upon which such rate shall be paid need not be specified by the governing board, but shall be all holidays recognized in the collective bargaining agreement applicable to the particular craft, classification or type of workmen employed on the project.

In determining such rates, the governing board shall ascertain and consider the applicable wage rates established by collective bargaining agreements and such rates as may have been predetermined for federal public works, within the locality and in the nearest labor market area. Where such rates do not constitute the rates actually prevailing in the locality, the governing board shall obtain and consider further data from the labor organizations and employers or employer associations concerned, including the recognized collective bargaining representatives for the particular craft, classification or type of work involved The rate fixed for each craft, classification or type of work shall not be less than the prevailing rate paid in such craft, classification or type of work.

Any agreement or lease entered into pursuant to this article (commencing at Section 15701) shall require that such general prevailing rates will be paid. It shall also require that work performed by any workman employed upon the project in excess of eight hours during any one calendar day shall be permitted only upon compensation for all hours worked in excess of eight hours per day at not less than 1½ times the basic rate of pay. There may also be included in leases or agreements entered into pursuant to this article (commencing at Section 15701) any other requirements with respect to matters related to the subject of this section which the governing board deems necessary or desirable.

SEC. 13. Section 27874 of said proposed code is amended to read:

Construction

27874 Anything in Sections 27151 to 27270, inclusive, to the contrary, notwithstanding, the property in any library district created under this chapter (commencing at Section 27751) subsequent to the establishment of a county free library

is subject to taxation for county free library purposes as though the library district had not been created.

SEC. 14. Section 19578 of said proposed code is repealed. Repeal

SEC. 15. Sections 8 to 14, inclusive, of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No 2 takes effect; at which time Sections 1825, 4105 5, 5001, 14641, 18366, and 22674 of the Education Code as amended by Sections 1 to 6, inclusive, of this act are repealed. Effect Stats 1959, Ch 2

CHAPTER 596

An act to maintain the Fish and Game Code by amending Sections 10828 and 10841 thereof, by amending and renumbering Sections 8317 and 19031 thereof, and by repealing Article 9 (commencing with Section 8100) of Chapter 1, Part 3, Division 6, and Sections 8308, 8309, 8310, 8311, 8312, 8313, 8314, 8315, and 8316, thereof, relating to fish and game.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 8317 of the Fish and Game Code is amended and renumbered to read:

8308 Abalones legally taken may be possessed in a sliced condition during the closed season, subject to such regulations as the commission may prescribe. Possession of abalones

SEC. 2. Section 10828 of said code is amended to read:

10828. The following constitutes Fish and Game District 1P: All that area within the County of Plumas, within the following boundaries: District 1P

Beginning at the junction of the Milford-Beckwourth Road and the Last Chance-Doyle Road, thence following the easterly side of said Milford-Beckwourth Road to its junction with the Dixie Valley-Frenchman's Cove Road; thence following the easterly side of the Dixie Valley-Frenchman's Cove Road to its junction with the Little Last Chance Road; thence following the westerly side of the Little Last Chance Road to its junction with the Last Chance-Doyle Road; thence following the westerly side of the Last Chance-Doyle Road to the place of beginning.

SEC. 3. Section 10841 of said code is amended to read:

10841. The Preston School of Industry Game Refuge consists of and includes the following: Preston School of Industry Game Refuge

The Preston School of Industry Reservoir, which is situated on land occupied by the Preston School of Industry, Ione, Amador County.

SEC. 4. Section 19031 of said code is amended and renumbered to read:

Prohibitions

10931. Except as otherwise provided in Chapter 5 (commencing with Section 4600) of Part 3, Division 4 of this code it is unlawful to take, possess, harm, molest, harass, or in any manner interfere with any burro which is in the burro sanctuary described in Section 10930 of this code. Any violation of these provisions is a misdemeanor.

The provisions of this section, other than those relating to the taking and possession of burros, do not apply to persons while lawfully on lands included within the sanctuary and engaged in the business of raising cattle.

Repeal

SEC. 5. Article 9 (commencing with Section 8100) of Chapter 1, Part 3, Division 6 of said code is repealed.

Same

SEC. 6. Sections 8308 to 8316, inclusive, of said code are repealed.

CHAPTER 597

An act to maintain the Government Code by amending Sections 9141, 9320, 9357.2, 9360.3, 11290, 12541, 13373, 16305.6, 16472, 16480.1, 50532, 51300, and the heading of Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5, thereof, and by amending and renumbering Part 10 (commencing with Section 15750) of Division 3, Title 2, Article 4 (commencing with Section 34870) of Chapter 7, Part 1, Division 2, Title 4, Chapter 12 (commencing with Section 55300) of Part 2, Division 2, Title 5, and Chapter 4 (commencing with Section 61930) of Part 7, Division 2, Title 6, thereof, and by repealing Article 2.5 (commencing with Section 21000) of Chapter 8, Part 3, Division 5, Title 2, and Sections 31671.2 and 75030, relating to the government of public agencies within this State.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 9141 of the Government Code is amended to read:

Committee membership

9141. The committee shall consist of seven Members of the Senate and seven Members of the Assembly who shall be selected in the manner provided for in the Joint Rules of the Senate and Assembly. The committee shall elect its own chairman. Vacancies occurring in the membership of the committee between general sessions of the Legislature shall be filled in the manner provided for in the Joint Rules of the Senate and Assembly. A vacancy shall be deemed to exist as to any member of the committee whose term is expiring whenever such member is not re-elected at the general election.

SEC. 2. Section 9320 of said code is amended to read:

9320. The compensation of each officer and employee of the Senate or Assembly shall be fixed, insofar as such compensation is fixed, by the Senate or Assembly, respectively, by resolution.

Compensation re legislative employees

SEC. 3. Section 9357.2 of said code is amended to read:

9357.2. Any member who rendered service prior to the date he became a member may elect, at any time prior to retirement, to contribute to the Legislators' Retirement Fund for each year or fraction thereof for which he desires to receive credit for service, four percent (4%) of the compensation received by him in respect to such service.

Services prior to membership

Such contributions may be paid by lump sum payment or by installment payments over a period not in excess of the length of time for which the member has elected to receive credit for such prior service, at times and in a manner fixed by the board. No member shall receive credit for any service for which he has not contributed as required by this chapter.

SEC. 4. Section 9360.3 of said code is amended to read:

9360.3. Application to the board for retirement of a member for disability may be made by the member or any person in his behalf. The application shall be made only while the person is a member of this system, during such time as he has allowed his accumulated contributions to remain in the system pursuant to Section 9355.2, or while he is physically or mentally incapacitated to perform his duties from the date of discontinuance as a member to the time of application. Upon receipt of the application and determination of the board that the applicant is incapacitated for the performance of duty, the board shall retire the member for disability.

Application for disability retirement

SEC. 5. Section 11290 of said code is amended to read:

11290. The Department of Finance may fix the cost or pro rata share, or in its discretion an amount it considers equivalent to such cost or pro rata share, and collect from each state agency in advance or upon such other basis as it may determine:

Determination of costs

(a) The cost of insuring motor vehicles belonging to the state agency against liability for damages resulting from the negligent operation of motor vehicles and arising under Section 400 of the Vehicle Code or an amount to be expended by the Department of Finance in accordance with law in paying claims under that section and for their investigation, adjustment, defense and administration.

(b) Rent for the use or occupancy of space in any building owned, managed or controlled by the State and used by the state agency in carrying out its work and affairs.

(c) The cost of janitor and maintenance service rendered to such state agency to enable it to carry out its work and affairs.

(d) The cost of workmen's compensation insurance and bonds covering the officers and employees of the state agency,

and the cost of liability, fire, and other types of insurance or bonds covering officers, employees, and property of the State.

(e) The cost of all other services rendered to the state agency.

SEC. 6. Section 12541 of said code is amended to read:

Actions re title by escheat

12541 The Attorney General shall commence and prosecute actions on behalf of the State pursuant to Title 10, Part 3, of the Code of Civil Procedure, for the purpose of having it adjudged that title to real or personal property, to which the State has become entitled by escheat, is vested in the State.

SEC. 7. Section 13373 of said code is amended to read:

Purchasing Revolving Fund

13373 There is in the State Treasury the Purchasing Revolving Fund. It consists of all money heretofore or hereafter appropriated by the Legislature for said fund. It is under the control of the department and shall be used for the purchasing and selling of materials, supplies and equipment, and the rendering of services to other state agencies and, in connection therewith, for the employment and compensation of necessary personnel and expenses. Without first submitting vouchers and itemized accounts, the department may draw from the fund such sums as may be authorized by the State Board of Control to be used as a revolving fund for urgent cash advances, which sum shall at any time upon demand be accounted for by the department to the Controller.

SEC. 8. The heading of Part 10 (commencing with Section 15750) of Division 3, Title 2 of said code is amended and renumbered to read:

PART 10.5. STATE POSTWAR CONSTRUCTION LAW OF 1946

SEC. 9. Section 16305.6 of said code is amended to read:

Pooled Money Investment Board Powers and duties

16305.6. The Pooled Money Investment Board shall, at such times as it deems necessary, determine whether any portion of the money in the custody of the Treasurer is not necessary for immediate use, and if so it shall determine the excess amount, which shall thereupon be designated as money available for investment. The Pooled Money Investment Board shall, at such times as it deems necessary, determine whether any portion of the money previously designated as available for investment, or already invested, is needed for the purpose of carrying out the provisions of Sections 16305.3 to 16305.7, inclusive. Thereupon it shall reduce the amount of money declared available for investment, or money already invested, by the amount determined to be needed, and the Treasurer is authorized to realize this amount.

For the purposes of this section, a written determination signed by a majority of the members of the Pooled Money Investment Board shall be deemed to be the determination of the board. Notwithstanding the provisions of Sections 7.5 and 7.6 of this code, the members of the board shall personally

make the determinations under this section, and may not authorize a deputy to act for them.

SEC. 10. Section 16472 of said code is amended to read:

16472. All moneys transferred to or deposited in the Surplus Money Investment Fund are hereby appropriated without regard to fiscal years to carry out the purposes of this article. Appropriation

SEC. 11. Section 16480.1 of said code is amended to read:

16480.1. There is hereby created a Pooled Money Investment Board, which shall consist of the Controller, Treasurer and Director of Finance. The Pooled Money Investment Board shall meet at least once in every three months and shall designate at least once a month the amount of money available under this article for investment in securities authorized by Article 1 of this chapter or in bank accounts, and the type of investment or deposit Pooled Money Investment Board

For the purpose of this article, a written determination signed by a majority of the members of the Pooled Money Investment Board shall be deemed to be the determination of the board. Notwithstanding the provisions of Sections 7.5 and 7.6 of this code, the members of the board shall personally make the determinations under this article, and may not authorize a deputy to act for them.

SEC. 12. The heading of Article 4 (commencing with Section 34870) of Chapter 7, Part 1, Division 2, Title 4 of said code is amended and renumbered to read:

Article 2 Election of Legislative Body
by or From Districts in Cities

SEC. 13. Section 50532 of said code is amended to read:

50532. The legislative body of the local agency in which the land is located shall first adopt a resolution declaring its intention to erect a public building on the public square or the legislative body of the city shall adopt a resolution declaring its intention to grant or lease the land to the county for the erection of a public building. The resolution shall be referred to the city or county planning commission, as the case may be, for a report and recommendation thereon pursuant to Section 65512 of this code. The report and recommendation shall be made only after a public hearing held pursuant to Section 65512 of this code. Resolution of intention

SEC. 14. Section 51300 of said code is amended to read:

51300. This article does not apply to cities containing a population of over 1,900,000 according to the 1950 federal census or to cities which are also cities and counties. Exceptions

SEC. 15. The heading of Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5 of said code is amended to read:

CHAPTER 6. REVENUE BOND LAW OF 1941

SEC. 16. The heading of Chapter 12 (commencing with Section 55300) of Part 2, Division 2, Title 5 of said code is amended and renumbered to read:

CHAPTER 2. JOINT PROJECTS FOR SANITATION AND ELECTRICAL LINES

SEC. 17. The heading of Chapter 4 (commencing with Section 61930) of Part 7, Division 2, Title 6 of said code is amended to read:

CHAPTER 5. WITHDRAWAL OF UNINCORPORATED TERRITORY

Repeals

SEC. 18. Sections 31671.2 and 75030 of said code are repealed.

Same

SEC. 19. Article 2.5 (commencing with Section 21000) of Chapter 8, Part 3, Division 5, Title 2 is repealed.

CHAPTER 598

An act to maintain the Health and Safety Code by amending Sections 4121, 4186 30, 4805, 8741, 14219, 14240, 14254, and 24351.3, and by repealing Section 33280 thereof, relating to health and safety.

In effect September 18, 1959

[Approved by Governor May 23, 1959 Filed with Secretary of State May 25, 1959]

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

SECTION 1. Section 4121 of the Health and Safety Code is amended to read:

Contracts re garbage disposal

4121. The board of supervisors may enter into contracts for the disposal of garbage and other refuse matter. Whenever the board enters into, or renews such a contract, it shall advertise for bids for the performance of the work in a newspaper of general circulation in the county. The advertisement shall be published pursuant to Section 6062 of the Government Code If there is no newspaper of general circulation published in the county, then the notice shall be given by posting in three public places for at least two weeks.

All bidders shall be afforded opportunity to ascertain the details of the nature of the work to be done under the contract. The contract shall be let to the lowest responsible bidder. If no satisfactory bid is obtained the board may reject all bids. If all bids are rejected the board of supervisors may readvertise for bids or, without the necessity of readvertising, may enter into contracts for the disposal of garbage and other

refuse for a term not to exceed six months on such terms as are necessary or proper in the exercise of the district's powers.

SEC. 2. Section 4186 30 of said code is amended to read:

4186.30. A district formed pursuant to the provisions of this chapter is a local agency within the meaning of the Revenue Bond Law of 1941, and the provisions of that law are applicable to such a district. Application of Revenue Bond Law of 1941

SEC. 3. Section 4805 of said code is amended to read:

4805. The provisions of the Revenue Bond Law of 1941 as amended shall be applicable to county sanitation districts, and the term "local agency" as used in Chapter 6 of Part 1, Division 2, Title 5 of the Government Code shall be deemed to include a county sanitation district. Same

SEC. 4. Section 8741 of said code is amended to read:

8741. Each endowment care cemetery shall post in a conspicuous place in the office or offices where sales are conducted and in a conspicuous place at or near the entrance of the cemetery or its administration building and readily accessible to the public, a legible sign which shall contain the following information in the order and manner set forth below: Endowment care cemetery Sign

(a) A heading containing the words "endowment care"—which shall appear in a minimum of one-inch letters.

(b) The statement, "This is an endowment care interment property."

SEC. 5. Section 14219 of said code is amended to read:

14219. Upon the withdrawal of any territory of a district, by reason of annexation to a city, all property acquired for the district and all unencumbered funds on the date of withdrawal shall be divided between the city and the remaining district as provided below. Division of property and funds upon withdrawal

(a) If the assessed value of the real property annexed to the city is less than five thousand dollars ($5,000), no portion of the property and assets of the district shall be allocated to the city.

(b) If the assessed value of the real property annexed to the city is five thousand dollars ($5,000) or more, and if it is mutually agreeable to both governing bodies, the distribution of property and other assets shall be in proportion to the assessed value of the real property of the territory so withdrawn and the portion remaining.

(c) If, under the provisions of subdivision (b) above, no satisfactory agreement can be reached, and if it is mutually agreeable to both governing bodies, the basis for the distribution of property and assets may be established by such governing bodies after giving consideration to all the factors involved, including population, assessed valuation, the effect of the annexation or change of boundaries on the remaining portion of the district, and the length of time the portion being withdrawn has paid taxes and the total amount of such taxes paid.

(d) If, within one year from the date specified in the resolution of the city as the effective date of the withdrawal, no

agreement on the distribution of property and assets has been reached by the governing bodies of the district and the city, the matter shall be referred for settlement to a special commission consisting of two members from the governing body of the city and two members from the district board, with a fifth member chosen by the four city and district representatives. The special commission shall, within six months after the date of the appointment of the fifth member, establish a fair and equitable distribution of the property and other assets of the district.

For the purpose of this article, the unencumbered funds are the sum of money, uncollected taxes, and other uncollected accounts belonging to or due such district, in excess of an amount sufficient to pay all claims and accounts against the district, but shall not include funds necessary for the maintenance and operation of the district for the balance of the fiscal year.

SEC. 6. Section 14240 of said code is amended to read:

Consolidation Terms of office

14240. If the consolidation is effected, the term of office of the district boards of the heretofore separate districts shall terminate and the term of office of the district board of the consolidated district shall commence on the date of the filing required by Section 58268 of the Government Code.

SEC. 7. Section 14254 of said code is amended to read:

Election on dissolution

14254. The election on dissolution shall be conducted in accordance with the provisions of Article 5 (commencing with Section 14131) of Chapter 1, Part 3, Division 12 of this code and of Article 5 (commencing with Section 58130), Chapter 1, Division 1, Title 6 of the Government Code.

SEC 8. Section 24351.3 of said code is amended to read:

City selection committee Meetings

24351.3. The city selection committee of each county shall meet on October 28, 1955, at 10 a.m. in the chambers of the board of supervisors of such county for the purpose of making the first appointment to the district board as prescribed in Section 24352. The committee of each county shall thereafter meet on the second Monday in May of each even-numbered year, at 10 a.m. in the chambers of the board of supervisors of such county, for the purpose of making succeeding appointments to the district board as prescribed in Section 24352.1. At least two weeks prior to the date of each meeting the clerk of the board of supervisors of each county shall give notice of such meeting to each member of the city selection committee of such county. The meeting of the city selection committee of each county shall be conducted in the presence of the clerk of the board of supervisors of such county who shall act as the recording officer for the meeting It shall be the duty of the clerk of the board of supervisors to notify in writing the board of supervisors of such county and also the clerk of the district board of the appointment made by the city selection committee within 10 days after such appointment has been made.

Repeal

SEC. 9. Section 33280 of said code is repealed.

CHAPTER 599

An act to maintain the Insurance Code by amending Sections 1802.71 and 10270 thereof, and by repealing Sections 947 and 11580.1 thereof, relating to insurance.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 10270 of the Insurance Code is amended to read:

Exceptions to chapter's application

10270. This chapter shall not affect workmen's compensation insurance nor any policy of liability insurance with or without supplementary coverage therein, nor shall it apply:

(a) To a blanket policy issued to a volunteer fire company providing benefits to members only in event of accident incurred while performing actions incident to such membership.

(b) To a blanket policy issued to a school district or districts or to the governing board of any school district or districts or to a private or parochial school or schools or to the governing board or person in charge of the operations of any private or parochial school or schools providing benefits to pupils or persons responsible for their support for hospital, medical and surgical expenses resulting from accident to such pupils or those thereof who comprise any athletic team while they are in or on buildings or premises of the schools or districts during the time such pupils are required to be therein or thereon by reason of their attendance upon a college or a regular day school or any regular day school of a school district or districts or while being transported by the school or schools or district or districts to and from school or other place of instruction or while at any other place as an incident to school-sponsored activities and while being transported to, from and between such places.

(c) To a blanket policy issued to the proprietor or sponsor of an organized camping institution providing benefits to campers or persons responsible for their support for hospital, medical, surgical or nursing expenses resulting from accident to such campers or arising out of sickness first manifesting itself while they are in or on buildings or premises of the camp institution or being transported between their home and the camp institution or while at any other place as an incident to camp-sponsored activities and while being transported to, from and between such places.

(d) To a blanket policy issued to a newspaper, farm paper, magazine, or other periodical publication providing benefits to independent contractors, such as newspaperboys, dealers, distributors, wholesalers, or other personnel, engaged in the sale, distribution, collecting for, or other activities pertaining to the marketing and delivery of such publications, including attendance at a coaching school, or participation as a member

of a trip organized, supervised, and sponsored as a reward for meritorious service, or to parents, guardians, or other persons responsible for their support for loss resulting from accident or sickness.

When the premium for the insurance is paid by the person insured, he may, upon request, obtain from the insurer in certificate form a copy of the policy.

(e) To a policy issued on application of an employer, a majority of the employees in this State of an employer, or both, to pay the benefits afforded by a voluntary plan of unemployment compensation disability insurance. Notwithstanding the provisions of Section 10113, such policies may incorporate by reference any of the appropriate provisions of Part 2 of the Unemployment Insurance Code and the authorized regulations of the Director of Employment.

(f) To any policy or contract of reinsurance.

A "blanket policy" is any disability policy sold to any of the entities described in subdivision (a), (b), (c) or (d) of this section and providing coverage for all persons within categories defined in the policy and precluding any requirement for individual enrollment or individual undertaking to pay all or part of the premium as a condition precedent to coverage; provided, that nothing in this section shall be so construed as to prohibit the cost of the insurance coverage being borne by the individuals insured or by their parents or guardians; and provided further, that coverage shall not be provided to any person who files with the entity to whom the blanket policy is to be issued for delivery to the insurer a written statement requesting that he not be covered. In the case of a minor, such statement may be filed by his parent or guardian. If the number of persons filing such statements exceeds ten percent (10%) of the number of persons within categories defined as covered under the policy, it shall not be put into effect, and if in effect shall not be renewed.

No policies described in subdivisions (a), (b), (c) or (d) hereof shall be issued until approved as to substance and form by the commissioner. The commissioner may after notice and hearing promulgate such reasonable rules and regulations, relating to the substance, form and issuance of such policies, as are necessary or desirable to preserve, insofar as applicable, standards as respects substance, form and issuance comparable to the standards in such respects prescribed by this chapter and applicable to other types of disability policies, and to further the purpose or purposes for which such policies are to be issued.

No policies described in subdivision (e) hereof shall be issued until approved as to form by the commissioner. The commissioner may after notice and hearing promulgate such reasonable rules and regulations, relating to the form and issuance of such policies, as do not affect the substance of the coverage, and as are necessary or desirable to preserve, insofar as applicable, standards as respects form and issuance com-

parable to the standards in such respects prescribed by this chapter and applicable to other types of disability policies, and to further the purpose or purposes for which such policies are to be issued.

Section 10130 does not apply to policies described in subdivision (e) hereof.

SEC. 2. Section 1802.71 of said code is amended to read:

Substitution of bond

1802.71. The holder, or former holder of a bail license, who has deposited with the commissioner securities in lieu of a bond as provided by Section 1802.7, may at any time substitute therefor a bond complying with the requirements of Section 1802, 1802.5, or 1803, as the case may be. Such a bond must embrace all liability theretofore existing or which may thereafter be incurred for the fulfillment of which the securities have been held, whether reported or unreported.

The substitution of such a bond for securities shall be conditioned upon the approval of the commissioner. Upon receiving such approval and the filing of the bond, the applicant shall be permitted to withdraw the securities theretofore deposited on his behalf.

Repeals

SEC. 3. Sections 947 and 11580 1 of said code are repealed.

CHAPTER 600

An act to maintain the Labor Code by amending Section 1397.5 thereof, relating to the employment of minors.

[Approved by Governor May 23 1959 Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1397.5 of the Labor Code is amended to read:

1397.5. Any person, or the agent, manager, superintendent or officer thereof, employing either directly or indirectly through third persons, or any parent or guardian of a minor who employs, or permits any minor to be employed in violation of any of the provisions of Section 1395 is guilty of a misdemeanor.

CHAPTER 601

An act to maintain the Military and Veterans Code, by amending Section 1180 thereof, relating to memorial districts.

[Approved by Governor May 23, 1959 Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1180 of the Military and Veterans Code is amended to read:

1180. The special election shall be called, noticed, held, and conducted, election officers appointed, voting precincts desig-

nated, candidates nominated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, certificates of election issued, oaths of office administered, and all other proceedings incidental to and connected with the election shall be regulated and done, in accordance with the provisions of law regulating municipal elections in general law cities.

CHAPTER 602

An act to maintain the Penal Code by amending Section 1227 thereof, and by repealing Sections 23, 438, and 441 thereof, relating to crimes and punishment.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 1227 of the Penal Code is amended to read:

Judgment of death

1227. If for any reason other than the pendency of an appeal pursuant to subdivision (b) of Section 1239 of this code a judgment of death has not been executed, and it remains in force, the court in which the conviction was had shall, on application of the district attorney, or may upon its own motion, make and cause to be entered an order appointing a day upon which the judgment shall be executed, which must not be less than 30 days nor more than 60 days from the time of making such order; and immediately thereafter, a certified copy of such order, attested by the clerk, under the seal of the court, shall, for the purpose of execution, be transmitted by registered mail to the warden of the state prison having the custody of the defendant; provided, that if the defendant be at large, a warrant for his apprehension may be issued, and upon being apprehended, he shall be brought before the court, whereupon the court shall make an order directing the warden of the state prison to whom the sheriff is instructed to deliver the defendant to execute the judgment at a specified time, which shall not be less than 30 days nor more than 60 days from the time of making such order.

From an order fixing the time for and directing the execution of such judgment as herein provided, there shall be no appeal.

Repeals

SEC. 2. Sections 23, 438, and 441 of said code are repealed.

CHAPTER 603

An act to maintain the Public Utilities Code by amending Sections 22229, 24503, 24531, 24532, 24533, 24534, and 24535 thereof, relating to the organization and powers of districts.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 22229 of the Public Utilities Code is amended to read:

22229. Except as otherwise provided in this article, the election shall be called, noticed, and conducted, candidates nominated, the vote canvassed, and the results declared in the manner prescribed by law for general municipal elections in general law cities and by the general laws so far as applicable.

Election procedure

SEC. 2. Section 24503 of said code is amended to read:

24503. "District" means a transit district formed under this part; "board" means the board of directors of a district.

Definitions

SEC. 3. Section 24531 of said code is amended to read:

24531. A transit district may be created as provided in this part and when so created may exercise the powers herein granted.

Transit district. Creation

SEC. 4. Section 24532 of said code is amended to read:

24532. Except as otherwise provided in this part elections shall be held and conducted and the result ascertained, determined, and declared in all respects as nearly as practicable in conformity with the general election laws of the State.

Election procedure

SEC. 5. Section 24535 of said code is amended to read:

24535. Whenever the signature of any officer or employee of a district or of any member of the retirement board or of any officer or employee of the retirement system is authorized or required under the provisions of this part, except in the single instance provided in Section 26244, the signature may be made by the use of a plate bearing facsimiles of such signatures.

Signature

SEC. 6. Section 24533 of said code is amended to read:

24533. Except as otherwise provided in this part all ordinances and notices which are required to be published shall be published within the district pursuant to Section 6066 of the Government Code.

Ordinances and notices

SEC. 7. Section 24534 of said code is amended to read:

24534. Whenever in this part publication is required and there is no newspaper of general circulation published within the district, the publication may be made in a newspaper of general circulation published in any county where the district is situated.

Publication

CHAPTER 604

An act to maintain the Revenue and Taxation Code by amending Sections 3552.42 and 3730 thereof, by amending and renumbering Article 2.5 (commencing with Section 10111) of Chapter 5, Part 4, Division 2 thereof, and by repealing Chapter 2 (commencing with Section 28201) of Part 12, Division 2 thereof, relating to taxation and the raising of revenue.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 3552.42 of the Revenue and Taxation Code is amended to read:

Refund of purchase price

3552.42. The purchaser of tax-deeded property is entitled to a refund of the amount paid as purchase price whenever it is determined by the board of supervisors that the property belongs to the United States, this State, a city, or other political subdivision of this State and should not have been sold for taxes. The refund shall be made in the same manner as a refund of an overpayment of tax.

SEC. 2. Section 3730 of said code is amended to read:

Same

3730. The purchaser of tax-deeded property is entitled to a refund of the amount paid as purchase price whenever it is determined by the board of supervisors that the property belongs to the United States, this State, a city, or other political subdivision of this State and should not have been sold for taxes. The refund shall be made in the same manner as a refund of an overpayment of tax.

SEC. 3. The heading of Article 2.5 (commencing with Section 10111) of Chapter 5, Part 4, Division 2 is amended and renumbered to read:

Article 3.5. Warrant for Collection of Tax

Repeal

SEC. 4. Chapter 2 (commencing with Section 28201) of Part 12, Division 2, of said code is repealed.

CHAPTER 605

An act to maintain the Streets and Highways Code by amending Sections 6611, 27001, 27002, 27003, and 27004 thereof, relating to public ways and all appurtenances thereto.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 6611 of the Streets and Highways Code is amended to read:

6611. The action may be brought also at any time following the expiration of 30 days after the service of personal demand for payment upon the owner of the premises. Such demand shall be served in the manner provided by law for making personal service of summons. If the action is brought costs for the service of the demand shall be allowed in an amount equivalent to the fees prescribed by law for the service of summons. Service of demand

The demand shall be in substantially the following form:

"Demand for Payment of Street Improvement Bond

You are hereby notified that Bond No. _____ Series No. _____ for an improvement in the City (or County) of _____ is delinquent. Unless the amount of the unpaid principal on said bond together with interest and penalties is paid to the city (or county) treasurer on or before 30 days after the service on you of this demand, the date of such service being this _____ day of _____, 19___, the undersigned will institute suit to foreclose the lien of said bond in the manner prescribed by law."

SEC. 2. Section 27001 of said code is amended to read:

27001. As used in this part "district" means a bridge and highway district unless the context clearly indicates otherwise. "District"

SEC 3. Section 27002 of said code is amended to read:

27002. As used in this part "board" means the board of directors of the district unless the context clearly indicates otherwise. "Board"

SEC. 4. Section 27003 of said code is amended to read:

27003. As used in this part, "contiguous counties" include those counties separated by any of the waters of this State. "Contiguous counties"

SEC. 5. Section 27004 of said code is amended to read:

27004. As used in this part, "tolls" include tolls, charges, rentals, rates, traffic charges and other rates of income for the use of the facilities for travel constructed by the district. "Tolls"

CHAPTER 606

An act to maintain the Vehicle Code by amending Sections 142, 694, and 739.1 thereof, and by repealing Section 422.7 thereof, and by amending Sections 35108 and 40513 of the Vehicle Code as proposed by Assembly Bill No. 5, relating to vehicles and vehicular traffic.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.] In effect September 18, 1959

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

SECTION 1. Section 142 of the Vehicle Code is amended to read:

142. Exemption From Registration. The registration provisions of this chapter shall not apply to any of the following vehicles: Exemption from registration

(a) Any vehicle of a type otherwise subject to registration hereunder which is driven or moved upon a highway in conformance with the provisions of this code relating to dealers, transporters or nonresidents or under a temporary registration permit issued by the department as authorized by Section 147 hereof.

(b) Any vehicle of a type otherwise subject to registration hereunder which is driven or moved upon a highway only for the purpose of crossing such highway from one property to another in accordance with a permit issued by the Department of Public Works.

(c) Any implement of husbandry, whether of a type otherwise subject to registration hereunder or not, which is only incidentally operated or moved over a highway. The following shall be deemed to be implements of husbandry and shall be exempt from registration:

(1) A lift carrier or other vehicle designed and used exclusively for the lifting and carrying of implements of husbandry, when operated or moved upon a highway.

(2) A two-wheeled trailer having no bed, and designed and used solely for transporting a hay loader.

(3) A spray or fertilizer applicator rig designed and used exclusively for spraying or fertilizing in the conduct of agricultural operations.

(4) A nurse rig or equipment auxiliary to the use of and designed or modified for the fueling, repairing or loading of a spray rig or an airplane used for the dusting, spraying, fertilizing or seeding of crops.

(5) A non-self-propelled fertilizer nurse tank or trailer moved unladen on the highway and auxiliary to the use of a spray or fertilizer applicator rig.

(6) A row duster.

(7) A wagon or van used exclusively for carrying products of farming from one part of a farm to another part thereof, or from one farm to another farm, and used solely for agricultural purposes, including any van used in harvesting alfalfa or cotton, which is only incidentally operated or moved on a highway as a trailer.

(8) A wagon or portable house on wheels used solely by shepherds as a permanent residence in connection with sheep-raising operations and moved from one part of a ranch to another part thereof or from one ranch to another ranch, which is only incidentally operated or moved on a highway as a trailer.

(9) A trap wagon moved from one part of a ranch to another part of the same ranch or from one ranch to another, which is only incidentally operated or moved on a highway.

(10) Any vehicle which is operated upon a highway only for the purpose of transporting agricultural products across a highway and is in no event operated along a highway for a greater distance than one-quarter mile.

(11) A trailer of the tip-bed type when used exclusively by a farmer owner in the transportation of other implements of husbandry.

(12) A portable honey extracting trailer or semitrailer.

(13) A one-axle trailer of the tip-bed type when used exclusively in the transportation of other implements of husbandry.

(14) Any cotton trailer when used on the highways for the exclusive purpose of transporting cotton from a farm to a cotton gin, and returning the empty trailer to such farm, except that Section 168 shall apply to such trailers.

The foregoing list shall be deemed as illustrative and not a list of limitations.

(d) Special mobile equipment.

(e) Any self-propelled wheelchair or invalid tricycle while being operated by a person who by reason of physical disabilities is otherwise unable to move about as a pedestrian.

(f) Special highway construction equipment.

SEC. 2. Section 694 of said code is amended to read:

694. (a) The total outside width of any vehicle or the load thereon shall not exceed 96 inches, except as otherwise provided in this section. Limitations

(b) When any vehicle is equipped with with pneumatic tires the maximum width from the outside of one wheel and tire to the outside of the opposite outer wheel and tire shall not exceed 100 inches, but in such event the outside width of the body of such vehicle or the load thereon shall not exceed 96 inches.

(c) When any vehicle carries a load of loosely piled agricultural products such as hay, straw, or leguminous plants in bulk but not crated, baled, boxed or sacked, such load of loosely piled material and any loading racks retaining the same shall not exceed 120 inches in width.

(d) The above limitations as to width shall not apply to implements of husbandry or tractor trailers used by farmers in farming operations and only incidentally operated, transported, moved or towed over a highway; provided, that when an implement of husbandry is transported or moved over a highway on another vehicle, if such load exceeds 96 inches in width such vehicle and load shall not be operated for a distance in excess of 25 miles from the point of origin of the trip and shall not be operated at a speed in excess of 30 miles per hour.

(e) The above limitations as to width shall likewise not apply to special mobile equipment, nor to highway construction or maintenance equipment, but tractor trailers, special mobile equipment and highway construction or maintenance equipment shall not exceed a width of 120 inches.

(f) Any city organized under a freeholders' charter may by ordinance permit a total outside width of vehicle and load in excess of the limits set forth in this section when such vehicle is used exclusively within the boundary limits of such city.

(g) Motor coaches or buses operated under the jurisdiction of the Public Utilities Commission in urban or suburban service may have a maximum outside width not exceeding 104 inches, when approved by order of the Public Utlities Commission for use on routes designated by it. Motor coaches or buses operated by common carriers of passengers for hire in urban or suburban service and not under the jursdiction of the Public Utilities Commission may have a maxinum outside width not exceeding 104 inches. Urban and suburban service referred to in this chapter means a service performed in urban or suburban areas, or between municipalities in close proximity; provided, however, the one-way route mileage of such service shall not be more than 50 miles; and, provided further, designated motor coach routes over state highways outside limits of incorporated cities where the one-way route mileage is over 25 miles, but does not exceed 50 miles, shall be approved by the Department of Public Works.

(h) Notwithstanding the limitations of this section, up to four inches additional width shall be allowed to gantry trucks for purposes of installation of sheathing or guards to comply with any safety order of the Industrial Safety Board

A gantry truck for purposes of this subdivision is defined as a motor vehicle so designed and constructed that it straddles the load to be transported and by means of appropriate mechanism picks up the load and supports it during transportation.

SEC. 3. Section 739 1 of said code is amended to read:

Waiver of filing of complaint

739.1. Waiver of Filing of Written Complaint. Whenever written notice to appear has been prepared, delivered and filed with the court, as provided in Section 739 hereof, or whenever notice of illegal parking has been given pursuant to the provisions of Section 591 hereof, an exact and legible duplicate copy of said notice when filed with the magistrate specified herein, in lieu of a verified complaint, shall constitute a complaint to which the defendant may plead "Guilty."

If, however, the defendant shall violate his promise to appear in court or shall not deposit lawful bail, or shall plead other than "Guilty" of the offense charged, a complaint shall be filed which shall conform to the provisions of Chapter 2 (commencing with Section 948) of Title 5, Part 2 of the Penal Code, and which shall be deemed to be an original complaint, and thereafter proceeding shall be had as provided by law; provided, that a defendant may, by an agreement in writing, subscribed by him and filed with the court, waive the filing of a verified complaint and elect that the prosecution may proceed upon the written notice mentioned in Section 739 hereof.

Repeal

SEC. 4. Section 422 7 of said code is repealed.

SEC. 5. Section 35108 of the Vehicle Code as proposed by Assembly Bill No. 5 is amended to read:

Gantry trucks

35108. Up to four inches additional width shall be allowed to gantry trucks for purposes of installation of sheathing or

guards to comply with any safety order of the Industrial Safety Board.

SEC. 6. Section 40513 of said code is amended to read:

40513. Whenever written notice to appear has been prepared, delivered, and filed with the court, or whenever notice of illegal parking has been given pursuant to the provisions of Section 41102, an exact and legible duplicate copy of the notice when filed with the magistrate, in lieu of a verified complaint, shall constitute a complaint to which the defendant may plead "Guilty." Complaint

If, however, the defendant violates his promise to appear in court or does not deposit lawful bail, or pleads other than "Guilty" of the offense charged, a complaint shall be filed which shall conform to the provisions of Chapter 2 (commencing at Section 948) of Title 5, Part 2 of the Penal Code, and which shall be deemed to be an original complaint, and thereafter proceedings shall be had as provided by law, except that a defendant may, by an agreement in writing, subscribed by him and filed with the court, waive the filing of a verified complaint and elect that the prosecution may proceed upon a written notice to appear.

SEC. 7. Sections 5 and 6 of this act become operative only if the Vehicle Code as proposed by Assembly Bill No. 5 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said code takes effect, at which time Sections 142, 694 and 739.1 of the Vehicle Code adopted in 1935 are repealed. Effect Stats 1959, Ch. 3

CHAPTER 607

An act to maintain the Welfare and Institutions Code, by amending Sections 156.1, 163, 5400, 6557, 6564, and 6723 thereof, relating to the administration of, and commitment of persons to, the Department of Mental Hygiene.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.] In effect September 18, 1959

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

SECTION 1. Section 156.1 of the Welfare and Institutions Code is amended to read:

156.1. The department may expend moneys in accordance with law for the actual and necessary travel expenses of officers and employees of the department and any officer or employee of any institution within the department who are authorized to absent themselves from the State of California on official business. Necessary travel expenses

For the purposes of this section and of Sections 11030 and 11032 of the Government Code, the following constitutes, among other purposes, official business for said officers and employees for which such officers and employees shall be allowed actual and necessary traveling expenses when incurred

either in or out of this State upon approval of the Governor and Director of Finance:

Attending meetings of any national association or organization having as its principal purpose the study of maters relating to administration of institutions, and care and tratment of mental, feebleminded or other institutional inmats; conferring with officers or employees of the United States or other states, relative to problems of institutional care treatment or management; and obtaining information therefrom, which information would be useful in the conduct of institutional, psychiatric, medical, and similar activities of the Department of Mental Hygiene.

SEC. 2. Section 163 of said code is amended to read:

Transfer of inmates, expense

163. The Department of Mental Hygiene, when it deems it necessary, may, under conditions prescribed by the director, transfer any inmate of a state institution under its jurisdiction to another such institution. Transfers of inmates of state hospitals shall be made in accordance with the provisions of Section 6700 of this code.

The expense of any such transfer shall be paid from the moneys available by law for the support of the department or for the support of the institution from which the inmate is transferred. Liability for the care, support, and maintenance of an inmate so transferred in the institution to which he has been transferred shall be the same as if he had originally been committed to such institution. All amounts due from any county to the State for care, support, and maintenance of any such patients or inmates shall be included by the county auditor in his state settlement report, prescribed in Section 30104 of the Government Code.

SEC. 3. Section 5400 of said code is amended to read:

Hearing and examination, definitions

5400. Whenever it appears by affidavit to the satisfaction of a magistrate of a county that any person is so far addicted to the intemperate use of habit-forming drugs, other than narcotic drugs as provided in Section 5350 of this code, as to have lost the power of self-control, or is subject to dipsomania or inebriety, he shall issue and deliver to some peace officer for service a warrant directing that the person be apprehended and taken before a judge of the superior court for a hearing and examination. The officer shall thereupon apprehend and detain the person until a hearing and examination can be had. At the time of the apprehension a copy of the affidavit and warrant of apprehension shall be personally delivered to the person. As used in this article the term "habit-forming drugs" shall be construed to refer to and mean those dangerous drugs designated in Article 8 (commencing with Section 4210) of Chapter 9, Division 2 of the Business and Professions Code, which are habit-forming drugs.

Wherever in this article the term "stimulants" is used, such term shall be construed to refer to and mean "habit-forming drugs" as provided in this section. All persons heretofore committed under the provisions of this article as stimulant

addicts shall be deemed to have been committed as habit-forming drug addicts.

SEC. 4. Section 6557 of said code is amended to read:

6557. The medical superintendent of each hospital is its chief executive officer. In his absence or sickness the first assistant physician or other medical officer designated by the medical superintendent, or by the Department of Mental Hygiene, shall perform his duties and be subject to his responsibilities. Chief executive officer

SEC. 5. Section 6564 of said code is amended to read:

6564 The Director of Mental Hygiene may set aside and designate any space on the grounds of any of the institutions under the jurisdiction of the department that is not needed for other authorized purposes, to enable such institution to establish and maintain therein a store or canteen for the sale to or for the benefit of inmates of the institution of candies, cigarettes, sundries and other articles. The stores shall be conducted subject to the rules and regulations of the department and the rental, utility and service charges shall be fixed as will reimburse the institutions for the cost thereof. The stores when conducted under the direction of a superintendent shall be operated on a nonprofit basis but any profits derived shall be deposited in the benefit fund of each such institution as set forth in Section 165. Canteen space

Before any store is authorized or established, the Director of Mental Hygiene shall first determine that such facilities are not being furnished adequately by private enterprise in the community where it is proposed to locate the store, and the director may hold public hearings or cause surveys to be made to determine the same.

The Director of Mental Hygiene may rent such space to private individuals, for the maintenance of a store or canteen at any of the said institutions upon such terms and subject to such regulations as are approved by the Department of Finance, in accordance with the provisions of Section 13109 of the Government Code. The terms imposed shall provide that the rental, utility and service charges to be paid shall be fixed so as to reimburse the institution for the cost thereof and any additional charges required to be paid shall be deposited in the benefit fund of such institution as set forth in Section 165.

SEC. 6. Section 6723 of said code is amended to read:

6723. Whenever a person, committed to an institution subject to the jurisdiction of the Department of Mental Hygiene under one of the commitment laws which provides for reimbursement for care and treatment to the State by the county of commitment of such person, is accused of committing a crime while confined in such institution and is committed by the court in which the crime is charged to another institution under the jurisdiction of the Department of Mental Hygiene Cost of support

or the Department of Corrections, the State rather than the county of commitment shall bear the subsequent cost of supporting and caring for such person.

CHAPTER 608

An act to maintain the Welfare and Institutions Code by amending Section 2181.1 thereof, relating to aid to aged persons.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 2181.1 of the Welfare and Institutions Code is amended to read as follows:

2181.1. The board shall immediately notify the applicant in writing of its decision, and that he may, upon application to the board within 30 days, appear before the board at a time to be fixed by the board, and show cause why the action of the board is not satisfactory. The hearing shall be held within 30 days from the time of application for hearing. Upon good cause shown, the board may reconsider its previous action, and take whatever action the board deems proper upon the application. The decision of the board confirming or reconsidering its previous action shall be rendered within 15 days after the hearing.

The right of hearing by the board of supervisors provided by this section is intended as an alternative to direct appeal to the State Social Welfare Board, and an applicant who has applied for hearing before the board of supervisors shall not appeal to the State Social Welfare Board until the decision of the board of supervisors has been rendered. After the decision of the board of supervisors has been rendered, the applicant may appeal therefrom to the State Social Welfare Board. An applicant who does not apply for hearing before the board of supervisors may appeal directly to the State Social Welfare Board as provided in Section 104.1.

CHAPTER 609

An act to amend Section 14 of the Santa Clara County Flood Control and Water Conservation District Act (Chapter 1405 of the Statutes of 1951), relating to flood control and water conservation in Santa Clara County.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 14 of the Santa Clara County Flood Control and Water Conservation District Act (Chapter 1405 of the Statutes of 1951) is amended to read:

Sec. 14. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution, determine and declare the respective amounts of bonds to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Santa Clara County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied as provided in this act.

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred, provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum. For the purposes of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

In all particulars not recited in said ordinance, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the State.

Said board shall cause a map or maps to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in each zone and participating zone affected. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. If at such election two-thirds ($\frac{2}{3}$) of the votes cast are in favor of incurring such bonded indebtedness, then bonds for such zone or participating zones for the amount stated in such proceedings shall be issued and sold as in this act provided.

CHAPTER 610

An act to amend Section 147 of the Streets and Highways Code, relating to mass transportation facilities on state highways.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 147 of the Streets and Highways Code is amended to read:

147. The department is authorized and empowered to provide for, finance and construct such mass transportation facilities as are required for loading and unloading of passengers carried on motor coaches or buses operated by common carriers of passengers for hire.

CHAPTER 611

An act to amend Sections 5600 and 5604 of the Business and Professions Code, relating to fees payable by architects, to take effect immediately.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect immediately

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

SECTION 1. Section 5600 of the Business and Professions Code is amended to read:

Architect fees

5600. (a) Every architect shall pay an annual license fee to the department. The fee shall be due and payable on or before the thirty-first day of August of each year and shall become delinquent thereafter.

(b) If the annual license fee is not paid before it becomes delinquent, the penalty fee provided by this chapter shall be added to the amount thereof.

(c) If the annual license fee and penalty are not paid before the thirty-first day of January in the year following the year in which they become due, the architect's certificate shall be suspended from and after the expiration of 30 days from the date of mailing by registered mail, return receipt requested, postage prepaid and addressed to the architect at his address as it appears in the records of the board: a notice of the delinquency of the architect stating that upon the expiration of time herein allowed his certificate will be suspended, unless within said time, the annual license fee and penalty are remitted.

(d) After the certificate has been suspended, it may be reinstated upon the payment of the reinstatement fee, and such proof of the architect's qualifications as may be required in the sound discretion of the board.

(e) The board shall issue a receipt to each architect promptly upon payment of the annual license fee.

SEC. 2. Section 5604 of said code is amended to read:

Fee schedule

5604. The fees prescribed by this chapter shall be fixed by the board as follows:

(a) The application fee for examination at not to exceed thirty-five dollars ($35).

(b) The fee for an original certificate at not to exceed fifteen dollars ($15).

(c) The fee for a temporary certificate at not to exceed seventy-five dollars ($75).

(d) The fee for a duplicate certificate at not to exceed fifteen dollars ($15).

(e) The annual license fee at not to exceed thirty dollars ($30).

(f) The penalty at not to exceed five dollars ($5).

(g) The reinstatement fee at not to exceed thirty dollars ($30).

Tax levy

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

CHAPTER 612

An act to amend Section 106 of the Education Code, and Section 108 of the Education Code as proposed by Senate Bill No. 2, relating to meetings of the State Board of Education.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 106 of the Education Code is amended to read:

Meetings

106. The board shall meet at least six times a year at such times as it may by resolution determine; provided, that it shall meet at least once every three months.

SEC. 2. Section 108 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

Same

108. The board shall meet at least six times a year at such times as it may by resolution determine; provided, that it shall meet at least once every three months.

Effect Stats 1959, Ch 2

SEC. 3. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 106 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 613

An act to amend and renumber Section 103.7 (as added by Chapter 1068, Statutes of 1957) of the Welfare and Institutions Code, relating to public assistance recipients.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 103.7 (as added by Chapter 1068, Statutes of 1957) of the Welfare and Institutions Code is amended and renumbered to read:

103.8. It is hereby declared that provision for medical services to public assistance recipients as set forth in Chapter 1 of Part 3 of Division 5 of this code is a matter of statewide concern.

The department is hereby designated as the single state agency with full power to supervise every phase of the administration of that program.

CHAPTER 614

An act to amend and renumber Section 21661 (as added by Chapter 2154, Statutes of 1957), and the title of Part 6.5 of Division 13 and Sections 36500 to 36509, inclusive (as added by Chapter 1487, Statutes of 1957), of the Water Code, relating to districts.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 21661 (as added by Chapter 2154, Statutes of 1957) of the Water Code is amended and renumbered to read:

21662. Nothing in this article or in any general election law shall prohibit a person seeking nomination as a candidate for a district office from circulating a petition as provided for in Section 21658.

Petition for nomination

SEC. 2. The title of Part 6.5 of Division 13 (as added by Chapter 1487, Statutes of 1957) of said code is amended and renumbered to read:

PART 7.5 ALTERNATIVE PROVISIONS FOR LEVY, COLLECTION AND ENFORCEMENT OF DISTRICT ASSESSMENTS BY THE COUNTY

SEC. 3. Section 36500 (as added by Chapter 1487, Statutes of 1957) of said code is amended and renumbered to read:

37200. This part provides an alternative method for the levy, collection and enforcement of district assessments and the provisions of this part shall not apply to or affect any other provisions of this division.

Alternative method

SEC. 4. Section 36501 (as added by Chapter 1487, Statutes of 1957) of said code is amended and renumbered to read:

37201. This part shall apply only to districts the territory of which is wholly within the boundaries of a single county.

Applicability

SEC. 5. Section 36502 (as added by Chapter 1487, Statutes of 1957) of said code is amended and renumbered to read:

37202. Unless the context otherwise requires, the following terms used in this part shall mean:

Definitions

(a) "Board of supervisors" means the board of supervisors of the county within which a district is located;

(b) "Bond" or "bonds" mean a general obligation bond or bonds.

SEC. 6. Section 36503 (as added by Chapter 1487, Statutes of 1957) of said code is amended and renumbered to read:

37203. On or before January 31st of any year the board may by resolution elect to proceed under this part for the levy, collection and enforcement of assessments, and thereafter until termination of such election the provisions of this part and no other shall apply. The board by resolution may at

Board's election to proceed

any time on or before January 31st of any year terminate its election to proceed under this part, and thereafter the provisions of this part shall no longer apply. On or before February 1st following the adoption of either of said resolutions, a certified copy thereof shall be filed with the auditor, assessor, tax collector and treasurer of the county.

SEC. 7. Section 36504 (as added by Chapter 1487, Statutes of 1957) of said code is amended and renumbered to read:

District fiscal year

37204 The board may from time to time by resolution provide for a district fiscal year, to commence and end at the dates specified in said resolution.

SEC. 8. Section 36505 (as added by Chapter 1487, Statutes of 1957) of said code is amended and renumbered to read:

Change of fiscal year

37205. Whenever the fiscal year is changed, if necessary to provide sufficient money to meet the obligations and expenses of the district between the end of the previous fiscal year and the commencement of the new fiscal year, the board may add to the estimate to be furnished to the board of supervisors for the first new fiscal year an amount clearly sufficient to raise money for the purposes required or authorized by Section 37206.

SEC. 9. Section 36506 (as added by Chapter 1487, Statutes of 1957) of said code is amended and renumbered to read:

Annual money estimate

37206. Not later than the first day of the month in which the board of supervisors is required by law to levy taxes for county purposes, the district board shall furnish to the board of supervisors an estimate in writing of the amount of money needed for the purposes of the district for the next fiscal year. Except to the extent that provision has otherwise been made by the board, as may be permitted by law, for payment of the principal of and interest upon bonds as they become due and for payment of other claims and expenses of the district, said estimate shall be in an amount sufficient for payment of the principal of and interest on bonds as they become due and for payment of other claims and expenses of the district.

SEC. 10. Section 36507 (as added by Chapter 1487, Statutes of 1957) of said code is amended and renumbered to read:

Ad valorem assessment

37207. The board of supervisors annually at the time of levying county taxes shall levy an ad valorem assessment upon all lands within the district sufficient to raise the amount stated in the estimate of the district board.

SEC. 11. Section 36508 (as added by Chapter 1487, Statutes of 1957) of said code is amended and renumbered to read:

Method

37208. Said ad valorem assessment shall be levied and collected at the same time and in the same manner and by the same officers and with the same penalties and interest as general county taxes and when collected shall be paid to the district.

SEC. 12. Section 36509 (as added by Chapter 1487, Statutes of 1957) of said code is amended and renumbered to read:

Payment to the county

37209. The board may by resolution authorize payment to the county of reasonable compensation, as may be provided

by law or as may be agreed upon with the county, for services rendered by the county and the officers thereof in levying, collecting and enforcing district assessments pursuant to this part.

CHAPTER 615

An act to amend and renumber Section 6403 (added by Stats. 1947, Ch. 887) of the Public Resources Code, relating to the powers and duties of the State Lands Commission with respect to the reservation of mineral deposits in state lands.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 6403 (added by Stats. 1947, Ch. 887) of the Public Resources Code is amended and renumbered to read:

6407. This section is enacted for the purpose of declaring the scope and extent of the powers, duties, purposes, responsibilities and jurisdiction of the State Lands Commission and the legislative intent with respect to reservation of mineral deposits reserved to the State (Section 6401); but nothing herein shall be construed as limiting any power, duty, purpose, responsibility or jurisdiction heretofore or by this code vested in or conferred upon the commission.

Mineral deposits reserved to the State shall include all mineral deposits in lands belonging to or which may become the property of the State, including but not limited to oil, gas, oil shale, coal, phosphate, alumina, silica, fossils of all geological ages, sodium, gold, silver, metals and their compounds, alkali, alkali earth, sand, clay, gravel, salts and mineral waters.

CHAPTER 616

An act to repeal Section 186 (as amended by Chapter 2424, Statutes of 1957) of the Water Code, relating to State Water Rights Board.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 186 (as amended by Chapter 2424, Statutes of 1957) of the Water Code is repealed.

CHAPTER 617

An act to amend and renumber Sections 20495 (as added by Chapter 1155, Statutes of 1957), 37395 (as added by Chapter 1475, Statutes of 1957), and 70045.9 (as added by Chapter 1786, Statutes of 1957) of the Government Code, relating to local governmental operations.

In effect September 18, 1959

[Approved by Governor May 23, 1959 Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 20495 (as added by Chapter 1155, Statutes of 1957) of the Government Code is amended and renumbered to read:

Cafeteria employees

20494. Anything to the contrary notwithstanding, any contract with a school district may include in the system all cafeteria employees of the district, including cafeteria employees serving on a part-time basis, and any contract heretofore made with any school district may be amended to provide coverage for all cafeteria employees of the district

SEC. 2. Section 37395 (as added by Chapter 1475, Statutes of 1957) of said code is amended and renumbered to read:

Lease limits

37396. A city, county or city and county may lease property owned, held or controlled by it for not to exceed 99 years, for stadium, park, recreational, fair, exposition or exhibition purposes.

SEC. 3 Section 70045 9 (as added by Chapter 1786, Statutes of 1957) of said code is amended and renumbered to read:

Court reporter salaries

70045.4. Notwithstanding the provisions of Section 70045 or any other provision of this article, in a county with a population of over 69,750 and under 80,000, each regular reporter shall be paid an annual salary of seven thousand two hundred dollars ($7,200), and each pro tempore official reporter shall be paid twenty-five dollars ($25) a day for the days he actually is on duty under order of the court. In such a county the fee required by Section 70053 shall be six ond one-half dollars ($6.50).

CHAPTER 618

An act to repeal Sections 21152 (as added by Chapter 65, Statutes of 1957), 21152 (as added by Chapter 936, Statutes of 1957), 21153 (as added by Chapter 936, Statutes of 1957), 69505 (as added by Chapter 1045, Statutes of 1957), and 73650 (as added by Chapter 65, Statutes of 1957) of the Government Code, relating to public employment.

In effect September 18, 1959

[Approved by Governor May 23, 1959 Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Sections 21152 (as added by Chapter 65, Statutes of 1957), 21152 (as added by Chapter 936, Statutes of

1957), 21153 (as added by Chapter 936, Statutes of 1957), 69505 (as added by Chapter 1045, Statutes of 1957), and 73650 (as added by Chapter 65, Statutes of 1957) of the Government Code are repealed.

CHAPTER 619

An act to amend and renumber Section 4187 (as added by Chapter 2017, Statutes of 1957) of the Fish and Game Code, relating to special hunting permits.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 4187 (as added by Chapter 2017, Statutes of 1957) of the Fish and Game Code is amended and renumbered to read:

4188. When a landowner or tenant applies for a permit under Section 4181, the commission, in lieu of such a permit, may, with the consent of or upon the request of the landowner or tenant, under appropriate regulations, issue permits to persons holding valid hunting licenses to take deer in sufficient numbers to stop the damage or threatened damage. The commission, prior to issuing permits to licensed hunters, shall investigate and determine the number of permits necessary and the territory involved and the dates of the hunting. The time and place where the permits will be issued, the number of permits to be issued, the date or dates hunting will be permitted, and the area open to hunting shall be published once in a paper of general circulation in the area, or if there is no such newspaper then posted in two public places most likely in the opinion of the commission to give notice to the public, at least two days prior to the issuing of the permits. The permits shall be issued, in the number predetermined as necessary, to the first person or persons who apply, in person, for the permits, show a valid hunting license, and pay two dollars ($2) for the permit. The holder of a permit may take one deer of either sex and on killing a deer shall immediately affix the permit to the deer and have the permit validated, as are license tags under Section 4341, prior to transporting such deer except for the purpose of taking it to the nearest officer authorized to countersign the permit. Any deer taken under this section shall be a bonus deer and shall not affect the permit holder's eligibility for any other permits or license tags. Nothing in this section shall be construed to authorize hunting on private land without first obtaining the permission of the owner or tenant in possession.

CHAPTER 620

An act to repeal Section 1354 (as added by Chapter 1037, Statutes of 1957) of the Fish and Game Code, relating to Archibald Lake Public Fishing and Recreation Area.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 1354 (as added by Chapter 1037, Statutes of 1957) of the Fish and Game Code is repealed.

CHAPTER 621

An act to amend and renumber Section 24206 (as added by Chapter 1275, Statutes of 1957) of the Business and Professions Code, relating to alcoholic beverages.

In effect September 18, 1959

[Approved by Governor May 23, 1959 Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 24206 (as added by Chapter 1275, Statutes of 1957) of the Business and Professions Code is amended and renumbered to read:

24202. All state and local law enforcement agencies shall immediately notify the department of any arrests made by them for violations over which the department has jurisdiction which involve a licensee or licensed premises. The department shall promptly cause an investigation to be made as to whether grounds exist for suspension or revocation of the license or licenses of the licensee.

CHAPTER 622

An act to amend and renumber Section 96 (as added by Chapter 1471, Statutes of 1957) of the Agricultural Code, relating to insurance for horserace meetings.

In effect September 18, 1959

[Approved by Governor May 23, 1959 Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 96 (as added by Chapter 1471, Statutes of 1957) of the Agricultural Code is amended and renumbered to read:

97. Whenever the Board of Directors of the California State Fair or the board of directors of any district agricultural association finds that it is necessary, in order to conduct a

successful horserace meeting with adequate competition and a sufficient number of competent jockeys, it may purchase suitable accident and disability insurance for the benefit of the jockeys participating in the horserace meeting to protect them from the physical hazards of such participation. Such insurance shall be in addition to the workmen's compensation insurance required to be carried by licensed horse owners The Legislature hereby finds and declares that expenditure of funds for such insurance is a public purpose and is in furtherance of the purposes for which state and district fairs are conducted.

CHAPTER 623

An act to amend and renumber Section 213 (as added by Chapter 2409, Statutes of 1957) of the Health and Safety Code, relating to section numbers.

[Approved by Governor May 23, 1959 Filed with Secretary of State May 25, 1959]

In effect September 18, 1959

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

SECTION 1. Section 213 (as added by Chapter 2409, Statutes of 1957) of the Health and Safety Code is amended and renumbered to read:

214. The State Department of Public Health shall enforce the provisions of Section 383b of the Penal Code.

CHAPTER 624

An act to amend Sections 8321, 8322, 8323, and 8331 of the Streets and Highways Code, relating to city street vacation proceedings.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 8321 of the Streets and Highways Code is amended to read:

Expression in ordinance or resolution

8321. The election of the city council to proceed under the provisions of this part shall be expressed in its ordinance or resolution of intention to order any vacation.

SEC. 2. Section 8322 of said code is amended to read:

Method of vacating

8322. Before the vacation of any street or part thereof is ordered, the city council shall pass an ordinance or resolution declaring its intention to do so, referring to the street or part thereof by its lawful or official name or the name by which it is commonly known and referring to a map or plan on file in the office of the city clerk for particulars as to the proposed vacation. The ordinance or resolution of intention shall fix a time

and place for hearing all persons interested in or objecting to the proposed vacation, which time shall be not less than 15 days from the date of the passage of the ordinance or resolution, and shall be published or posted in the manner prescribed by law for the publishing or posting of ordinances of the city. Notices of street vacation shall be posted conspicuously along the line of the street or part thereof proposed to be vacated at least 10 days before the date set for hearing. Such notices shall be posted not more than 300 feet apart, but at least three shall be posted. Such notices shall state the passage of the ordinance or resolution of intention and the time and place of the hearing.

One or more streets, or parts thereof, whether contiguous or not may be included and vacated under the same ordinance or resolution of intention.

SEC. 3. Section 8323 of said code is amended to read:

Hearing

8323. The city council shall, on the day fixed for the hearing, or on the day to which the hearing is postponed or continued, hear the evidence offered by any person interested. If the city council finds, from all the evidence submitted, that any street or part thereof, described in the ordinance or resolution of intention, is unnecessary for present or prospective public street purposes, the city council may make its order vacating such street or part thereof.

SEC 4. Section 8331 of said code is amended to read:

Ordinance or resolution

8331. In any proceedings for the vacation of any street or part thereof wherein the city council may determine that the public convenience and necessity require the reservation of easements and rights-of-way for structures enumerated in Section 8330, such determination shall be recited in the ordinance or resolution of intention, in addition to any other matter required to be recited therein Said ordinance or resolution of intention shall also recite that the proceedings are taken subject to such reservations and exceptions. All subsequent proceedings of the city in relation to the vacation, including any deed or conveyance, if any, to the owners of the land underlying such street or part thereof, shall be subject to and governed by the reservations and exceptions contained in the ordinance or resolution of intention.

CHAPTER 625

An act to amend Section 4002 of the Welfare and Institutions Code, relating to aid to needy disabled.

In effect September 18, 1959

[Approved by Governor May 23, 1959 Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 4002 of the Welfare and Institutions Code is amended to read:

4002. In administering this chapter the Department of Social Welfare shall encourage the rehabilitation or employment of the recipient if it appears that with proper care and training such person may become more self-sufficient. The policy shall be followed of granting the aid to the recipient in his own home or in some other suitable home of his own choosing, in preference to placing him in an institution.

CHAPTER 626

An act to amend Section 20493 of, and to add Section 20496 to, the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 20493 of the Government Code is amended to read:

School district contract amendments

20493. Any contract heretofore made with any school district may be amended to provide that all amendments to the Retirement Law whether effective prior or subsequent to the effective date of such contract shall become part of, and operate as amendments to, such contract, and that the parties to such contract shall be subject to such amended legislation without further action by the board or by the contracting agency; provided, however, that if any such amending legislation shall operate to increase the contributions required of, or decrease the benefits to, the employees, or any thereof, affected by such contract, such legislation shall not affect the rights or liabilities of employees so affected unless an election has been held and the amended contract hereby authorized approved by such affected employees, in the manner provided by Section 20457. Notwithstanding any election made under this section, any school district whose employees have been included in the insurance system established under Title II of the Social Security Act may elect whether or not an amendment to this part giving an election to contracting agencies shall apply to its employees covered under said insurance system.

SEC. 2. Section 20496 is added to said code, to read:

Contracting agency's election

20496. Whenever in this part an election is given to contracting agencies to subject themselves and their employees to provisions of this part otherwise not applicable to contracting agencies and their employees, a contracting agency may exercise such right of election independently with respect to its employees included in the insurance system established under Title II of the Social Security Act and with respect to its employees not so included.

Operative date

SEC. 3. This act shall become operative on October 1, 1959.

CHAPTER 627

An act to amend Section 93 of the Streets and Highways Code, relating to maintenance and restoration of public highways.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 93 of the Streets and Highways Code is amended to read:

93. The department may construct and maintain detours as may be necessary to facilitate movement of traffic where state highways are closed or obstructed by construction or otherwise. The department may direct traffic onto any other public highway which will serve as a detour, in which case the department, upon the completion of such use, and upon the request of the local agency having jurisdiction over the highway, shall restore the same to its former condition; provided, that the local agency shall reimburse the department for the amount of all betterment to such highway caused by the restoration. The department shall also reimburse the local agency for all reasonable additional expenses incurred by that agency in maintaining said highway during the period of detour if such additional expenses were caused by said detour.

CHAPTER 628

An act to add Section 1091.1 to the Government Code, relating to interest of officers in contracts.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 1091.1 is added to the Government Code, to read:

1091.1. The prohibition against an interest in contracts provided by this article or any other provision of law shall not be deemed to prohibit any public officer or member of any public board or commission from subdividing lands owned by him or in which he has an interest and which subdivision of lands is effected under the provisions of Chapter 2 (commencing at Section 11500) of Part 2 of Division 4 of the Business and Professions Code or any local ordinance concerning subdivisions; provided, that (a) said officer or member of such board or commission shall first fully disclose the nature of his interest in any such lands to the legislative body having jurisdiction over the subdivision thereof, and (b) said officer or member of such board or commission shall not cast his vote upon any matter or contract concerning said subdivision in any manner whatever.

CHAPTER 629

An act to add Section 20450.5 to the Government Code, relating to contracts with the State Employees' Retirement System.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 20450.5 is added to the Government Code, to read:

20450.5. The governing body of a public agency which has established a pension trust or retirement plan funded by individual or group life insurance or annuity contracts may, notwithstanding any provision of this part to the contrary, enter into a contract to participate in this system making its employees members of this system, and continue such trust or plan with respect to service rendered prior to contract date. A pension trust or retirement plan so continued shall be deemed not a local retirement, pension, or annuity fund or system for the purpose of any provision of this chapter. The public agency shall have all the rights of any other contracting agency to provide prior service benefits for its employees but may elect in such contract instead not to provide a benefit with respect to prior service, in which case the service rendered by its employees prior to contract date shall be deemed not to be state service.

CHAPTER 630

An act to amend Section 2288 of the Business and Professions Code, relating to the healing arts.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2288 of the Business and Professions Code is amended to read:

2288. Applicants for a physician's and surgeon's certificate under Article 5 shall pass an examination in the following subjects:

(a) Anatomy—gross, microscopic, and surgical.
(b) Physiology.
(c) Bacteriology and pathology.
(d) Biochemistry.
(e) Obstetrics and gynecology.
(f) General medicine, and therapeutics.
(g) General surgery, and the therapeutics of surgery.
(h) Public health and preventive medicine.
(i) Pediatrics.

CHAPTER 631

An act to add Section 10055 to the Education Code, as enacted at the 1959 Regular Session, relating to high school textbooks.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 10055 is added to the Education Code, as enacted at the 1959 Regular Session, to read:

10055. The governing board of a high school district may purchase textbooks for the use of students residing in the district but attending a public high school in an adjoining state which does not furnish textbooks free of charge. Such textbooks shall remain the property of the district in which the students reside and shall be issued to such students at the discretion of the governing board of that district.

CHAPTER 632

An act to add Section 25210.78i to the Government Code, relating to county service areas.

In effect September 18, 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 25210.78i is added to the Government Code, to read:

25210.78i. Any of the revenues received by a county under a sales and use tax adopted by the board of supervisors in accordance with the provisions of Part 1.5 (commencing at Section 7200) of Division 2 of the Revenue and Taxation Code attributable to either the sale of tangible personal property at retail within the unincorporated area of such county or the storage, use or other consumption of tangible personal property in such unincorporated area if such property is purchased for the storage, use or other consumption in such unincorporated area, may be used for the establishment and maintenance of extended library facilities and services within a county service area established pursuant to this article.

CHAPTER 633

An act to amend Section 13133 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to standards for issuance of teaching credentials.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 13133 of the Education Code is amended to read:

13133. The minimum standard for the junior college credential shall be the holding of a master's degree, doctor's degree or other degree requiring not less than one year of postgraduate study granted by an institution approved by the State Board of Education, and such additional requirements as may be prescribed by said board.

This credential shall authorize service as a teacher in a junior college.

CHAPTER 634

An act to amend Section 16051, and to repeal Section 16055, of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to sale or lease of school real property.

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 16051 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

16051. The governing board of any school district may sell or lease for a term not exceeding 99 years, any real property belonging to the school district which is not or will not be needed by the district for school classroom buildings at the time of delivery of title or possession. The sale or lease may be made without first taking a vote of the electors of the district, and shall be made in the manner provided by this article (commencing at Section 16051).

Sale or lease of real property

SEC. 2. Section 16055 of said code is repealed.

Repeal

CHAPTER 635

An act to amend Section 7172 of the Financial Code, relating to loans by savings and loan associations.

In effect September 18 1959

[Approved by Governor May 23, 1959. Filed with Secretary of State May 25, 1959.]

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

SECTION 1. Section 7172 of the Financial Code is amended to read:

7172. An association shall not make any one loan in an amount exceeding twenty thousand dollars ($20,000) principal if the loan exceeds 1 percent of the book value of the association's assets unless consent is obtained from the commissioner. The provisions of this section are subject to the provisions of Section 7104.

CHAPTER 636

An act to add Section 1241.5 to the Water Code, relating to Indian water rights.

In effect September 18, 1959

[Approved by Governor May 27, 1959. Filed with Secretary of State May 27, 1959.]

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

SECTION 1. Section 1241 5 is added to the Water Code, to read:

1241 5. The laws of this State with respect to loss of water rights by nonuse, abandonment, prescription, and lack of diligence shall not apply to water rights appurtenant to or for use on any trust land for the period of five years following the conveyance by the United States of an unrestricted title to the land and the water rights appurtenant to or for use on such land.

As used in this section, "trust land" means any land in this State (a) to which the United States holds title in trust for any tribe, band, or other group of Indians, or for any particular Indian; or (b) owned by a particular Indian or any tribe, band, or group of Indians subject to a restriction against alienation imposed by the United States; or (c) held by the United States for the use of Indians in California, but not for any particular tribe, band, or group of Indians, or any particular Indian, if any part of such land is occupied by Indians or their families.

The Legislature hereby finds and declares that because of historical conditions, the Indians of California will not be in a position fully to utilize and to protect water rights owned by them when unrestricted title to trust land is conveyed to them by the United States. A period is required during which the

laws with respect to loss of water rights by nonuse, abandonment, prescription, and lack of diligence are suspended with regard to such land and water rights so that they will not lose the benefit of the water rights and the opportunity to make productive utilization of their land. The Legislature further finds and declares that such a suspension of the laws of this State with regard to such water rights is in the public interest and will promote the public welfare since it will promote the economic and social well-being of the Indians and the communities in which they reside and will encourage the self-sufficiency of the Indians.

This section shall become operative upon the enactment of federal legislation authorizing the establishment of a California Indian Water Affairs Commission.

CHAPTER 637

An act to amend Sections 632 and 634 of the Code of Civil Procedure, relating to civil actions.

[Approved by Governor May 27, 1959. Filed with Secretary of State May 27, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 632 of the Code of Civil Procedure is amended to read:

632. 1. In superior courts and municipal courts, upon the trial of a question of fact by the court, its decision must be given in writing and filed with the clerk within 30 days after the cause is submitted for decision. In giving the decision, the facts found and the conclusions of law must be separately stated. The statement of facts found shall fairly disclose the court's determination of all issues of fact in the case. In all cases written findings of fact and conclusions of law shall be deemed waived by a party by failure to appear at the trial. In municipal courts written findings of fact and conclusions of law shall be deemed waived unless they shall be expressly requested by one or more of the parties at the time of the trial; provided, that the court shall not be required to make any written findings of fact and conclusions of law in cases in which the amount of the demand, exclusive of interest and costs, or the value of the property in controversy, does not exceed three hundred dollars ($300). In superior courts, written findings of fact and conclusions of law may be waived by consent in writing filed with the clerk or judge, or by oral consent in open court, entered in the minutes.

Findings of fact

Judgment upon the decision must be entered accordingly.

2. In justice courts when the trial is by the court, judgment must be entered as provided in Section 664 of this code.

SEC. 2. Section 634 of the Code of Civil Procedure is amended to read:

Copy served, objections

634. In all cases where findings are to be made, a copy of the proposed findings shall be served upon all parties to the action and the court shall not sign any findings therein prior to the expiration of five days after such service. The court may direct a party to prepare findings.

Within five days after such service any other party may serve and file objections, counter-findings and requests for special findings.

If upon appeal or upon a motion under Section 657 or 663 of this code it appears that the court has not made findings as to all facts necessary to support the judgment, or that the findings are ambiguous or conflicting upon a material issue of fact, the court before which such appeal or motion is pending shall not infer that the trial court found in favor of the prevailing party on such issue if it appears that the party attacking the judgment made a written request for a specific finding on such issue either prior to the entry of judgment or in conjunction with a motion under Section 663 of this code.

CHAPTER 638

An act to amend Sections 21200, 21201, and 21208 of the Financial Code, and Sections 343 and 11108 of the Penal Code, and to add Section 21208 to the Financial Code, relating to pawnbrokers.

In effect September 18, 1959

[Approved by Governor May 27, 1959. Filed with Secretary of State May 27, 1959.]

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

SECTION 1. Section 21200 of the Financial Code is amended to read:

Rates

21200. Except as provided in this section, no pawnbroker shall charge or receive compensation at a rate in excess of two and one-half percent (2½%) per month on that portion of the unpaid principal balance of any loan not exceeding one hundred dollars ($100), two percent (2%) per month on that portion of the unpaid principal balance of the loan in excess of one hundred dollars ($100) up to, including, but not exceeding five hundred dollars ($500), and five-sixths of one percent (⅚ of 1%) per month on any remainder of such unpaid principal balance in excess of five hundred dollars ($500). A minimum charge may be made as follows:

(a) A charge not exceeding seventy-five cents ($0.75) a month on any loan not exceeding nine dollars and ninety-nine cents ($9.99).

(b) A charge not exceeding one dollar ($1) a month on any loan of ten dollars ($10) or more when the monthly charge permitted by this section would otherwise be less than such minimum charge.

SEC. 2. Section 21201 of said code is amended to read:

21201. Every loan made by a pawnbroker for which goods are received in pledge as security shall be evidenced by a written contract a copy of which shall be furnished to the borrower. The loan contract shall set forth the loan period and the date on which the loan is due and payable, and shall clearly inform the borrower of his right to redeem the pledge during the redemption period. Loan period redemption period

Every pawnbroker shall retain in his possession, after the date on which the loan became due and payable, clothing and furs pledged to him for a period of four months, and every other article pledged to him for a period of six months. During such periods the borrower may redeem the articles upon payment of the loan and interest charges.

If any pledged article is not redeemed during the four- or six-month redemption period as provided herein, the pawnbroker shall notify the borrower either by registered mail, or by certified mail, or by regular mail for which a certificate of mailing is issued by the United States Post Office addressed to his last known address of the termination of the redemption period, and extending the right of redemption for a period of 10 days from date of mailing of such notice. If any pledged article is not redeemed within such 10-day period, the pawnbroker shall become vested with all right, title, and interest of the pledgor, or his assigns, to the pledged article, to hold and dispose of as his own property subject to the provisions of this chapter. Any other provision of law relating to the foreclosure and sale of pledges shall not be applicable to any pledge the title to which is transferred in accordance with this section.

SEC. 3. Section 21208 of said code is amended and renumbered to read:

21209 The violation of any provision of this chapter is a misdemeanor. Misdemeanor

SEC. 4. Section 21208 is added to said code, to read:

21208. Every pawnbroker shall report daily all descriptions of all property received in pawn or purchased as secondhand merchandise, in whatever quantity received, including property purchased as secondhand merchandise at wholesale, secondhand merchandise taken in for sale or possessed on consignment for sale, and secondhand merchandise taken in trade; provided, however, that no such report need be made concerning property or merchandise acquired from another pawnbroker in a transaction involving the purchase or other acquisition from the other pawnbroker of his stock in trade or a substantial part thereof in bulk, where the other pawnbroker has made the reports required by this section with respect to that property or merchandise. Daily report

If the transaction took place within the territorial limits of an incorporated city, the report shall be submitted to the chief of police of the city. If the transaction took place out-

side the territorial limits of an incorporated city, the reports shall be submitted to the sheriff of the county.

All reports shall comply with and be submitted in accordance with the terms of any applicable city, county, or city and county ordinances requiring such reporting. In the absence of local ordinances requiring such reporting, the reports shall be submitted to the chief of police or the sheriff on forms approved by or prescribed by the Chief of the Bureau of Criminal Identification and Investigation.

SEC. 5. Section 343 of the Penal Code is amended to read:

Misdemeanor

343. Every person who purchases gold bullion, gold bars or gold quartz or mineral containing gold, who fails, refuses, or neglects to produce for inspection his register, or to exhibit all articles received by him in pledge, or his account of sales, to any officer holding a warrant authorizing him to search for personal property or to any person appointed by the sheriff or head of the police department of any city, city and county or town, or an order of a committing magistrate directing such officer to inspect such register, or examine such articles or account of sales, is guilty of a misdemeanor.

SEC. 6. Section 11108 of said code is amended to read:

Daily reports

11108. Each sheriff, chief of police or city marshal shall furnish the bureau daily reports of lost, stolen, found, pledged or pawned property received in his office, and all information received from the reports submitted pursuant to Section 21208 of the Financial Code.

CHAPTER 639

An act to amend Sections 4, 5, 17, 24, 29, and 35 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933), relating to water supply in Orange County.

In effect September 18, 1959

[Approved by Governor May 27, 1959. Filed with Secretary of State May 27, 1959.]

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

SECTION 1. Section 4 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 4. The government of said district shall be vested in said board of directors to consist of 10 members to be elected or appointed as hereinafter provided; a president, a first vice president, a second vice president, a secretary, or assistant secretary who shall be appointed and hold office at the pleasure of the said board of directors; the county treasurer, county assessor, county tax collector, and county auditor of said Orange County and their successors in office, and all their deputies, assistants, clerks and employees, which county officers shall perform the same respective duties for said district as they perform for said Orange County, without additional compensation, in order to carry out the provisions of this act, when so requested by said district.

Said board of directors may appoint and employ an attorney or attorneys, and an engineer or engineers for said district and such other officers and employees for said district as in their judgment may be deemed necessary, and prescribe their duties and powers and compensation, which officers and employees shall hold office or be employed during the pleasure of the said board of directors.

SEC. 2. Section 5 of said act is amended to read:

SEC. 5. The president shall sign all contracts on behalf of said district, and perform such other duties as may be imposed on him by the board of directors or by this act. In the absence of or inability of the president to serve, the first vice president shall perform his duties. In the absence of or inability of both the president and the first vice president to serve, the second vice president shall perform the duties of said president.

The secretary or assistant secretary shall countersign all contracts on behalf of said district and perform such other duties as may be imposed on him by the board of directors or by this act.

The board of directors may by resolution adopt reasonable rules and regulations not inconsistent with this act for the administration and government of the affairs of said district, and alter them from time to time as conditions may require; they may also appoint appropriate officers or agents to represent them as directed in administering the affairs of said district, which officers or agents shall receive the compensation established by the board from time to time, and serve at the pleasure of the board. Said board may require any of said officers or agents to furnish bond in the form and amount fixed by it.

SEC. 3 Section 17 of said act is amended to read:

SEC. 17. The board of directors, on or before the first meeting of the board of supervisors of said Orange County in August of each year, must furnish said board of supervisors and the auditor of said Orange County with an estimate in writing of the amount of money needed for the initiated or authorized purposes of the district for the current fiscal year This amount, less available funds on hand, shall be deemed to be sufficient to provide the necessary funds to initiate, carry on and complete any of the powers, projects, and purposes for which this district is organized, and which the board of directors shall deem advisable to be initiated or authorized for the current fiscal year; to pay the estimated cost of maintenance, operation and repairs of works and projects of said district, the incidental expenses of said district, and the estimated amount necessary for the payment of the costs of any action or proceeding which may be taken or assumed by said district, including the cost of employment of attorneys and engineers. In estimating the general funds needed by said district, all general funds on hand which are or will be unexpended at the end of the fiscal year shall be considered as funds on hand; provided, however, if determined to be necessary by the board, a sum not to exceed one hundred fifty

thousand dollars ($150,000) or 50 percent of the total amount collected under the last general assessment, whichever amount is greater, shall not constitute a part of such funds on hand and shall remain available for expenditure by the district for unanticipated needs.

Provided, however, that the amount of the general assessment levied during any year shall not exceed eight cents ($0.08) for each one hundred dollars ($100), or fraction thereof, of assessable property in said district, excluding personal property, according to the last assessment rolls of Orange County. The board of directors may purchase water for the replenishment of the ground water supplies of said district from the general assessment fund, upon the affirmative vote of at least eight members of the board of directors.

SEC. 4. Section 24 of said act is amended to read:

Sec. 24. On or before the fifteenth day of January, 1954, all water producing facilities located within the boundaries of the Orange County Water District shall be registered with said district by the operator thereof. Any new water producing facility constructed or re-established after such date shall be registered with said district within 30 days after the completion or re-establishment thereof.

Failure to register any water producing facility with said district is a misdemeanor punishable by a fine of not to exceed five hundred dollars ($500) or imprisonment in the county jail for not to exceed six months or by both such fine and imprisonment.

In addition to other information which said district may determine is necessary and may require in the registration form provided, there shall also be given information as to the owner or owners of the land upon which each water producing facility is located, a general description and location of each water producing facility, the name and address of the person charged with the operation of each water producing facility and the name or names and addresses of all persons owning or claiming to own an interest in the water producing facility.

"Person" or "operator" as used in this act means public agencies, federal, state, and local, private corporations, firms, partnerships, individuals or group of individuals whether legally organized or not; "owner" or "operator" also means the person to whom a water producing facility is assessed by the county assessor or if not separately assessed the person who owns the land upon which a water producing facility is located.

"Ground water" as used in this act means all water beneath the earth's surface, but does not include water which is being produced with oil in the production of oil and gas or in a bona fide mining operation.

"Production" or "producing" as used in this act means the act of extracting ground, water, by pumping or otherwise.

"Water producing facility" as used in this act means any device or method, mechanical or otherwise, for the production of water from the ground water supplies within said district.

"Accumulated overdraft" as used in this act means the amount of water necessary to be replaced in the intake area of the ground water basin within said district to prevent the landward movement of ocean water into the fresh ground water body, as determined by the board of directors from time to time.

"Annual overdraft" as used in this act means the amount, determined by the board of directors, by which the production of water from the ground water supplies within said district during the water year exceeds the natural replenishment of such ground water supplies in such water year.

"Water year" as used in this act means July 1st of one calendar year to June 30th of the following calendar year.

SEC. 5. Section 29 of said act is amended to read:

Sec. 29. Each operator of a water producing facility within said district, until such time as said water producing facility has been permanently abandoned, shall file with said district, on or before the thirty-first day of January and on or before the thirty-first day of July of each year, a statement setting forth the total production in acre-feet of water for the preceding six months period (excluding the month in which the statement is due), a general description or number locating each water producing facility and the method or basis of the computation of such water production. If no water has been produced from said water producing facility during the preceding six months period, said statement shall be filed as provided for herein setting for that no water has been produced during said period. Said statement shall be verified by a written declaration that it is made under the penalties of perjury. The replenishment assessment is payable to said district on or before the last date which the water production statements shall be filed and is computed by multiplying the production in acre-feet of water as disclosed in the statement, by the replenishment assessment rate. At such time as any said water producing facility has been permanently abandoned, the operator thereof shall give written notice of such abandonment to said district.

If any operator of a water producing facility shall fail to pay the replenishment assessments when due, said district shall charge interest at a rate of 1 percent each month on the delinquent amount of the replenishment assessment.

Should any operator of a water producing facility fail to register each water producing facility or fail to file on or before the thirty-first day of January and the thirty-first day of July of each year the water production statement, said district shall in addition to charging interest as provided herein assess a penalty charge against such operator in an amount of 10 percent of the amount found by said district to be due.

The board of directors may, at the time of fixing the replenishment assessment rate, provide by resolution that the operator of any water producing facilities having a discharge opening not greater than two inches in diameter and which do not

provide domestic or irrigation water for an area in excess of one acre may pay a fixed amount as his replenishment assessment, in lieu of filing a sworn statement as to the production of ground water.

SEC. 6. Section 35 of said act is amended to read:

Sec. 35. It shall be unlawful to produce water from any water producing facility within the boundaries of the Orange County Water District unless such water producing facility has been registered with said district and has a water measuring device affixed thereto capable of registering the accumulated amount of water produced therefrom.

This section is not applicable to operators of water producing facilities having a discharge opening two inches or less in diameter and which do not provide domestic or irrigation water for an area in excess of one acre who pay, in accordance with district regulations a fixed charge in lieu of affixing a water measuring device.

Violation of this provision shall be punishable by a fine not to exceed five hundred dollars ($500) or imprisonment in the county jail for not to exceed six (6) months or by both such fine and imprisonment. Each day of operation in violation hereof shall constitute a separate offense

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CHAPTER 640

An act to amend Section 170.6 of the Code of Civil Procedure, relating to disqualification of judges on the ground of prejudice.

In effect September 18, 1959

[Approved by Governor May 27, 1959. Filed with Secretary of State May 27, 1959.]

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

SECTION 1. Section 170.6 of the Code of Civil Procedure is amended to read:

170.6. (1) No judge of any superior, municipal or justice court of the State of California shall try any civil or criminal action or special proceeding of any kind or character nor hear any matter therein which involves a contested issue of law or fact when it shall be established as hereinafter provided that such judge is prejudiced against any party or attorney or the interest of any party or attorney appearing in such action or proceeding.

(2) Any party to or any attorney appearing in any such action or proceeding may establish such prejudice by an oral or written motion without notice supported by affidavit that the judge before whom such action or proceeding is pending or to whom it is assigned is prejudiced against any such party or attorney or the interest of such party or attorney so that such party or attorney cannot or believes that he cannot have a fair and impartial trial or hearing before such judge. Where

the judge assigned to or who is scheduled to try the cause or hear the matter is known at least 10 days before the date set for trial or hearing, the motion shall be made at least five days before that date. If directed to the trial of a cause where there is a master calendar, the motion shall be made to the judge supervising the master calendar not later than the time the cause is assigned for trial. In no event shall any judge entertain such motion if it be made after the drawing of the name of the first juror, or if there be no jury, after the making of an opening statement by counsel for plaintiff, or if there be no such statement, then after swearing in the first witness or the giving of any evidence or after trial of the cause has otherwise commenced. If the motion is directed to a hearing (other than the trial of a cause), the motion must be made not later than the commencement of the hearing. In the case of trials or hearings not herein specifically provided for, the procedure herein specified shall be followed as nearly as may be.

(3) If such motion is duly presented and such affidavit is duly filed, thereupon and without any further act or proof, the judge supervising the master calendar, if any, shall assign some other judge to try the cause or hear the matter. In other cases, the trial of the cause or the hearing of the matter shall be assigned or transferred to another judge of the court in which the trial or matter is pending or, if there is no other judge of the court in which the trial or matter is pending, the chairman of the judicial council shall assign some other judge to try such cause or hear such matter as promptly as possible. Under no circumstances shall a party or attorney be permitted to make more than one such motion in any one action or special proceeding pursuant to this section; and in actions or special proceedings where there may be more than one plaintiff or similar party or more than one defendant or similar party appearing in the action or special proceeding, only one motion for each side may be made in any one action or special proceeding.

(4) Unless required for the convenience of the court or unless good cause is shown, a continuance of the trial or hearing shall not be granted by reason of the making of a motion under this section. If a continuance is granted, the cause or matter shall be continued from day to day or for other limited periods upon the trial or other calendar and shall be reassigned or transferred for trial or hearing as promptly as possible.

(5) Any affidavit filed pursuant to this section shall be in substantially the following form:

(Here set forth court and cause)

STATE OF CALIFORNIA }
COUNTY OF } ss.

_____, being first duly sworn, deposes and says: That he is a party (or attorney for a party) to the within action (or special proceeding). That _____ the judge

before whom the trial of the (or a hearing in the) aforesaid action (or special proceeding) is pending (or to whom it is assigned), is prejudiced against the party (or his attorney) or the interest of the party (or his attorney) so that affiant cannot or believes that he cannot have a fair and impartial trial or hearing before such judge.

Subscribed and sworn to before me this
_____ day of _____, 19___.
(Clerk or Notary Public or other
officer administering oath)

(6) Nothing in this section shall affect or limit the provisions of Section 170 and Title 4, Part 2, of this code and this section shall be construed as cumulative thereto.

(7) If any provision of this section or the application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application and to this end the provisions of this section are declared to be severable.

CHAPTER 641

An act to add Section 25843 to the Government Code, relating to county government.

In effect September 18, 1959

[Approved by Governor May 27, 1959. Filed with Secretary of State May 27, 1959.]

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

SECTION 1. Section 25843 is added to the Government Code, to read:

25843. The board of supervisors may establish safety programs designed to encourage county officers and employees to follow recognized safety practices and to improve the efficiency and morale of such officers and employees and may expend funds for awards other than cash awards to officers and employees engaging in such programs, except that no individual shall receive awards to exceed twenty dollars ($20) in value during any fiscal year.

CHAPTER 642

An act to add Section 14108.5 to the Health and Safety Code, relating to local fire districts.

In effect September 18, 1959

[Approved by Governor May 27, 1959. Filed with Secretary of State May 27, 1959.]

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

SECTION 1. Section 14108.5 is added to the Health and Safety Code, to read:

14108.5. Notwithstanding the provisions of Section 14108 the district board may by ordinance adopt a fire prevention code by reference in the same manner as legislative bodies of local agencies are authorized to adopt primary and secondary codes by reference pursuant to Sections 50022.1 to 50022.8, inclusive, of the Government Code, and for the purposes of such sections of the Government Code the district board shall be deemed a legislative body and the district shall be deemed a local agency.

No penalty clauses or sanctions contained in any fire prevention code adopted by reference pursuant to this section shall be effective.

Every person who violates any provision of an ordinance adopted pursuant to this section or of a fire prevention code adopted by reference in such ordinance is guilty of a misdemeanor.

CHAPTER 643

An act to amend Section 2422 of the Education Code, Section 1723 of the Education Code, as proposed by Senate Bill No. 2, Section 7920 of the Elections Code, Section 1180 of the Military and Veterans Code, and Section 22229 of the Public Utilities Code, relating to the classification of cities.

[Approved by Governor May 27, 1959. Filed with Secretary of State May 27, 1959.] In effect September 18, 1959

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

SECTION 1. Section 2422 of the Education Code is amended to read:

2422. Whenever a city is incorporated, except a general law city, the board of supervisors of the county may annex to the city for school purposes only, the remainder, or any part of the remainder, of the district or districts from which the city was organized, whenever a majority of the electors residing therein petition for such annexation Annexation of school districts

SEC. 2. Section 1723 of the Education Code, as proposed by Senate Bill No. 2, is amended to read:

1723. Whenever a city is incorporated, except a general law city, the board of supervisors of the county may annex to the city for school purposes only, the remainder, or any part of the remainder, of the district or districts from which the city was organized, whenever a majority of the electors residing therein petition for such annexation. Same

SEC. 3 Section 7920 of the Elections Code is amended to read:

7920. This article applies to all elections except: Exceptions

(a) Primaries.

(b) General law city elections.

(c) Elections for which provision is otherwise made by city charter.

(d) Other elections for which specific provision otherwise is made by law.

SEC. 4. Section 1180 of the Military and Veterans Code is amended to read:

Special election

1180. The special election shall be called, noticed, held, and conducted, election officers appointed, voting precincts designated, candidates nominated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, certificates of election issued, oaths of office administered, and all other proceedings incidental to and connected with the election shall be regulated and done, in accordance with the provisions of law regulating municipal elections in general law cities.

SEC. 5. Section 22229 of the Public Utilities Code is amended to read:

Election

22229. Except as otherwise provided in this article, the election shall be called, noticed, and conducted, candidates nominated, the vote canvassed, and the results declared in the manner prescribed by law for general municipal elections in general law cities and by the general laws so far as applicable.

Effect. Stats 1959, Ch 2

SEC. 6. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 2422 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 644

An act to repeal Section 26204 of the Government Code, relating to war histories of counties.

In effect September 18 1959

[Approved by Governor May 27, 1959. Filed with Secretary of State May 27, 1959.]

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

SECTION 1. Section 26204 of the Government Code is hereby repealed.

CHAPTER 645

An act to amend Section 11166.12 of the Health and Safety Code, relating to narcotic prescriptions.

In effect September 18, 1959

[Approved by Governor May 27, 1959. Filed with Secretary of State May 27, 1959.]

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

SECTION 1. Section 11166.12 of the Health and Safety Code is amended to read:

11166.12. The provisions of this code with reference to the writing of narcotic prescriptions on official triplicate blanks and the filling thereof do not apply to any of the following:

(a) Codeine, dihydrohydroxycodeinone, or dihydrocodeinone combined with other nonnarcotic medicinal ingredients.

(b) Codeine in combination with any of the narcotic drugs mentioned in this section, with the exception of dihydrocodeinone or dihydrohydroxycodeinone.

(c) Preparations containing not more than two grains of opium to the fluid or avoirdupois ounce combined with other nonnarcotic medicinal ingredients except codeine.

(d) Apomorphine hydrochloride.

(e) Ethylmorphine hydrochloride.

(f) Papaverine hydrochloride.

(g) Noscapine (formerly narcotine)

Any of the combinations mentioned in the above subsections may be dispensed upon an oral prescription which must be reduced to writing within twenty-four (24) hours, by the pharmacist. The name and address of the person for whom prescribed and the name, address, telephone number and registered number of the prescriber must be recorded on the prescription.

CHAPTER 646

An act to amend Section 30 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes 1949), relating to the acquisition, use and disposition of property.

[Approved by Governor May 27, 1959. Filed with Secretary of State May 27, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 30 of the Alameda County Flood Control and Water Conservation District Act is amended to read:

Sec. 30. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in said district, and shall be held by said district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board may determine, by resolution duly entered in their minutes that any property, real or personal, held by said district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell, lease or otherwise dispose of said property in the manner prescribed by law for such action by counties; provided, however, that notwithstanding any other provision of law, the board may grant an easement or permit for use of any real property of the district to the State, or to any county, city, district, or public agency or corpora-

tion, or to any public utility corporation, upon such terms and conditions as the board sees fit, upon a finding by the board that the interest in land conveyed is in the public interest and will not substantially conflict or interfere with the use of said property by the district for the purpose for which it was acquired.

CHAPTER 647

An act to amend Sections 54955 and 54957 of the Government Code, relating to meetings of legislative bodies.

[Approved by Governor May 27, 1959. Filed with Secretary of State May 27, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 54955 of the Government Code is amended to read:

Adjournment

54955. The legislative body of a local agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the legislative body may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in Section 54956 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

SEC. 2. Section 54957 of said code is amended to read:

Executive sessions

54957. Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding executive sessions during a regular or special meeting to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person or employee unless such officer or employee requests a public hearing. The legislative body also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

CHAPTER 648

An act to amend Section 109.5 of the Streets and Highways Code, relating to agreements with the United States in connection with state highways.

[Approved by Governor May 27, 1959. Filed with Secretary of State May 27, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 109.5 of the Streets and Highways Code is amended to read:

109.5. Whenever the construction of any facility of the United States or any department or agency thereof, or any feature thereof, requires construction or relocation of, or other change in any state highway or bridge, the department may enter into an agreement with the United States, or with the United States and any person, providing therefor, and for the exchange of any property required thereby. The department may enter into like agreements for acquisition of a right-of-way over, or respecting maintenance of, any facility, constructed or owned by the United States or any department or agency thereof, all or any portion of which is to be used for highway purposes.

CHAPTER 649

An act to repeal Sections 71606, 71607, 71608, and 71222 of, and to add Section 68542.5 to, the Government Code, relating to assignment of judges.

[Approved by Governor May 27, 1959. Filed with Secretary of State May 27, 1959.]

In effect September 18, 1959

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

SECTION 1. Sections 71606, 71607, 71608, and 71222 of the Government Code are repealed. Repeals

SEC. 2. Section 68542.5 is added to said code, to read:

68542.5. Any judge of a municipal or justice court in any county sitting in another court in the same county under assignment made by the Chairman of the Judicial Council shall receive from such county the amount of actual and necessary traveling expenses incurred by him while traveling between his home and the courtroom except in any case in which the courtroom of his own court and the courtroom of the court to which he is assigned are within five miles of each other. Traveling expenses

CHAPTER 650

An act to amend Section 13317 of the Education Code as enacted by the Legislature at the 1959 Regular Session, relating to tenure of certificated employees of school districts.

In effect September 18, 1959

[Approved by Governor May 27, 1959. Filed with Secretary of State May 27, 1959.]

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

SECTION 1. Section 13317 of the Education Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

13317. Any certificated employee having permanent classification in a district, who is granted a leave of absence and transfers to another district which is under the supervision of the same chief administrative officer or district superintendent as the district from which the employee is on leave, may acquire permanent classification in the district to which he transferred if he is employed for a second year in that district, at which time his permanent classification in the district from which he transferred shall expire.

CHAPTER 651

An act to amend Section 15811 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to payments for sewers and drains by school districts.

In effect September 18, 1959

[Approved by Governor May 27, 1959 Filed with Secretary of State May 27, 1959.]

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

SECTION 1. Section 15811 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

15811. In addition to the other powers granted the governing board of each school district may provide sewers and drains adequate to treat and/or dispose of sewage and drainage on or away from each school property. For this purpose it may construct adequate systems or acquire adequate disposal rights in systems constructed or to be constructed by others for these purposes without regard to their proximity. The cost thereof may be paid from the building fund, including any bond moneys therein.

CHAPTER 652

An act to amend Section 5662 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to the disposition of tax receipts for support of high school and unified school districts.

[Approved by Governor May 27, 1959. Filed with Secretary of State May 27, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 5662 of the Education Code is amended to read:

5662. The receipts of the tax shall be credited by the county treasurer of each county to the high school district or unified school district, except that if the county superintendent of schools of another county has jurisdiction over the high school district or unified school district, the county auditor of each county in which any portion of the tax is collected shall determine the amount of the receipts of the tax and shall direct the county treasurer of his county to transmit the amount to the county treasurer of the county of which the superintendent of schools has jurisdiction, who shall credit the amount to the high school district or unified school district. The county treasurer of any county crediting the receipts of the tax to a high school district or unified school district shall notify the county superintendent of schools and county auditor of the county and the governing board of the high school district or unified school district of the fact, naming the amount credited.

CHAPTER 653

An act to amend Section 61600 of the Government Code, relating to powers and duties of community service districts.

[Approved by Governor May 27, 1959. Filed with Secretary of State May 27, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 61600 of the Government Code is amended to read:

61600. A district formed under this law may exercise the powers hereinafter granted for such of the following purposes as have been designated in the petition for formation of such district and for such others of the following purposes as the district shall adopt as hereinafter provided:

(a) To supply the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation.

(b) The collection, treatment or disposal of sewage, waste and storm water of the district and its inhabitants.

(c) The collection or disposal of garbage or refuse matter.

(d) Protection against fire.

(e) Public recreation by means of parks, playgrounds, swimming pools or recreation buildings.

(f) Street lighting.

(g) Mosquito abatement.

(h) The equipment and maintenance of a police department or other police protection to protect and safeguard life and property.

(i) To acquire sites for, construct, and maintain library buildings, and to co-operate with other governmental agencies for library service.

(j) The opening, widening, extending, straightening, and surfacing, in whole or part of any street in such district, subject to the consent of the governing body of the county or city in which said improvement is to be made.

(k) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (j), subject to the consent of the governing body of the county or city in which said improvement is to be made.

CHAPTER 654

An act to amend Section 11200 of the Health and Safety Code, relating to exempt narcotics.

In effect September 18, 1959

[Approved by Governor May 27, 1959. Filed with Secretary of State May 27, 1959.]

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

SECTION 1. Section 11200 of the Health and Safety Code is amended to read:

11200. The provisions of this division requiring prescriptions and physicians' reports do not apply to preparations containing in one fluid ounce, or, if a solid or semisolid preparation, in one avoirdupois ounce, without additional narcotics, not more than one grain of codeine, or two grains of Noscapine (formerly Narcotine) or to mistura glycyrrhiza compound, N.F. However, the exemptions herein provided do not exempt any person from the provisions of Section 11225 of this division.

CHAPTER 655

An act to add Section 2180.7 to the Welfare and Institutions Code, relating to applicants for old age security.

[Approved by Governor May 27, 1959. Filed with Secretary of State May 27, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2180.7 is added to the Welfare and Institutions Code, to read:

2180.7. Whenever an applicant for aid under this chapter is found by investigation to be ineligible but it is apparent that such applicant will become eligible within 90 days, the application shall be kept on file in order that aid may be granted from the date of eligibility. However, the applicant shall be required to keep the county informed of any substantial changes in his circumstances which may otherwise affect eligibility.

CHAPTER 656

An act to add Section 3082.2 to the Welfare and Institutions Code, relating to applicants for aid to needy blind.

[Approved by Governor May 27, 1959. Filed with Secretary of State May 27, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 3082.2 is added to the Welfare and Institutions Code, to read:

3082.2. Whenever an applicant for aid under this chapter is found by investigation to be ineligible but it is apparent that such applicant will become eligible within 90 days, the application shall be kept on file in order that aid may be granted from the date of eligibility. However, the applicant shall be required to keep the county informed of any substantial changes in his circumstances which may otherwise affect eligibility.

CHAPTER 657

An act to amend Section 2142.5 of the Welfare and Institutions Code, relating to medical needs of old age assistance recipients.

[Approved by Governor May 27, 1959. Filed with Secretary of State May 27, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2142.5 of the Welfare and Institutions Code is amended to read:

2142.5. Every person administering aid under this chapter shall conduct himself with courtesy, consideration, and respect toward applicants for and recipients of aid under this chapter, and shall endeavor at all times to perform his duties in such manner as to secure for every aged person the maximum amount of aid to which he is entitled, without attempting to elicit any information not necessary to carry out the provisions of this chapter, and without comment or criticism of any fact concerning applicants or recipients not directly related to the administration of this chapter.

The State Department of Social Welfare shall adopt no rule, regulation, or order which would limit the period of time required by an applicant or recipient to pay for physician services, medical needs and hospitalization not covered by the medical care program established under Chapter 1 (commencing at Section 4500) of Part 3 of Division 5 of this code.

CHAPTER 658

An act to amend Section 2018 of the Welfare and Institutions Code, relating to recipients of old age assistance.

In effect September 18, 1959

[Approved by Governor May 27, 1959. Filed with Secretary of State May 27, 1959.]

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

SECTION 1. Section 2018 of the Welfare and Institutions Code is amended to read:

2018. The State Board of Social Welfare shall adopt no rule requiring recipients to obtain estimates from vendors in establishing the cost of medicines, appliances, or devices needed by the recipient to enable him to meet his physical or health needs, where compliance with such rule would be impossible for any recipient or would cause undue hardship to recipients. No recipient shall be compelled to purchase used materials for his personal or household needs. No estimate shall be required in cases where the board has established a ceiling price on the item needed by the recipient and the cost of the item does not exceed said ceiling price.

CHAPTER 659

An act to add Section 591 to the Vehicle Code, as enacted by the Legislature at the 1959 Regular Session, relating to the definition of "street" or "highway."

In effect September 18, 1959

[Approved by Governor May 27, 1959. Filed with Secretary of State May 27, 1959.]

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

SECTION 1. Section 591 is added to the Vehicle Code, as enacted by the Legislature at the 1959 Regular Session, to read:

591. A "street" or "highway" shall not include those portions of a way or place in or upon which construction, alteration, or repair work is being performed insofar as the equipment performing such work and its operation are concerned. Where the work consists of a street or highway project, the limits of the project as shown or described in the plans or specifications of the awarding body shall be so excluded with reference to the equipment actually engaged in performing the work. The authority having jurisdiction over such way or place may include any or all of the requirements set forth in Divisions 11, 12, 13, 14 and 15 in any permit issued for work on such way or place and the awarding body on any such street or highway project may include such requirements in the specifications for such project. It is the intention of the Legislature, in enacting this section, that this section shall not be construed to relieve any person from the duty of exercising due care.

CHAPTER 660

An act to amend Section 7746 of the Education Code, and Section 19631 of the Education Code as proposed by Senate Bill No. 2, relating to the repayment of state school building aid, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.] In effect immediately

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

SECTION 1. Section 7746 of the Education Code is amended to read:

Availability of funds for expenditure

7746. Any portion of an apportionment paid to a school district under this chapter shall be available for expenditure by its governing board for not less than one year nor more than three years, as the board shall determine, after the date on which the warrant covering such portion of the apportionment was issued by the State Controller, provided that no such limitation on expenditure shall be applicable with respect to any items the payment or reimbursement of which is required to be made by special resolution pursuant to Section 7718, whether such special resolution is adopted prior or subsequent to the termination of the period of availability herein specified. For the purposes of this chapter, an apportionment shall be deemed to be expended at the time and to the extent that the amount thereof on deposit in the county treasury has been encumbered by the creation of a valid obligation on the part of the school district. Upon the expiration of its period of availability, the unencumbered balance of any apportionment made under this chapter shall become due and payable to the State of California; and the governing board of the school district and the county treasurer shall, at the time of

the next county settlement following the expiration of such period of availability, pay the amount of such unencumbered balance to the State Treasurer, out of the funds, and in the manner specified in Section 7745 of this code. Such payment shall, on order of the State Controller, be deposited in the State School Building Aid Fund in the State Treasury, to be reapportioned by the board.

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State, provided that notwithstanding the above such duties shall not be deemed to exist with respect to any amount heretofore or hereafter due the State occasioned by the termination of the period of availability of expenditure provided by this section, where such period of availability of expenditure for the items representing such amount is subsequently made inapplicable by the adoption of a special resolution pursuant to Section 7718.

SEC. 2. Section 19631 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

Same

19631. Any portion of an apportionment paid to a school district under this chapter (Sections 19551 to 19689, inclusive) shall be available for expenditure by its governing board for not less than one year nor more than three years, as the board shall determine, after the date on which the warrant covering such portion of the apportionment was issued by the State Controller, provided that no such limitation on expenditure shall be applicable with respect to any items the payment or reimbursement of which is required to be made by special resolution pursuant to Section 19589, whether such special resolution is adopted prior or subsequent to the termination of the period of availability herein specified. For the purposes of this chapter (Sections 19551 to 19689, inclusive), an apportionment shall be deemed to be expended at the time and to the extent that the amount thereof on deposit in the county treasury has been encumbered by the creation of a valid obligation on the part of the school district. Upon the expiration of its period of availability, the unencumbered balance of any apportionment made under this chapter (Sections 19551 to 19689, inclusive) shall become due and payable to the State of California; and the governing board of the school district and the county treasurer shall, at the time of the next county settlement following the expiration of such period of availability, pay the amount of such unencumbered balance to the State Treasurer, out of the funds, and in the manner specified in Section 19629 of this code. Such payment shall, on order of the State Controller, be deposited in the State School Building Aid Fund in the State Treasury, to be reapportioned by the board.

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as

provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State, provided that notwithstanding the above such duties shall not be deemed to exist with respect to any amount heretofore or hereafter due the State occasioned by the termination of the period of availability of expenditure provided by this section where such period of availability of expenditure for the items representing such amount is subsequently made inapplicable by the adoption of a special resolution pursuant to Section 19589.

Effect. Stats 1959, Ch 2

SEC. 3. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 7746 of the Education Code as amended by Section 1 of this act is repealed.

Urgency

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Section 7718 of the Education Code provides that eligible costs incurred in connection with a school building project prior to the date an application is approved by the State Allocation Board require specific authorization by special resolution of the board. The legal advisers of both the Department of Finance and State Controller have indicated that such authorization must be given within three years from the date of the state warrant to the district in order to be valid. In many instances it cannot be determined which of these expenditures will require special authorization until final audit of the accounts of a project have been made, which is often after the three-year period in which the board may validate such expenditures.

In order that school districts who have received state school building aid not be penalized unnecessarily, the provisions of this act should take effect immediately.

CHAPTER 661

An act to add Sections 24100.1, 24101.1, 24101.2, 24101.3, and 24101.4 to, and to amend Sections 24107 and 24108 of, the Health and Safety Code, relating to health, sanitation, and safety in water sports and recreation.

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 24100.1 is added to the Health and Safety Code, to read:

Lifeguard service"

24100.1. "Lifeguard service," as used in this article, means the attendance, at all times that persons are permitted to engage in water-contact sports, of one or more lifeguards who hold Red Cross or Y. M. C. A. senior lifeguard certificates or have equivalent qualifications and who have no duties to perform other than to superintend the safety of participants in water-contact sports.

SEC. 2. Section 24101.1 is added to said code, to read:

Filing of plans

24101.1. Every person proposing to construct a public swimming pool shall file a copy of the plans therefor, prior to construction, with the local health officer having jurisdiction for approval.

SEC. 3. Section 24101.2 is added to said code, to read:

Public pool

24101.2. Every person operating or maintaining a public swimming pool must do so in a sanitary, healthful and safe manner.

SEC. 4. Section 24101.3 is added to said code, to read:

Same: Conditions of operation

24101.3. Every public swimming pool, including swimming pool structure, appurtenances, operation, source of water supply, amount and quality of water recirculated and in the pool, method of water purification, lifesaving apparatus, measures to insure safety of bathers, and measures to insure personal cleanliness of bathers shall be such that the public swimming pool is at all times sanitary, healthful and safe.

SEC. 5. Section 24101.4 is added to said code, to read:

Lifeguard service

24101.4. Lifeguard service shall be provided for any public swimming pool which is of wholly artificial construction and for the use of which a direct fee is charged. For all other swimming pools, lifeguard service shall be provided or signs shall be erected clearly indicating that such service is not provided.

SEC. 6. Section 24107 of said code is amended to read:

Nuisance

24107. Any nuisance maintained in violation of this article may be abated or enjoined in an action brought by a local health officer, or the state department, or it may be summarily abated in the manner provided by law for the summary abatement of other public nuisances dangerous to health.

SEC. 7. Section 24108 of said code is amended to read:

Misdemeanor

24108. Every person who violates any provision of this article, or the rules and regulations adopted pursuant thereto, is guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500), or by imprisonment for not more than six months, or both.

CHAPTER 662

An act to amend Section 4573 of the Penal Code, relating to narcotics in prisons and other correctional institutions.

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 4573 of the Penal Code is amended to read:

4573. Except when otherwise authorized by law, or when authorized by the person in charge of the prison or other institution referred to in this section or by an officer of the institution empowered by the person in charge of the institution to give such authorization, any person, who knowingly brings or sends into, or knowingly assists in bringing into, or sending into, any state prison, prison road camp, prison forestry camp, or other prison camp or prison farm or any other place where prisoners of the State are located under the custody of prison officials, officers or employees, or into any county, city and county, or city jail, road camp, farm or other place where prisoners or inmates are located under custody of any sheriff, chief of police, peace officer, probation officer or employees, or within the grounds belonging to any such institution, any narcotic, the possession of which is prohibited by Division 10 of the Health and Safety Code, or any alcoholic beverage, is guilty of a felony.

CHAPTER 663

An act to amend Section 4574 of the Penal Code, relating to firearms in prisons and other correctional institutions.

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 4574 of the Penal Code is amended to read:

4574. Except when otherwise authorized by law, or when authorized by the person in charge of the prison or other institution referred to in this section or by an officer of the institution empowered by the person in charge of the institution to give such authorization, any person, who knowingly brings or sends into, or knowingly assists in bringing into, or sending into, any state prison or prison road camp or prison forestry camp, or other prison camp or prison farm or any other place where prisoners of the state prison are located under the custody of prison officials, officers or employees, or any jail or any county road camp in this State, or within the grounds belonging or adjacent to any such institution, any firearms, deadly weapons or explosives is guilty of a felony and punishable by imprisonment in the state prison for not less than one year.

CHAPTER 664

An act to amend Section 26495 of the Health and Safety Code, relating to misbranding of foods.

In effect September 18, 1959

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

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

SECTION 1. Section 26495 of the Health and Safety Code is amended to read:

26495. A food shall be deemed to be misbranded if it is not subject to the provisions of Section 26493, unless its label bears (1) the common or usual name of the food, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient. Spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each.

The requirements of clause (2) of this section shall not apply to any carbonated beverage identified by registered trademark or trade name in which the ingredients have been fully and correctly disclosed to the board in the manner described by clause (2) above in a sworn affidavit; provided, however, that the filing of such affidavit shall not exempt carbonated beverages identified by registered trademark or trade name from any other requirement of this chapter; and particularly the requirements of stating in the label thereon any imitation or artificial flavor or color, or chemical preservative. If no affidavit covering a carbonated beverage identified by trade mark or trade name has been filed with the board all the requirements of clause (2) of this section shall apply to such product, except the following ingredients are exempt from declaration on the label: water, carbon dioxide, caramel, sugar, and citric acid Beer and wine, as defined in the Alcoholic Beverage Control Act, are exempt from the requirements of clause (2) of this section.

To the extent that compliance with the requirements of clause (2) of this section is impractical or results in deception or unfair competition, exemption shall be established by regulations promulgated by the board.

CHAPTER 665

An act to repeal Section 23373 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 18, 1959

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

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

SECTION 1. Section 23373 of the Business and Professions Code is hereby repealed.

CHAPTER 666

An act to amend Sections 1227, 1228, 1316, 1413 and 1416, and to repeal Section 1414, of the Financial Code, relating to loans.

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1227 of the Financial Code is amended to read:

1227. A commercial bank may lend on the security of a first lien on real property or a first lien on a leasehold under a lease which does not expire, or which has been extended or renewed so that it does not expire, for at least 10 years beyond the maturity date of the loan, if: Security

(a) The term of the loan does not exceed 10 years and the amount does not exceed 60 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(b) The term of the loan does not exceed 20 years, is repayable in substantially equal installments not less often than monthly, with payments commencing not later than 60 days from the date of the loan or, in the case of a construction loan, commencing not later than one year from the date of the loan, and the amount does not exceed $66\frac{2}{3}$ percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(c) The loan is on a farm or productive agricultural lands, the term does not exceed 20 years, is repayable in substantially equal installments not less often than annually, and the amount does not exceed $66\frac{2}{3}$ percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(d) The term of the loan does not exceed six months and the amount does not exceed 85 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(e) The term of the loan does not exceed 18 months and the amount does not exceed 85 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal, and the loan is for the purpose of financing building operations under a plan providing for payment of the loan or providing for refinancing by loans otherwise permitted by this chapter.

A commercial bank may make a loan without regard to the above restrictions when necessary to facilitate the sale of real property owned by the bank.

SEC. 2. Section 1228 of said code is amended to read:

Same

1228. A commercial bank may lend on the security of a first lien on real property or a first lien on a leasehold under a lease which does not expire, or which has been extended or renewed so that it does not expire, for at least 10 years beyond the maturity date of the loan, if:

(a) The loan is fully guaranteed or insured or covered by a commitment to guarantee or insure by the United States, the Federal Housing Administrator, or by any other agency of the United States which the superintendent shall have approved for the purposes of this subdivision as an issuer of insurance or guarantees of loans on real property, whether the proceeds of the guarantee or insurance is payable in cash or in obligations of the United States; or

(b) The loan is fully guaranteed by the United States or any agency thereof pursuant to the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof, or, if a portion of the loan is so guaranteed, then if the unguaranteed portion of the loan does not exceed 66⅔ percent of the sound market value of the property or leasehold for loan purposes as determined by proper appraisal.

(c) The loan is one in which the Small Business Administration co-operates through agreements to participate on an immediate or deferred basis under the Small Business Act, as amended.

SEC. 3. Section 1316 of said code is amended to read:

Nondepartmental banks

1316. A nondepartmental bank may make the loans provided for in Sections 1228 and 1412 of this code subject to the restrictions set forth in each of said sections respectively.

SEC. 4. Section 1413 of said code is amended to read:

Security

1413. A savings bank may lend on the security of a first lien on real property or a first lien on a leasehold under a lease which does not expire, or which has been extended or renewed so that it does not expire, for at least 10 years beyond the maturity date of the loan, if:

(a) The term of the loan does not exceed 10 years and the amount does not exceed 60 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(b) The term of the loan does not exceed 20 years, is repayable in substantially equal installments not less often than monthly, with payments commencing not later than 60 days from the date of the loan or, in the case of a construction loan, commencing not later than one year from the date of the loan, and the amount does not exceed 66⅔ percent of the sound market value of the property or leasehold, together with the

improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(c) The loan is on a farm or productive agricultural lands, the term does not exceed 20 years, is repayable in substantially equal installments not less often than annually, and the amount does not exceed 66⅔ percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(d) The term of the loan does not exceed 18 months and the amount does not exceed 85 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal and the loan is for the purpose of financing building operations under a plan providing for payment of the loan or providing for refinancing by loans otherwise permitted by this chapter.

A savings bank may make a loan without regard to the above restrictions when necessary to facilitate the sale of real property owned by the bank.

SEC. 5. Section 1414 of said code is repealed. Repeal

SEC. 6. Section 1416 of said code is amended to read:

1416. A savings bank may lend on the security of a first lien on real property or a first lien on a leasehold under a lease which does not expire, or which has been extended or renewed so that it does not expire, for at least 10 years beyond the maturity date of the loan, if: Security

(a) The loan is fully guaranteed or fully insured or covered by a commitment to fully guarantee or fully insure by the United States, the Federal Housing Administrator, or by any other agency of the United States which the superintendent shall have approved for the purposes of this subdivision as an issuer of insurance or guarantees of loans on real property, whether the proceeds of the guarantee or insurance is payable in cash or in obligations of the United States; or

(b) The loan is fully guaranteed by the United States or any agency thereof pursuant to the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof, or, if a portion of a loan is so guaranteed, then, if the unguaranteed portion of the loan does not exceed 66⅔ percent of the sound market value of the property or leasehold for loan purposes as determined by proper appraisal.

(c) The loan is one in which the Small Business Administration co-operates through agreements to participate on an immediate or deferred basis under the Small Business Act, as amended.

CHAPTER 667

An act to amend Section 1086 of the Water Code, relating to the State Water Rights Board power to subpoena witnesses.

In effect September 18, 1959

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

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

SECTION 1. Section 1086 of the Water Code is amended to read:

1086. No witness shall be compelled to attend as a witness before the board under this division out of the county in which he resides, unless the distance is less than 150 miles from his place of residence to the place of hearing, except that the board, upon affidavit of any party showing that the testimony of such witness is material and necessary, may indorse on the subpoena an order requiring the attendance of such witness.

CHAPTER 668

An act to amend Section 3358 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to charges for use of school property.

In effect September 18, 1959

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

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

SECTION 1. Section 3358 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

3358. Where any unified or otherwise reorganized district located entirely within one county which was unified or otherwise reorganized between January 1, 1950, and January 1, 1952, which included at the time of unification or other reorganization any component district or districts having any outstanding bonded indebtedness, and no proposals were made under Sections 3121 and 3122 for the use of the school property of such component district or districts, the board of supervisors of the county may, within sixty (60) days after July 1, 1953, fix and determine the amount of the annual charge for the use of the school property of such component district or districts acquired or constructed from the proceeds of the bonds of such component district or districts. Such annual charge shall be in the amount and subject to the terms, provisions and conditions of Sections 3354, 3355, 3356, and 3357.

SEC. 2. The amendment of this section made by the 1959 Regular Session of the Legislature does not constitute a change in, but is a restatement of, the pre-existing law without substantive change.

CHAPTER 669

An act to add Section 16865 to the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to fire extinguishers carried on school buses.

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 16865 is added to the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

16865. Each school bus shall be equipped with one or more fire extinguishers bearing the approval of the laboratories of the National Board of Fire Underwriters, Underwriters' Laboratories Incorporated, or any other nationally recognized testing laboratory, and located in an easily accessible place in the driver's compartment.

Each school bus shall be equipped with one or more fire extinguishers with an aggregate rating of at least 8-B,C units, as rated by the Underwriter's Laboratories Incorporated. Carbon tetrachloride fire extinguishers shall not be used on school buses.

CHAPTER 670

An act to amend Section 8205 of the Government Code, relating to notary public.

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 8205 of the Government Code is amended to read:

8205. It is the duty of a notary public:

(a) When requested, to demand acceptance and payment of foreign and inland bills of exchange, or promissory notes, to protest them for nonacceptance and nonpayment, and to exercise such other powers and duties as by the law of nations and according to commercial usages, or by the laws of any other state, government, or country, may be performed by notaries.

(b) To take the acknowledgement or proof of powers of attorney, mortgages, deeds, grants, transfers, and other instruments of writing executed by any person, and to give a certificate of such proof or acknowledgement, endorsed on or attached to the instrument. Such certificate shall be signed by him in his own handwriting and under his signature his name shall be typed or legibly printed.

(c) To take depositions and affidavits, and administer oaths and affirmations, in all matters incident to the duties of the office, or to be used before any court, judge, officer, or board in this State. Any deposition, affidavit, oath or affirmation shall be signed by him in his own handwriting and under his signature his name shall be typed or legibly printed.

CHAPTER 671

An act to amend Section 69844 of, and add Sections 71614.5, and 72050.5 to, the Government Code, relating to the keeping of court records.

In effect September 18, 1959

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

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

SECTION 1. Section 69844 of the Government Code is amended to read:

Court records

69844. The clerk of the superior court shall keep the minutes and other records of the court, entering at length within the time specified by law, or forthwith if no time is specified, any order, judgment, and decree of the court which is required to be entered and showing the date when each entry is made. Failure so to enter the date or failure to enter the order, judgment, or decree within the time specified in this section shall not affect the validity or effectiveness of the entry.

SEC. 2. Section 71614.5 is added to said code, to read:

Same

71614.5. The clerk of every justice court, or the judge if there be no clerk, shall keep the docket and other records of the court, entering at length within the time specified by law, or forthwith if no time is specified, any order, judgment, and decree of the court which is required to be entered, and showing the date when each entry is made. Failure so to enter the date or failure to enter the order, judgment, or decree within the time specified in this section shall not affect the validity or effectiveness of the entry.

SEC. 3. Section 72050.5 is added to said code, to read:

Same

72050.5. The clerk of every municipal court shall keep the minutes and other records of the court, entering at length within the time specified by law, or forthwith if no time is specified, any order, judgment, and decree of the court which is required to be entered and showing the date when each entry is made. Failure so to enter the date or failure to enter the order, judgment, or decree within the time specified in this section shall not affect the validity or effectiveness of the entry.

CHAPTER 672

An act to amend Section 17851 of the Education Code as enacted at the 1959 Regular Session, relating to basic state aid for junior college districts.

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 17851 of the Education Code as enacted at the 1959 Regular Session is amended to read:

17851. (a) The Superintendent of Public Instruction shall allow to each junior college district one hundred twenty dollars ($120) for each unit of average daily attendance in grades 13 and 14, during the preceding fiscal year as computed for the district under Sections 11451 and 11501, subject to the provisions of Section 17611, but not less than two thousand four hundred dollars ($2,400) shall be allowed to any junior college district, to be known as basic state aid.

(b) The Superintendent of Public Instruction shall exclude from the computation of allowances provided by subdivision (a) of this section the average daily attendance during the preceding fiscal year of adults, as adults are defined in Section 6352, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

This section shall become effective on July 1, 1959.

CHAPTER 673

An act to amend Section 17667 of the Education Code as enacted at the 1959 Regular Session of the Legislature, relating to high school and junior college foundation programs.

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 17667 of the Education Code as enacted at the 1959 Regular Session is amended to read:

17667. For the Fiscal Year 1954-1955, and thereafter each computation required by this article (commencing at Section 17651) for high school and junior college districts shall be made after excluding from the average daily attendance for the preceding fiscal year the average daily attendance of adults, as adults are defined in Section 6352, and the average daily attendance in classes for inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults during the preceding fiscal year.

CHAPTER 674

An act to repeal the article heading of Article 3 (commencing at Section 12253), Chapter 6, Division 9 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to compulsory full-time education.

In effect September 18, 1959

[Approved by Governor May 28, 1959 Filed with Secretary of State May 28, 1959.]

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

SECTION 1. The article heading of Article 3, immediately preceding Section 12253, Chapter 6, Division 9 of the Education Code, as enacted by the Legislature at its 1959 Regular Session is hereby repealed.

CHAPTER 675

An act to amend Section 26453 of the Vehicle Code as enacted at the 1959 Regular Session of the Legislature, relating to the maintenance of vehicle brakes.

In effect September 18, 1959

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

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

SECTION 1. Section 26453 of the Vehicle Code as enacted at the 1959 Regular Session of the Legislature is amended to read:

26453. All brakes and component parts thereof shall be maintained in good condition and in good working order. The brakes shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

CHAPTER 676

An act to add Section 4746.1 to the Health and Safety Code, relating to certificates of indebtedness of a county sanitation district.

In effect September 18, 1959

[Approved by Governor May 28, 1959 Filed with Secretary of State May 28, 1959.]

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

SECTION 1. Section 4746.1 is added to the Health and Safety Code, to read:

4746.1. If funds are needed to meet current expenses of maintenance and operation, a district may incur indebtedness by the issuance of negotiable promissory notes pursuant to this section, without an election. The notes shall be general obliga-

tions of the district payable in the same manner as bonds of the district, shall mature not later than two years from the date thereof, and shall bear interest at a rate not to exceed 5 percent per annum, payable as provided therein. The aggregate amount of the notes outstanding at any one time shall not exceed an amount equal to seven cents ($0.07) on each one hundred dollars ($100) of the assessed valuation of the taxable real property within the district as shown on the last equalized assessment roll of the county. If such assessed valuation is not obtainable, the county auditor's estimate of the assessed valuation of the taxable real property within the district for the fiscal year in which the indebtedness is to be incurred shall be used.

All such notes shall be issued after the adoption of a resolution by a four-fifths vote of the district board setting forth the following:

(a) The necessity for such borrowing.

(b) The assessed valuation of the taxable real property within the district, or the auditor's estimate thereof.

(c) The amount of funds to be borrowed.

(d) The date, maturity, denomination, and form of such notes.

The notes shall be signed by the chairman of the district board and countersigned by the auditor of the district and the seal of the district board shall be affixed.

The district board shall cause the board of supervisors to levy and collect taxes to pay the interest on and the principal of the notes as the same comes due and, if the maturity of the notes begins more than one year after the date thereof, to constitute a sinking fund for the payment of the principal thereof at maturity.

Before selling such notes, the district board shall give notice inviting sealed bids in such manner as the board may prescribe. If satisfactory bids are received, the notes offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the district board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the district board may reject all bids received, if any, and either readvertise or sell the notes at private sale.

CHAPTER 677

An act to amend Section 1421 of the Health and Safety Code, relating to hospitals and nursing homes.

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1421 of the Health and Safety Code is amended to read:

1421. The State Department of Public Health may delegate to local health departments, the staffs and inspectorial services of which have the written approval of the State Department of Public Health, the authority to verify compliance with this chapter, investigate unlicensed facilities, inspect licensed facilities, consult with licensees, require licensees to comply with statutory provisions and the rules and regulations of the state department, and to recommend disciplinary action by the state department against licensees. In exercising the authority so delegated, the local health department shall conform to the requirements of this chapter and to the rules and regulations as interpreted by the state department.

CHAPTER 678

An act to amend Section 2156 of the Streets and Highways Code, relating to county road deficiency reports.

In effect September 18, 1959

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

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

SECTION 1. Section 2156 of the Streets and Highways Code is amended to read:

2156. Every county and every city shall prepare an annual report on road and street deficiencies pursuant to the following:

(a) On or before October 1st of each year evenly divisible by 5, commencing with 1960, the county road commissioner in each county shall submit to the board of supervisors an annual report on deficiencies existing on the county road system as of July 1st of that year, and such report shall include:

(1) An itemized list of the road deficiencies and an estimate of the cost to be incurred in eliminating such deficiencies;

(2) A plan or alternative plan for the financing of such improvements to the county road system, specifying the source or sources of funds for such expenditures;

(3) A list of the construction projects completed during the year and expenditures therefor;

(4) A list of construction projects in process as of July 1st of each year and the estimated completion cost and completion date for each project; and

(5) Such other technical or financial information as the road commissioner may deem appropriate or as may be requested by the board of supervisors.

In all other years the report may be in summary form and shall include:

(1) A summary of the previous year's deficiency report;

(2) A list of projects completed since the previous report, together with the final costs of the projects;

(3) A revision of the cost estimates of uncorrected items on the previous year's deficiency report;

(4) A list of new deficiency items with estimated costs; and

(5) Such other technical or financial information as may be requested by the board of supervisors or as the road commissioner may deem appropriate.

(b) Each city council shall designate the appropriate city official who shall submit to the city council on or before June 1st of each year an annual report of deficiencies existing on the city street system and such report shall include the following:

(1) An itemized list of the street deficiencies and an estimate of the expenditures to be incurred in eliminating such deficiencies;

(2) A plan or alternative plan for the financing of such improvements to the city street system, specifying the source or sources of funds for such expenditures;

(3) A list of the construction projects completed during the year and expenditures therefor;

(4) A list of construction projects in process as of June 1st of each year and the estimated completion cost and completion date for each project; and

(5) Such other technical or financial information as the city official may deem appropriate or as may be requested by the city council.

(c) The annual reports on city street deficiencies shall be prepared in accordance with the instructions contained in the document entitled "Engineering Standards and Instructions for County Road and City Street Deficiency Surveys," appearing in the Senate Journal of the 1957 Regular Session for April 4, 1957, commencing on page 1643 thereof.

(d) The annual reports on county road deficiencies shall be prepared in accordance with the instructions, forms, and standards contained in the Public Works Guide adopted by the County Engineers Association and approved by the Board of Directors of the County Supervisors Association of California.

CHAPTER 679

An act to add Sections 322, 323, 12519, 22414, 31401, 31402, 31403, 31404, 31405, 31406 and 31407 to, and to amend Section 31400 of, the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to farm labor vehicles.

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 322 is added to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, to read:

"Farm labor bus"

322. A "farm labor bus" is any bus owned, operated or leased by a farmer or a farm labor contractor, as defined by Sections 1682 and 1682.3 of the Labor Code, while being used for the transportation of seven or more employees of a farmer or farm labor contractor.

SEC. 2. Section 323 is added to said code, to read:

"Farm labor truck"

323. A "farm labor truck" is any motor truck owned, operated or leased by a farmer or farm labor contractor, as defined by Sections 1682 and 1682.3 of the Labor Code, while being used for the transportation of seven or more employees of a farmer or farm labor contractor.

SEC. 3. Section 12519 is added to said code, to read:

Operation of farm labor bus, etc.

12519. No farm labor contractor or person employed by a farm labor contractor shall operate a farm labor truck or a farm labor bus upon a highway unless he is in possession of a valid chauffeur's license. No other person shall operate a farm labor truck or a farm labor bus unless he has in his possession a valid chauffeur's license or an endorsed operator's license endorsed by the department to permit the operation of farm labor vehicles or is expressly exempted under this code.

SEC. 4. Section 22414 is added to said code, to read:

Maximum speed limit

22414. In no event shall the driver of a farm labor bus or a farm labor truck operate such vehicle in excess of a maximum speed of 45 miles per hour when transporting passengers.

SEC. 5. Section 31400 of said code is amended to read:

Trucks

31400. Trucks used primarily or regularly for the transportation of workmen shall be:

(a) Equipped with seats securely fastened to the vehicle.

(b) Equipped, if a motor truck, with a railing or other suitable enclosure on the sides and end of the vehicle not less than 46 inches above the floor of the vehicle.

(c) Equipped with steps, stirrups or other equivalent devices so placed and arranged that the vehicle may be safely mounted and dismounted.

SEC. 6. Section 31401 is added to said code, to read:

Specifications

31401. Farm labor buses and enclosed farm labor trucks, other than two axle trucks weighing less than 3,000 pounds, having an enclosed seating capacity and used for the transportation of farm laborers, shall, in addition to the requirements of Section 31400 of this code, meet the following specifications:

(a) Every passenger compartment shall be provided with at least two exits, remotely located from each other. Each exit shall be provided with an adequate door, guardrail or other closure which opens outward and is capable of being opened from either the interior or exterior of the vehicle. Such exits shall be equipped with positive devices to keep them closed when not in use and of such character as to permit them to be opened readily when necessary, without undue accessibility for unauthorized use.

Exits shall conform to the following minimum specifications:

(1) No obstruction shall be placed over the handle of an exit.

(2) Signs reading "Exit" shall be printed on the interior and exterior of the vehicle at the exits. The signs shall be printed in English and in the language of the workers currently being transported. All letters shall be at least two inches in height.

(3) No part of a seat shall be a part of or attached to an exit.

(b) Aisles shall be provided so that every passenger has ready access to at least one of two exits.

Where seating is face to face, the aisle between the seats facing each other shall be at its narrowest point at least 24 inches wide.

SEC. 7. Section 31402 is added to said code, to read:

31402. The exhaust system of every vehicle subject to the provisions of Section 31401 shall extend beyond the rear or side of the body, but shall in no case terminate in the vicinity of an exit. Exhaust pipes, mufflers and tailpipes shall be entirely outside the body. No flexible pipe or tubing shall be used except where necessary to prevent breakage, and shall be only of the hermetically sealed exhaust type. Exhaust system

SEC. 8. Section 31403 is added to said code, to read:

31403. The ventilation system in the passenger compartment of every vehicle subject to the provisions of Section 31401 shall be approved by the California Highway Patrol. Ventilation system

SEC. 9. Section 31404 is added to said code, to read:

31404. All broken glass in windows or elsewhere on a vehicle subject to the provisions of Section 31401 shall be removed. Replacement glass shall be of the safety type as defined in Section 26702 of this code. Broken glass

SEC. 10. Section 31405 is added to said code, to read:

31405. (a) All cutting tools or tools with sharp edges carried in the passenger compartment of farm labor buses, farm labor trucks, or other trucks used primarily or regularly for the transportation of farm laborers, shall be placed in covered boxes or containers and all other tools, equipment or other materials carried in the passenger compartment of such vehicles shall be secured to the body of the vehicle and in no event shall they be carried in the aisles. Tools

(b) No substance with a flashpoint of below 150 degrees Fahrenheit shall be carried in the passenger or driver's compartment of such vehicles.

SEC. 11. Section 31406 is added to said code, to read:

31406. No farm labor bus or farm labor truck used primarily or regularly for the transportation of farm laborers may be operated unless such bus or truck provides at least eighteen (18) inches or more of seat space for each passenger and no such bus or truck may carry more passengers than the maximum number of passengers such bus or truck may accommodate affording each passenger such minimum seat space. The maximum number so determined shall be plainly marked on the outside of the vehicle near the door or entrance. It is unlawful for any driver or other person in control to permit Passenger space

passengers in excess of the number so determined to ride in or upon the vehicle.

SEC. 12. Section 31407 is added to said code, to read:

Required equipment

31407. Farm labor buses and farm labor trucks used primarily or regularly for the transportation of farm laborers shall be:

(a) Equipped at all times with two reflector flares of a type approved by the California Highway Patrol. When any such vehicle is disabled on the roadway or within 10 feet thereof one reflector flare shall be placed approximately 100 feet in advance and the other approximately 100 feet to the rear of the disabled vehicle.

(b) Equipped with at least one fire extinguisher, of a type approved by the California Highway Patrol, located in an easily accessible place in the driver's compartment. A four-pound dry chemical extinguisher or a four-pound CO_2 extinguisher shall be deemed to meet the minimum requirements for such vehicles. In no event shall extinguishers containing carbon tetrachloride be carried in or about the vehicle.

(c) Equipped, if the passenger compartment is separated from the driver's compartment, with a horn, buzzer or other signaling device actuated from the passenger compartment whereby the passengers of the vehicle may readily gain the attention of the driver in the event of an emergency.

CHAPTER 680

An act to add Section 1010 to the Education Code as enacted at the 1959 Regular Session of the Legislature, relating to school districts.

In effect September 18, 1959

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

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

SECTION 1. Section 1010 is added to the Education Code as enacted at the 1959 Regular Session of the Legislature, to read:

1010. The governing board of any school district situated in a county with a population of 228,309 or more may enter into an agreement with the Federal Government in the form of a term special use permit whereunder the school district is authorized to construct, maintain and operate school buildings and facilities upon National Forest Service land. Such agreement shall be for a term of twenty (20) years or more, unless sooner terminated by the Federal Government. Subject to the approval of the Superintendent of Public Instruction, such agreement shall be on such terms and conditions as may be agreed upon between the governing board of the school district and the agency of the Federal Government executing such agreement.

All acts and proceedings heretofore undertaken by the governing board of any school district under any law, or under color of any law, pursuant to any such agreement or term special use permit whereunder the school district has constructed, or operated and maintained, or both, school buildings and facilities are hereby validated and declared legally effective.

CHAPTER 681

An act to amend Sections 55330 and 55916 of and to add Section 55335 to the Water Code, relating to the powers of county waterworks districts.

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 55330 of the Water Code is amended to read:

Powers

55330. A district may provide for the supplying of the inhabitants of the district with water for irrigation, domestic, industrial, or fire protection purposes, through facilities of the district or other facilities, including but not limited to facilities of private water companies, mutual water companies, and private water systems within the district, and may provide for the development and conservation of water supplies for those purposes.

SEC. 2. Section 55335 is added to the Water Code, to read:

Same

55335. A district may acquire and conserve water supplies from any available source, including underground water basins within the same county, imported supplies, streams, waste water and storm water.

A district may acquire, purify, treat and reclaim saline water or sewage or both; may store, distribute, and sell the water and byproducts resulting from such purification, treatment and reclamation; and may acquire, construct and maintain pipelines, flumes, ditches, reservoirs, sewage purification plants, sewage collection systems, saline water demineralization plants, and such other works and facilities as are necessary or convenient to carry out these powers.

SEC. 3. Section 55916 of said code is amended to read:

Conveyance of property on dissolution

55916. The board may upon the dissolution of the district convey all or any portion of the property of the dissolved district and all or any portion of the property which was acquired for the district to any municipal or other public corporation or district authorized to own and operate a water system which includes within its boundaries, or to any two or more of such entities which together include within their boundaries, at least three-fourths of the land constituting the district prior to its dissolution, for the use and benefit of the land. The convey-

ance may be made without compensation for the property conveyed. "Property" as used in this section includes ditches, canals, pipelines, pumping plants, equipment, funds and all other property both personal and real.

CHAPTER 682

An act to amend Section 9483 of the Elections Code, relating to county election services to cities and districts.

In effect September 18, 1959

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

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

SECTION 1. Section 9483 of the Elections Code is amended to read:

9483. The governing body of any city or district may by resolution request the board of supervisors of the county to permit the county clerk to render specified services to the city or district relating to the conduct of an election. Subject to approval of the county board of supervisors, such services shall be performed by the county clerk.

The resolution of the governing body of the city or district shall specify the services requested.

Unless other arrangements satisfactory to the county have been made the city or district shall reimburse the county in full for the services performed upon presentation of a bill to the city or district.

CHAPTER 683

An act to amend Sections 1615, 1717, 1907, and 11062 of the Elections Code, relating to arguments on ballot measures.

In effect September 18, 1959

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

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

SECTION 1. Section 1615 of the Elections Code is amended to read:

Initiative petition: Argument

1615. The persons filing an initiative petition pursuant to this article may file therewith a written argument in favor of the ordinance; the board of supervisors may submit an argument against the ordinance. Neither argument shall exceed 300 words in length.

The county clerk shall cause an argument for, if submitted, and an argument against the measure, if submitted, to be printed and shall enclose a copy of both arguments, printed on the same sheet of paper, in an envelope with each sample ballot. Such printed arguments are "official matter" within the meaning of those words as used in Section 3711.

SEC. 2. Section 1717 of said code is amended to read:

1717. The persons filing an initiative petition pursuant to this chapter may file therewith a written argument in favor of the ordinance, and the legislative body may submit an argument against the ordinance. Neither argument shall exceed 300 words in length, and both arguments shall be printed upon the same sheet of paper and mailed to each voter with the sample ballot for the election. Same

SEC. 3. Section 1907 of said code is amended to read:

1907. The persons filing an initiative petition pursuant to this article may file therewith a written argument in favor of the ordinance; the board may submit an argument against the ordinance. Neither argument shall exceed 300 words in length, and both arguments shall be printed upon the same sheet of paper and mailed to each voter with the sample ballot for the election. Same

SEC. 4. Section 11062 of said code is amended to read:

11062. With the sample ballot there shall be mailed a printed copy of the grounds set forth in the recall petition seeking the recall of the officer, and of an answer in not more than 200 words, if such an answer is filed with the county clerk, in which the officer may justify his course in office. Sample ballot Grounds re recall

CHAPTER 684

An act to amend Section 1431 of the Probate Code, relating to claims of minors.

[Approved by Governor May 28, 1959 Filed with Secretary of State May 28, 1959] In effect September 18, 1959

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

SECTION 1. Section 1431 of the Probate Code is amended to read:

1431. When a minor has a disputed claim for damages, money or other property against a third person, his father, or if his father is dead or the parents of said minor are living separate or apart and his mother then has care or custody of said minor then his mother, or the general guardian, if any, of the minor, shall have the right to compromise, or execute a covenant not to sue on, such claim, but before the compromise or covenant is valid it must be approved by the superior court of the county where the minor resides, upon the filing of a verified petition in writing. If the court approves the compromise or covenant and the money or the value of other property to be paid or delivered under the compromise or covenant does not exceed ten thousand dollars ($10,000), it shall direct that the money or other property be paid or delivered to the father or mother or guardian of the minor, without the filing of a bond, and that it be deposited in a bank or trust company or be invested in an account in an insured savings and loan association subject to withdrawal only upon the order of the

court. If the court approves the compromise or the execution of the covenant and the money or the value of other property to be paid or delivered under the compromise or covenant exceeds ten thousand dollars ($10,000) it must require a general guardian to be appointed and must direct that the money or other property be paid or delivered to such guardian or in lieu thereof it must require that any moneys so paid be deposited in a bank or trust company or be invested in an account in an insured savings and loan association subject to withdrawal only upon the order of the court or, as to any property to be received by the minor shall prescribe such conditions as the court may deem proper. The father or mother or the guardian, upon receiving such money or other property may execute a full release and satisfaction of, or execute a covenant not to sue on the claim of the minor; provided, however, that such release and satisfaction or covenant not to sue shall not be effective for any purpose until the money to be paid under the compromise or covenant shall have been deposited in the bank or trust company or invested in an account in an insured savings and loan association as directed in the order of the court The clerk of the court shall not charge any fee for filing the petition. The term "account in an insured savings and loan association" used in this section means shares issued by a federal savings and loan association, or investment certificates issued by a state-chartered building and loan association or savings and loan association doing business in this State which is an "insured institution" as defined in Title IV of the National Housing Act, or shares issued by a state-chartered building and loan association or savings and loan association doing business in this State which does not issue investment certificates and which is an "insured institution" as defined in Title IV of the National Housing Act.

CHAPTER 685

An act to convey certain tide and submerged lands to the City of San Leandro, in furtherance of navigation, commerce, and fisheries upon certain trusts and conditions, and providing for the government, management, use, and control thereof.

In effect September 18, 1959

[Approved by Governor May 28, 1959 Filed with Secretary of State May 28, 1959]

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

SECTION 1. There is hereby granted to the City of San Leandro, a municipal corporation in the County of Alameda, State of California, and to its successors all of the right, title, and interest of the State of California, held by said State by virtue of its sovereignty in and to all of the tide and submerged lands bounded and described as follows:

Parcel No. 1

A strip of land, 300 feet in width, and 11,500 feet, more or less, in length, lying in San Francisco Bay, parallel to and immediately adjacent and baywardly of the most westerly subdivision boundary line, across Sections 32 and 33, Township 2 South, Range 3 West, Mount Diablo Base and Meridian, and Sections 4 and 9, Township 3 South, Range 3 West, Mount Diablo Base and Meridian, as shown on Maps Nos. 1 and 2 of "Salt Marsh and Tide Lands Situate in the County of Alameda", prepared by order of the Board of Tide Land Commissioners, dated 1871, filed in the office of the State Lands Commission in Sacramento and having the following metes and bounds description:

Beginning at the southwest corner of Lot 24 in Section 33, Township 2 South, Range 3 West, Mount Diablo Base and Meridian, as said lot is shown on "Sale Map No. 10 of Salt Marsh and Tidelands, situate in the County of Alameda, State of California", filed June 9, 1888 in the Office of the County Recorder of Alameda County in Map Book 17, page 30; thence along the westerly boundary line of Tide Lots as they are designated on said map, south 21° 48′ east 7108.20 feet; thence south 33° 41′ east 4085.51 feet; thence south 44° west 307.08 feet; thence north 33° 41′ west 4182.23 feet; thence north 21° 48′ west 7368.17 feet; thence north 73° 30′ 40″ east 52.27 feet; thence south 69° 43′ east 334.09 feet to the point of beginning.

Parcel No. 2

All that portion of Mulford Canal lying westerly from the northerly extension of the easterly line of Lot 30 of Section 4, Township 3 South, Range 3 West, Mount Diablo Base and Meridian as shown upon "Map No. 1 of Salt Marsh and Tide Lands, Situate in the County of Alameda", prepared by order of the Board of Tide Land Commissioners, dated 1871.

To be forever held by said city, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said city and its successors for purposes in which there is a general statewide interest, as follows:

(1) For the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, facilities, buildings, works, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation.

(2) For the establishment, improvement and conduct of an airport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, maintenance and operation thereon of terminal buildings, runways, roadways, aprons,

taxiways, parking areas, and other utilities, facilities, buildings, structures, works and appliances necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(3) For public recreation purposes, and for the establishment, improvement and conduct of utilities, facilities, structures, buildings, works and appliances necessary or convenient for the promotion and accommodation of public recreation.

(b) Said city, or its successors shall not, at any time, grant, convey, give or alienate said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said city, or its successors, may grant franchises thereon for limited periods, not exceeding 50 years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, not exceeding 50 years, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor and airport and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce or navigation; provided, however, that the use of said lands by said city and its successors, or by its lessees or franchise holders, shall not be inconsistent with the use by the City of Oakland, a municipal corporation, for the purposes for which granted, of those certain adjacent lands heretofore granted to said City of Oakland by Chapter 1028, Statutes of 1955 and Chapter 709, Statutes of 1957; and provided, further, that nothing contained in this paragraph (b) shall be deemed to affect the validity or term of any franchise granted by said city under the Franchise Act of 1937, and any such franchise shall be effective with respect to said lands when the title thereto passes to said city hereunder.

(b) That said lands shall be improved by said city without expense to the State, and shall always remain available for public use for all purposes of commerce and navigation, and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other water or aircraft, or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters

of said harbor with the right of convenient access to said waters over said lands for said purposes.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

(g) That within 10 years from the effective date of this act said lands shall be substantially improved by said city without expense to the State, and if the State Lands Commission determines that the city has failed to improve said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease and said lands shall revert and rest in the State.

SEC. 2. The State Lands Commission shall, at the cost of the grantee, survey, monument, plat, and record in the Office of the County Recorder of Alameda County, the area of state lands described in this act. Said city shall enter into a contract with the State Lands Commission for surveying, monumenting and platting the area of state lands described in this act, and shall, upon submission of invoices by the State Lands Commission, pay said costs.

SEC. 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 4. Nothing contained in this act shall preclude the city from accepting and retaining any grant of funds from the State made available for the purpose of aiding in the development of said lands for any public purpose not inconsistent with the promotion and accommodation of commerce and navigation.

CHAPTER 686

An act to amend Section 5093 of the Business and Professions Code and to amend Section 5084 of the Business and Professions Code as proposed by Senate Bill No. 104, relating to accountants.

In effect September 18, 1959

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

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

SECTION 1. Section 5093 of the Business and Professions Code is amended to read:

Certificate requirements

5093. An applicant who successfully passes the examination shall receive a certificate as a certified public accountant if he has completed, or upon his completion of, any one of the following requirements:

(a) Three years of public accounting experience, two years of which have been in the employ of a certified public accountant or a partnership of which a majority of the partners are certified public accountants.

(b) Three and one-half years of public accounting experience, one year of which has been in the employ of a certified public accountant or a partnership of which a majority of the partners are certified public accountants.

(c) Four years of public accounting experience in cases in which none was acquired in the employ of a certified public accountant or partnership of certified public accountants.

(d) Experience in private or governmental accounting or auditing work of a character and for a length of time sufficient in the opinion of the board to be substantially equivalent to the requirements of subsections (a), (b) or (c) hereof; provided, that the length of time that may be determined by the board shall not exceed four years.

Provided, the board shall grant one year's credit toward fulfillment of its public accounting experience requirement to a graduate of a college who has completed a four-year course with 30 or more semester hours or the equivalent thereof in the study of accounting, commercial law, economics and finance, of which at least 20 semester hours or the equivalent thereof shall be in the study of accounting.

The board shall prescribe rules establishing the character and variety of experience necessary to fulfill the experience requirements set forth in this section.

SEC. 2. Section 5084 of said code as proposed by Senate Bill No. 104 is amended to read:

Credit

5084 The board shall grant one year's credit toward fulfillment of its public accounting experience requirement to a graduate of a college who has completed a four-year course with 30 or more semester hours or the equivalent thereof in the study of accounting, commercial law, economics and fi-

nance, of which at least 20 semester hours or the equivalent thereof shall be in the study of accounting.

The board shall prescribe rules establishing the character and variety of experience necessary to fulfill the experience requirements set forth in this section.

SEC. 3. Section 2 of this act becomes operative only if Senate Bill No. 104 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said act takes effect, at which time Section 5093 of said code as amended by this act is repealed.

Effect Stats 1959, Ch 310

CHAPTER 687

An act to amend Sections 16305.5 and 16480 and to repeal Section 16305.6 of the Government Code, relating to money in treasury trust accounts and the investment thereof.

[Approved by Governor May 28, 1959 Filed with Secretary of State May 28, 1959]

In effect September 18, 1959

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

SECTION 1. Section 16305.5 of the Government Code is amended to read:

16305.5. Money in treasury trust accounts shall be deposited, invested and reinvested in the same manner and to the same extent as if the money in trust accounts were money in the State Treasury.

Treasury trust accounts Investment

SEC. 2. Section 16480 of the Government Code is amended to read:

16480. All state money held by the State Treasurer in treasury trust accounts, and all money in the State Treasury, except money in the Unemployment Compensation Disability Fund, is appropriated for the purpose of investment and deposit as provided in this article.

Appropriation

SEC. 3. Section 16305.6 of the Government Code is repealed.

Repeal

CHAPTER 688

An act to amend Section 68546 of the Government Code, relating to court attaches.

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959]

In effect September 18, 1959

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

SECTION 1. Section 68546 of the Government Code is amended to read:

68546. If the Chairman of the Judicial Council assigns a judge of a municipal court in a county to sit on the superior court of the same county, the presiding judge of the municipal court may with the consent of the presiding judge of the

superior court also assign the court reporter, deputy clerk and deputy marshal, or any of them, of the municipal court from which such judge is assigned to act as court reporter, deputy clerk and deputy sheriff, respectively, for the superior court during the period for which the judge is assigned. If there be no presiding judge, the senior or sole judge may make or consent to the assignment of the attaches. This section shall not apply to the assignment of the deputy clerk or deputy marshal in any county until the board of supervisors by ordinance has adopted its provisions.

CHAPTER 689

An act to amend Section 132 and to repeal Section 132.5 of the Elections Code, relating to absent registration.

In effect September 18, 1959

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

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

SECTION 1. Section 132 of the Elections Code is amended to read:

Absent voter registration

132. Any elector absent from the county in which he claims residence, may make an affidavit of registration, which shall be in duplicate, before any judge or clerk of any court of record, or notary public, or, if in a foreign country, before any minister, consul or vice consul of the United States, or, if a member of the Armed Forces, before any commissioned officer of the Armed Forces of the United States. The affidavit and duplicate, shall be returned to the county clerk of the county in which he claims to be an elector, by registered or certified mail wherever possible. The county clerk shall furnish the necessary blank forms of affidavit of registration, in duplicate, to each elector applying therefor in writing and showing that he will be temporarily absent from his home county. Upon receipt by the county clerk, the affidavit shall be arranged and bound and the duplicate shall be filed as required by this chapter.

Repeal

SEC. 2. Section 132.5 of the Elections Code is repealed.

CHAPTER 690

An act to amend Section 27491 of the Government Code, relating to duties and powers of coroner.

In effect September 18, 1959

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

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

SECTION 1. Section 27491 of the Government Code is amended to read:

27491. It shall be the duty of the coroner to determine the cause of death of any person reported to the coroner as having been killed by violence, or who has suddenly died under such circumstances as to afford a reasonable ground to suspect that his death has been occasioned by the act of another by criminal means, or who has committed suicide, and of all deaths of which the provisions of the Health and Safety Code make it the duty of the coroner to sign certificates of death. In order to make such determination he may in his discretion take possession of and inspect the body of the decedent, which shall include the power to exhume such body, make or cause to be made a post mortem examination or autopsy thereon, and make or cause to be made an analysis of the stomach, blood, or contents, or organs, or tissues of the body, and secure professional opinions as to the result of such post mortem examination. He shall cause the information secured to be reduced to writing and forthwith filed by him in his records of the death of the individual He may also in his discretion, if the circumstances warrant it, hold an inquest. He shall have the right to retain only such tissues of the body removed at the time of autopsy as may, in his opinion, be necessary or advisable to the investigation of the case, or for the verification of his findings.

CHAPTER 691

An act to amend Section 10279.8 of the Business and Professions Code, relating to real estate and business opportunity licenses.

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 10279.8 of the Business and Professions Code is amended to read:

10279.8. As one of the conditions to the issuance of a restricted license authorized by Section 10279.5 the commissioner may require the filing of surety bonds in such form and condition as he may require in respect to the restricted licensee for the protection of persons or classes of persons with whom said licensee may deal.

CHAPTER 692

An act to amend Section 230 of the Elections Code, relating to the form of the affidavit of registration.

[Approved by Governor May 28, 1959 Filed with Secretary of State May 28, 1959]

In effect September 18, 1959

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

SECTION 1. Section 230 of the Elections Code is amended to read:

230. Subject to the provisions of this chapter, the body of the affidavit of registration shall be substantially in the following form:

For transfer or change of name	I am registered under the name of _____ in _____ Assembly District, _____ precinct in said county and request that said registration be canceled.

AFFIDAVIT OF REGISTRATION

State of California, }
County of (_____) } ss.

The undersigned affiant, being duly sworn, says: I will be at least 21 years of age at the time of the next succeeding election, a citizen of the United States 90 days prior thereto, and a resident of the State one year, of the county 90 days, and of the precinct 54 days next preceding such election, and will be an elector of this county at the next succeeding election.

1. I am not now registered as a voter in this State. (If now registered in this county under this or another name, mark out word "not" and fill out transfer clause at top. If now registered in another county, mark out word "not" and execute a separate affidavit of cancellation before registering.)

2. My full name is _____ (including Christian or given name, and middle name or initial and in case of women, the prefix Miss or Mrs.).

3. My residence is _____ between _____ and _____ Streets, _____ floor, Room _____.

4. My occupation is _____.

5. My height is _____ feet _____ inches.

6. I was born in _____.
(State or country)

7. I acquired citizenship by (underline method of acquiring citizenship):

a. Decree of court.
b. {Father's naturalization. / Mother's naturalization.}
c. Citizenship of father.
d. Marriage to a citizen.
e. Naturalization of my husband.
f. Act of Congress.
g. Treaty.

When {month / day / year} _____ Where {city / state} _____

My {father's / husband's / mother's} name is (was) _____

(To be filled out when citizenship depends on citizenship or naturalization of parent or husband.)

8. I can _____ read the Constitution in the English language; I can _____ write my name; I am entitled to vote by reason of having been on October 10, 1911 (a) An elector. (b) More than 60 years of age.

I can _____ mark my ballot by reason of _____ _____ (State physical disability, if any.)

9. I intend to affiliate at the ensuing primary election with the _____ party. (If affiliation is not given, write or stamp "Declines to state.")

10. I am not disqualified to vote by reason of a felony conviction.

_____
(Affiant sign here.)

Residence_____

Subscribed and sworn to before me this ____ day of ____, 19___.

_____
County Clerk.

By_____
Deputy County Clerk.

Assembly District _____

Post office address is _____Precinct _____

Rural Route No. _____Box No. _____

SEC. 2. The county clerk may deplete his existing supply of affidavits of registration before using affidavits of registration containing the wording used in Section 230 of the Elections Code, as amended by this act.

CHAPTER 693

An act to amend Sections 7003, 7007 and 7008, and to repeal Sections 7005 and 7006 of the Elections Code, relating to canvass at precincts.

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.] In effect September 18, 1959

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

SECTION 1. Section 7003 of the Elections Code is amended to read:

7003. As soon as the polls are finally closed the precinct board shall commence to canvass the votes by taking out of the box the ballots, unopened, and counting them to ascertain whether the number of ballots corresponds with the number of names on the roster. Canvassing votes

SEC. 2. Sections 7005 and 7006 of the Elections Code are repealed. Repeals

SEC. 3. Section 7007 of the Elections Code is amended to read:

7007. The precinct board shall make a record upon the tally sheet of the number of ballots in the ballot box, the number of names on the roster and the difference, if any. Record

SEC. 4. Section 7008 of the Elections Code is amended to read:

Certificate to roster

7008. The precinct board shall complete and sign the certificate to the roster, substantially in the form prescribed in Section 5565.

CHAPTER 694

An act to amend Section 18001 of, and to add Section 18001.1 to, the Health and Safety Code, relating to vehicles.

In effect September 18, 1959

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

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

SECTION 1. Section 18001 of the Health and Safety Code is amended to read:

"Trailer coach"

18001. "Trailer coach," as used in this part is a vehicle, other than a motor vehicle, designed for human habitation, for carrying persons and property on its own structure, and for being drawn by a motor vehicle.

(a) A dependent trailer coach is one not equipped with a toilet for sewage disposal.

(b) An independent trailer coach is one equipped with a toilet for sewage disposal.

SEC. 2. Section 18001.1 is added to said code, to read:

"Camp car"

18001.1. A camp car, as used in this part, is a vehicle, with or without motive power, which is designed for human habitation and which contains plumbing, heating, or electrical equipment, and is subject to the provisions of this part applicable to a trailer coach.

CHAPTER 695

An act to add Section 21114.5 to the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to payments of wages to school district employees.

In effect September 18, 1959

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

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

SECTION 1. Section 21114.5 is added to the Education Code, to read:

21114.5. In any school district situated wholly or partly within a city containing a population of over 1,900,000 persons, according to the 1950 federal census as an alternative to the payment procedures prescribed by Section 21114, orders for the payment of wages, and payroll orders for the payment of wages and warrants for the payment of wages of employees employed full time in positions not requiring certification

qualifications shall be drawn once each two weeks on days designated in advance by the governing board of the district. Labor performed during each such payroll period shall be paid for not later than the eighth working day of the following payroll period.

The governing board of every school district to which this section is applicable shall make the provisions of this section applicable to the board, whenever a majority of the employees of the district employed full time in positions not requiring certification qualifications petition the board in writing to do so.

CHAPTER 696

An act to amend Section 10270.55 of the Insurance Code, relating to group disability insurance policies.

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 10270.55 of the Insurance Code is amended to read:

10270.55. (a) With respect to a policy issued to a corporation, copartnership or individual employer eligible for group insurance pursuant to Section 10270.5, the term "employees" may be deemed to include the officers, managers and employees of subsidiary or affiliated corporations, and the individual proprietors, partners and employees of affiliated individuals and firms, when the business of such subsidiary or affiliated corporations, firms or individuals is controlled by the policyholder through stock ownership, contract or otherwise, or when the policyholder is controlled by affiliated corporations, firms or individuals through stock ownership, contract or otherwise.

(b) With respect to a policy issued to a copartnership or individual employer pursuant to Section 10270.5, the term "employees" may be deemed to include the individual proprietor or partners of the policyholder.

(c) With respect to a policy issued to a trust pursuant to subdivisions (1) or (4) of subsection (a) of Section 10270.5 the term "employees" may be deemed to include (1) the individual proprietors and partners of any employers which are individual proprietors or partnerships, (2) the employees of an association and (3) the trustee, or trustees, or the employees of the trustee, or trustees, or both, if their duties are principally connected with such trusteeship.

(d) With respect to a policy issued to an association pursuant to subdivision (3) of subsection (a) of Section 10270.5 the term "members" may be deemed to include the employees of the association.

(e) Nothing contained herein shall permit a director of a corporate employer to become insured under a group policy unless such person is otherwise eligible as a bona fide employee of the corporation by performing services other than the usual duties of a director.

(f) Nothing contained herein shall permit an individual proprietor or partner to become insured under a group policy unless he is actively engaged in and devotes a substantial part of his time to the conduct of the business of the proprietor or partnership.

(g) Nothing contained herein shall permit any employee to become insured under a group policy unless he is an officer, manager, or employee for compensation of the employer to whom a group policy is issued, or of one or more of the individuals, firms, or corporations specified in subdivision (a), or of the association or trustee or trustees specified in subdivision (c), or of the association specified in subdivision (d).

CHAPTER 697

An act to add Section 7116 to the Health and Safety Code, relating to autopsies.

In effect September 18, 1959

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

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

SECTION 1. Section 7116 is added to the Health and Safety Code, to read:

7116. A coroner or a physician performing an autopsy pursuant to authority granted under Sections 7113 and 7115 of this code, who in good faith and as so authorized removes any structure or organ from the remains for therapeutic or scientific uses, shall not be liable in any civil action arising out of his reliance on the terms of the written authorization to perform an autopsy.

CHAPTER 698

An act to amend Sections 24360.3 and 24367.11 of the Health and Safety Code, relating to the Bay Area Air Pollution Control District.

In effect September 18, 1959

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

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

SECTION 1. Section 24360.3 of the Health and Safety Code is amended to read:

Legislative declaration

24360.3. The Legislature does not, by the provisions of this chapter, intend to occupy the field.

The provisions of this chapter do not prohibit the enactment or enforcement by any county or city of any local ordinance stricter than or identical to the provisions of this article and stricter than or identical to the rules and regulations adopted pursuant to this chapter, which local ordinance prohibits, regulates or controls air pollution.

Counties and cities may, by local ordinance, provide for the local enforcement of this article and of regulations adopted pursuant to this chapter.

SEC. 2. Section 24367.11 of said code is amended to read:

Certification of facts, order to show cause

24367.11. Whenever the hearing board finds that any person is in violation of any order, rule or regulation of the board, and that no variance is justified, and that reasonable time has been allowed for compliance, the hearing board shall certify such facts to the district attorney for the county in which the discharge originates, whereupon such district attorney shall petition the superior court in and for the county for the issuance of an injunction restraining such person or persons from continuing any activity causing or threatening a pollution or nuisance. The district attorney may, but is not required to, associate in the prosecution of such action, the counsel for the board. The court shall thereupon issue an order directing the person to appear before the court and show cause why the injunction should not be issued. Thereafter the court shall have jurisdiction of the matter, and proceedings thereon shall be conducted in the same manner as in any other action brought for an injunction. The court shall receive in evidence any order, rule or regulation of the board, any transcript of the proceedings before the hearing board, and such further evidence as the court in its discretion deems proper.

CHAPTER 699

An act to amend Section 16½ of the Los Angeles County Flood Control Act (Chapter 755, Statutes of 1915), relating to the condemnation of property by the Los Angeles County Flood Control District.

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 16½ of the Los Angeles County Flood Control Act (Chapter 755, Statutes of 1915) is amended to read:

Sec. 16½. The power of eminent domain vested in the board of supervisors of said district shall include the power to condemn in the name of the district either the fee simple or any lesser estate or interest in any real property which said board by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evi-

dence that the taking of the fee simple or easement, as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for flood control or water conservation purposes, the district may condemn the fee simple or easement in real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property required by the district as aforesaid for flood control or water conservation purposes.

CHAPTER 700

An act to add Section 25083 to the Government Code, relating to the canvass of local or special election votes by board of supervisors on regular meeting day.

In effect September 18, 1959

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

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

SECTION 1. Section 25083 is added to the Government Code, to read:

25083. Whenever the board of supervisors of any county is required by law to canvass the votes of any local or special election on a day other than one on which the board regularly meets, such canvass may be commenced or made on the next following regular meeting day.

CHAPTER 701

An act to repeal Section 814.4 of, to add Section 814.4 to, and to amend Section 828.7 of, the Agricultural Code, relating to vegetable standards.

In effect September 18, 1959

[Approved by Governor May 28, 1959. Filed with Secretary of State May 28, 1959.]

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

Repeal

SECTION 1. Section 814.4 of the Agricultural Code is repealed.

SEC. 2. Section 814.4 is added to said code, to read:

"Closed," "lidded"

814.4. "Closed" or "lidded" as applied to containers of head lettuce means (1) in the case of fiberboard containers that the opening is completely covered, except for necessary ventilation openings, with material of similar quality and strength to the adjoining portion of the container and as required in Section 814.3, and (2) in the case of nailed wooden, wirebound, or other containers, that 40 percent or more of the opening is covered with material similar to that used in the

construction of the sides of said container, securely attached to the top.

SEC. 3. Section 828.7 of said code is amended to read:

Standard container

828.7. Standard container number 45, when lidded, shall have a lid not over $23\frac{3}{8}$ inches in length when constructed with the $20\frac{1}{2}$-inch inside length and not over $24\frac{5}{8}$ inches in length when constructed with the $21\frac{3}{4}$-inch inside length. The inside length shown hereinabove for standard container number 46, shall be a minimum length, with maximum outside length of $24\frac{1}{2}$ inches; and the inside length shall be measured between the end slats, except that if flat end posts wider than $1\frac{1}{2}$ inches are used, the inside length shall be measured between the posts.

CHAPTER 702

An act to amend Sections 293, 293.5, 295, and 296 of, and to repeal Section 296.5 of, and to add Section 293.1 to, the Elections Code, relating to the cancellation of voter registrations.

[Approved by Governor May 29, 1959. Filed with Secretary of State May 29, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 293 of the Elections Code is amended to read:

Grounds for cancellation

293. The county clerk shall cancel the registration in the following cases:

(a) At the request of the person registered.

(b) When the insanity of the person registered is legally established.

(c) Upon the production of a certified copy of a subsisting judgment of the conviction of the person registered of any infamous crime, or of the embezzlement or misappropriation of any public money.

(d) Upon the production of a certified copy of a judgment directing the cancellation to be made.

(e) Upon the death of the person registered.

(f) If the person registered has not voted at the preceding general election.

SEC. 2. Section 293.5 of said code is amended to read:

War voters Cancellation of registration

293.5. The county clerk shall cancel the registration of any person registered who has not voted at the preceding general election unless, prior to the time he has canceled the registration, he has had written notice from the voter that the voter still resides and has not removed from the residence address stated in the affidavit of registration, or, he has had written notice from the voter, or a friend of the voter, that the voter is a war voter, in which case he shall not cancel the registration, but it shall remain permanent unless canceled for any

other cause enumerated in Section 293. If the county clerk has already canceled the affidavit of registration, then upon receipt of the proper information within 60 days after mailing the notice provided for in Section 296, he shall restore the affidavit of registration to the files.

SEC. 3. Section 295 of said code is amended to read:

Cancellation of affidavits of nonvoting registrants

295. On completion of the canvass of the returns of the general election, but not later than the first day of the following January, the county clerk, shall:

(a) Examine the absent voters list, and the roster of voters that was kept by the election officers in each precinct in the county used at the general election.

(b) Cancel the original and duplicate affidavits of registration and remove the original affidavit of registration of all voters who did not vote at that election.

No such person shall be permitted to vote until he has registered.

SEC. 4. Section 296 of said code is amended to read:

Notice of cancellation

296. When the county clerk cancels the registration of any person for failure to vote, he shall mail a notice, by means of a double post card prepaid by the clerk, to that person at the address given on the registration or upon the last application for transfer of registration, stating on one of the post cards that "your registration has been canceled this day because you did not vote at the last general election. Before you shall again be entitled to vote you will be required to register as provided by law. However, if you still reside and have not removed from the residence address stated in your affidavit of registration and you notify the county clerk of that fact either in person, in writing, or on the post card attached, over your signature, within 30 days after date of mailing this notice, your affidavit of registration shall be restored to the file and shall remain permanent unless canceled for any other cause.

If you are a member of the Armed Forces of the United States or any auxiliary branch thereof or employed by the United States and serving outside the territorial limits of the United States, or employed by the American Red Cross and serving outside the territorial limits of the United States, or employed as an officer or member of the crew of a merchant vessel documented under the laws of the United States and serving outside the territorial limits of the United States, or are a member of a religious group or welfare agency assisting members of the Armed Forces, and are officially attached to and serving with the Armed Forces, or are a spouse or dependent of a person enumerated herein, and you or a friend has notified the county clerk of that fact in writing within 60 days after date of mailing of this notice, your affidavit of registration shall be restored to the file and shall remain permanent unless canceled for any other cause.

Repeal

SEC. 5. Section 296.5 of said code is repealed.

SEC. 6. Section 293.1 is added to said code, to read:

293.1. On and after January 1, 1962, the county clerk shall cancel the registration of a person who did not vote at the preceding general election only if the person also did not vote at the preceding direct primary election. The procedure prescribed in Section 295 shall be followed in respect to direct primary elections, and the notice required by Section 296 to be mailed to the voter whose registration is canceled shall state that his registration has been canceled because he did not vote at either the last direct primary or general election.

Cancellation. Nonvoting at general and primary election

CHAPTER 703

An act to amend Sections 31809 and 31813 of the Government Code, relating to the County Employees Retirement Law of 1937, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 29, 1959. Filed with Secretary of State May 29, 1959.]

In effect immediately

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

SECTION 1. Section 31809 of the Government Code is amended to read:

31809. In any county or district which is not subject to the provisions of Section 31676.1, the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service retirement annuity, to equal the following: (a) with respect to service performed prior to the effective date of this article the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service or years of current and prior service with which he is entitled to be credited at retirement; (b) with respect to service performed after the effective date of this article (1) the fraction of one-ninetieth of the first three hundred fifty dollars ($350) monthly of the member's final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service with which he is entitled to be credited at retirement plus (2) the fraction of one-sixtieth of any remaining portion of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service with which he is entitled to be credited at retirement.

Computation of pension

Age of retirement	Fraction Men	Fraction Women
50	.5352	.5591
50¼	.5445	.5683
50½	.5537	.5774
50¾	.5630	.5866
51	.5722	.5957
51¼	.5814	.6047
51½	.5906	.6137
51¾	.5998	.6226
52	.6090	.6316
52¼	.6184	.6407
52½	.6279	.6499
52¾	.6373	.6590
53	.6467	.6681
53¼	.6565	.6775
53½	.6664	.6869
53¾	.6762	.6962
54	.6860	.7056
54¼	.6965	.7156
54½	.7070	.7255
54¾	.7174	.7355
55	.7279	.7454
55¼	.7393	.7561
55½	.7506	.7668
55¾	.7619	.7775
56	.7732	.7882
56¼	.7855	.7998
56½	.7978	.8114
56¾	.8102	.8230
57	.8225	.8346
57¼	.8360	.8472
57½	.8494	.8598
57¾	.8629	.8724
58	.8764	.8850
58¼	.8911	.8987
58½	.9059	.9125
58¾	.9206	.9262
59	.9353	.9399
59¼	.9515	.9549
59½	.9676	.9699
59¾	.9838	.9849
60	1.0000	1.0000
60¼	1.0110	1.0111
60½	1.0221	1.0223
60¾	1.0332	1.0335
61	1.0443	1.0447
61¼	1 0591	1.0597
61½	1.0739	1.0747
61¾	1.0887	1.0898
62	1.1035	1.1048
62¼	1.1191	1.1207

Age of retirement	Fraction Men	Women
62½	1.1348	1.1367
62¾	1.1504	1.1526
63	1.1660	1.1686
63¼	1.1826	1.1855
63½	1.1991	1.2025
63¾	1.2157	1.2195
64	1.2322	1.2365
64¼	1.2498	1.2547
64½	1.2673	1.2729
64¾	1.2849	1.2911
65 and over	1.3025	1.3093

SEC. 2. Section 31813 of the Government Code is amended to read:

31813. If this article is effective simultaneously with the effective date of coverage of members under the federal system, the employee and employer federal contributions required with respect to salaries and wages paid for services rendered after the effective date of coverage of such member under the federal system and prior to the time that federal contributions are first deducted from the salaries and wages of such members shall be paid (1) the employee contribution by the county from the member's accumulated contributions to the extent that such retroactive costs do not exceed one-third of that portion of the member's contributions under this chapter which is payable with respect to the first three hundred fifty dollars ($350) monthly wage for such retroactive period (2) the employer contributions from contributions made by the county or district during such retroactive period. Payment of federal contributions

If the member's federal contributions payable for such period is greater than the accumulated contributions resulting from one-third of that portion of the member's contributions under this chapter during such period, which is payable with respect to the first three hundred fifty dollars ($350) monthly wage, the difference shall be paid by the member to the county or district in such manner as may be determined by the Retirement Board.

If the federal contributions payable by the member for such period is less than the accumulated contributions resulting from one-third of that portion of the member's contributions which are payable with respect to the first three hundred fifty dollars ($350) monthly wage, pursuant to the provisions of this chapter for such period, the county or district shall refund the amount of such excess to the member.

All refunds made under this section prior to the effective date of the amendments to this section enacted at the 1959 Regular Session of the Legislature are hereby validated and confirmed.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public Urgency

peace, health and safety, within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

In the table in Section 31809 giving the fractions by which a retirement allowance can be calculated there was an error in the number for men opposite the age 58 in that the number was stated to be ".8964" whereas it should have been ".8764." If this act does not take immediate effect men will retire at the age of 58 and receive a larger retirement allowance proportionately than those retiring at certain older ages.

In his opinion No. 57-284 of April 2, 1958, to the County Counsel of Sacramento County, 31 Ops. Cal. Atty. Gen. 153 at page 157, the Attorney General said, concerning Section 31813 of the Government Code:

" * * * A coordination of section 31813 with section 31809 seemingly would require the refund to be limited to the contributions attributed to that portion of the salary, the first $350., that is subject to old age and survivors' insurance contributions and upon which the County pays a one-ninetieth rather than a one-sixtieth retirement allowance. Such however is not the case. The last paragraph of section 31813 provides for a refund of contributions paid by the employee during the period of retroactive coverage less the amount to pay old age and survivors' insurance contributions. The refund is not limited to that portion of the salary that is subject to old age and survivors' insurance. * * *."

If this act does not take immediate effect, an unfair discrimination against employees on small salaries and in favor of the more fortunate highly paid employees will be continued, and the highly paid employees will not have contributed their fair share of the cost of the system.

CHAPTER 704

An act to amend Section 2804 of the Streets and Highways Code, relating to the Special Assessment Investigation, Limitation and Majority Protest Act of 1931.

In effect September 18, 1959

[Approved by Governor May 29, 1959. Filed with Secretary of State May 29, 1959.]

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

SECTION 1. Section 2804 of the Streets and Highways Code is amended to read:

2804. This division shall not apply to irrigation districts, irrigation district improvement districts, fire districts, fire protection districts or to public cemetery districts, or to any proceeding otherwise subject hereto when one or more of the following situations exist: (1) when the proceedings are undertaken by a district or public corporation within one year

of its incorporation, and the proposed improvements are substantially described in an investigation proceeding had under the District Investigation Act of 1933 for the incorporation of said district or public corporation; or (2) when said improvement proceedings are by a charter city or charter county, and said city or county has complied with the provisions of Section 17 of Article XIII of the Constitution; or (3) when all of the owners of more than 60 percent in area of the property subject to assessment for said proposed improvement have signed and filed with the clerk or secretary of the legislative body undertaking said proceedings a written petition for said improvements and waiver of said investigation proceedings. The words "substantially described" as used herein shall be deemed to mean that additional improvements of the same or similar nature may not be provided unless the estimated cost thereof shall not exceed 10 percent of the estimated cost of the improvements provided in said former report. Owners of land within the meaning of this section are those, and those only, who, at the time that said petition is filed with the clerk or secretary of said legislative body, appear to be such upon the assessor's roll or, in the case of transfers of land, or parts thereof, subsequent to the date upon which the last assessor's roll was prepared, appear to be such on the records in the county assessor's office which the county assessor will use to prepare the next ensuing assessor's roll. If any person signing said petition appears on said roll or such records as an owner of property as a joint tenant or tenant in common, said property shall be counted as if all such tenants had duly signed.

CHAPTER 705

An act to add Article 8.5 (commencing with Section 58250) to Chapter 1 of Division 1 of Title 6 of the Government Code, relating to withdrawal of territory annexed to a city.

[Approved by Governor May 29, 1959. Filed with Secretary of State May 29, 1959.]

In effect September 18, 1959

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

SECTION 1. Article 8.5 (commencing with Section 58250) is added to Chapter 1 of Division 1 of Title 6 of the Government Code, to read:

Article 8.5. Withdrawal of Territory Annexed to City

58250. Notwithstanding the provisions of Article 8, a portion of a district annexed to a city which provides substantially the same services as the district, shall be withdrawn from the district if:

(1) A petition, as specified in Section 58232, requesting withdrawal of such portion, is filed with the governing body

of the district, signed by more than 1 percent of the total number of voters living within the territory to be withdrawn;

(2) The governing board, after a hearing held as prescribed by Sections 58233 and 58234 determines that the services of the district are being performed by the city in substantially the same manner as they are being provided by the district; and

(3) The withdrawal is approved by a majority vote of the voters living within the territory to be withdrawn.

CHAPTER 706

An act conveying certain tidelands and lands lying under inland navigable waters situate in the Bay of San Diego to the City of Chula Vista in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof, the construction and maintenance of improvements thereon, and the disposition and expenditure of revenue therefrom, and reserving rights to the State and repealing Chapter 120 of the Statutes of 1925, Chapter 184 of the Statutes of 1947 and Chapter 593 of the Statutes of 1953.

In effect September 18, 1959

[Approved by Governor May 29, 1959. Filed with Secretary of State May 29, 1959.]

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

SECTION 1. There is hereby granted and conveyed in trust to the City of Chula Vista (hereinafter referred to as the "city") in the County of San Diego, State of California, all the right, title and interest of the State of California held by said State by virtue of its sovereignty in and to all of those certain tide and submerged lands in and underlying San Diego Bay, whether filled or unfilled, bordering upon, under or lying between the ordinary high water mark fronting on the city and the pierhead line in said bay as the same was established by the Federal Government pursuant to recommendation of the Department of the Army, Office of the Chief of Engineers, dated April 21, 1958, as approved by the Secretary of the Army on April 24, 1958, and between the northern and southern boundary lines (and westerly prolongations thereof) of the city (hereinafter referred to as the "granted lands").

SEC. 2. The city shall have and there is hereby granted to it and its authorized agents and lessees the right to make with and upon the granted lands or upon the granted lands and abutting or neighboring lands of the city all improvements, betterments and structures of every kind and character proper, needful, useful, convenient or incidental to and for the development of commerce, navigation and fisheries, including, without limiting the generality of the foregoing, the following:

(a) The establishment, improvement and conduct of a harbor, and the construction, reconstruction, repair and maintenance of works and facilities incidental to a harbor;

(b) The construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, beltline railroads and other transportation facilities or betterments incidental to a harbor;

(c) The construction, reconstruction, repair and maintenance of small boat harbors, marinas, aquatic playground and similar recreational facilities, together with structures and facilities incidental thereto;

(d) The construction, reconstruction, repair and maintenance of wharves, docks, piers, warehouses, and commercial and industrial buildings, plants and facilities.

SEC. 3. No grant, conveyance or transfer of any character shall be made by the city of the granted lands or any part thereof, and the city shall continue to hold the granted lands in trust and the whole thereof unless the same revert or be receded to the State of California.

The city may, however, lease the granted lands, or any part thereof, and any utilities, structures, improvements or appliances thereon, for periods of 50 years, or such greater periods as may be permitted by general law, for purposes consistent with the trusts upon which the granted lands are held by the State of California. Any such lease made by the city shall contain, in addition to terms and conditions deemed desirable or necessary by the city, the following:

(a) Provision that the lease may be terminated by the city upon violation of any of the provisions of the lease by the lessee; and

(b) Provision that the lease and the leased premises shall not be assigned, transferred or sublet without the prior written consent of the city.

SEC. 4. The granted lands shall be improved and all improvements, betterments and structures thereon shall be made or erected by the city or its authorized agents or lessees, without expense to the State of California; provided, however, that nothing contained in this act shall preclude the city from accepting and expending any grant of funds from the State of California for the development of the granted lands for any public purpose not inconsistent with commerce, navigation and fishery. In the management, conduct, operation and control of the granted lands or any improvements, betterments or structures thereon, the city and its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

These lands are held upon the express condition that within 10 years from the effective date of this act said lands shall be substantially improved by the city without expense to the State, and if the State Lands Commission determines that the city has failed to improve said lands as herein required, all

right, title, and interest of said city in and to all lands granted by this act shall cease and said lands shall revert and rest in the State.

SEC. 5. Except as provided in Section 7 hereof, the city shall have the right hereunder to all rents, revenues, issues and profits in any manner hereafter arising from the granted lands or any improvements, betterments or structures thereon, and the city may use such rents, revenues, issues and profits for any purpose or use set forth in Section 2 hereof, including the payment, refunding or discharge of any indebtedness incurred or sustained by the city in connection with any such purpose or use.

SEC. 6. There is hereby reserved to the people of the State of California the right to fish in the waters on which the granted lands may front with the right of convenient access to said waters over the granted lands for said purpose.

SEC. 7. There is hereby excepted and reserved to the State of California the following:

(a) All deposits of minerals, including oil and gas in said land, together with the right of the State of California or persons authorized by the State of California to prospect for, mine and remove such deposits from the granted lands;

(b) The right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon the granted lands for any vessel or other watercraft or railroad owned or operated by the State of California;

(c) The right at any time in the future to use the granted lands or any portion thereof for highway purposes without compensation to the city, its successors, or any person, firm or public corporation claiming under it, except as to improvements, betterments or structures made or erected with, in or upon the portions of the granted lands so used by the State for which compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures so used or the damages to such interest.

SEC. 8. In the event of a violation of any of the provisions of this act, the granted lands and the whole thereof shall revert to the State of California.

SEC. 9. The State Lands Commission shall, at the cost of the city, survey and monument the granted lands and record a description and plat thereof in the Office of the County Recorder of San Diego County.

SEC. 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 11. Chapter 120 of the Statutes of 1925, Chapter 184 of the Statutes of 1947, Chapter 593 of the Statutes of 1953,

and all laws or portions thereof dealing with the granted lands or the city's ownership thereof which are in conflict with the provisions of this act are hereby repealed.

CHAPTER 707

An act to repeal Chapter 4 (commencing at Section 6961) of Part 2, Division 6 of, to amend Section 6991 of, and to add Section 6996 to, the Public Resources Code, relating to state streams, lakes, and lands.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Chapter 4 (commencing at Section 6961) of Part 2, Division 6 of the Public Resources Code is repealed. Repeal

SEC. 2. Section 6991 of said code is amended to read:

6991. Leases for taking minerals from the waters of any stream or lake or from any lands withdrawn from sale by Section 6996 shall be issued only as provided by this chapter. Mineral leases

SEC. 3. Section 6996 is added to said code, to read:

6996. All of the lands embraced within the original meander lines of streams and lakes belonging to the State, the waters of which contain minerals in commercial quantities, and all such lands which may hereafter inure to the State by virtue of its sovereignty, excepting such lands as have heretofore been contracted to be sold, are withdrawn from selection and sale. Withdrawal from sale

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CHAPTER 708

An act to add Division 5, comprising Sections 30000 through 30010, to Title 4 of the Corporations Code, relating to fiduciary security transfers.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Division 5, comprising Sections 30000 through 30010, is added to Title 4 of the Corporations Code, to read:

DIVISION 5. UNIFORM ACT FOR SIMPLIFICATION OF FIDUCIARY SECURITY TRANSFERS

30000. As used in this division, unless the context otherwise requires: Definitions

(a) "Assignment" includes any written stock power, bond power, bill of sale, deed, declaration of trust, or other instrument of transfer.

(b) "Claim of beneficial interest" includes a claim of any interest by a decedent's legatee, distributee, heir or creditor, a beneficiary under a trust, a ward, a beneficial owner of a security registered in the name of a nominee, or a minor owner of a security registered in the name of a custodian, or a claim of any similar interest, whether the claim is asserted by the claimant or by a fiduciary or by any other authorized person on his behalf, and includes a claim that the transfer would be in breach of fiduciary duties.

(c) "Corporation" means a private or public corporation, association, or trust issuing a security.

(d) "Fiduciary" means an executor, administrator, trustee, guardian, committee, conservator, curator, tutor, custodian, or nominee.

(e) "Person" includes an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(f) "Security" includes any share of stock, bond, debenture, note, or other security issued by a corporation, which is registered as to ownership on the books of the corporation.

(g) "Transfer" means a change on the books of a corporation in the registered ownership of a security.

(h) "Transfer agent" means a person employed or authorized by a corporation to transfer securities issued by the corporation.

Continued fiduciary relation

30001. A corporation or transfer agent registering a security in the name of a person who is a fiduciary or who is described as a fiduciary is not bound to inquire into the existence, extent, or correct description of the fiduciary relationship, and thereafter the corporation and its transfer agent may assume without inquiry that the newly registered owner continues to be the fiduciary until the corporation or transfer agent receives written notice that the fiduciary is no longer acting as such with respect to the particular security.

Good faith assumption

30002. Except as otherwise provided in this division: (a) A corporation or transfer agent making a transfer of a security pursuant to an assignment by a fiduciary may assume without inquiry that the assignment, even though to the fiduciary himself or to his nominee, is within his authority and capacity and is not in breach of his fiduciary duties; and

(b) The corporation or transfer agent may assume without inquiry that the fiduciary has complied with any controlling instrument and with the law of the jurisdiction governing the fiduciary relationship, including any law requiring the fiduciary to obtain court approval of the transfer; and

(c) The corporation or transfer agent is not charged with notice of and is not bound to obtain or examine any court record or any recorded or unrecorded document relating to the fiduciary relationship or the assignment, even though the record or document is in its possession.

30003. A corporation or transfer agent making a transfer pursuant to an assignment by a fiduciary who is not the registered owner shall obtain the following evidence of appointment or incumbency: Transfers by one not the registered owner

(a) In the case of a fiduciary appointed or qualified by a court, a certificate issued by or under the direction or supervision of that court or an officer thereof and dated within 60 days before the transfer; or

(b) In any other case, a copy of a document showing the appointment or a certificate issued by or on behalf of a person reasonably believed by the corporation or transfer agent to be responsible or, in the absence of such a document or certificate, other evidence reasonably deemed by the corporation or transfer agent to be appropriate. Corporations and transfer agents may adopt standards with respect to evidence of appointment or incumbency under this subsection provided such standards are not manifestly unreasonable. Neither the corporation nor transfer agent is charged with notice of the contents of any document obtained pursuant to this paragraph (b) except to the extent that the contents relate directly to the appointment or incumbency.

30004. (a) A person asserting a claim of beneficial interest adverse to the transfer of a security pursuant to an assignment by a fiduciary may give the corporation or transfer agent written notice of the claim. The corporation or transfer agent is not put on notice unless the written notice identifies the claimant, the registered owner and the issue of which the security is a part, provides an address for communications directed to the claimant and is received before the transfer. Nothing in this division relieves the corporation or transfer agent of any liability for making or refusing to make the transfer after it is so put on notice, unless it proceeds in the manner authorized in subsection (b). Notice of adverse claim

(b) As soon as practicable after the presentation of a security for transfer pursuant to an assignment by a fiduciary, a corporation or transfer agent which has received notice of a claim of beneficial interest adverse to the transfer may send notice of the presentation by registered or certified mail to the claimant at the address given by him. If the corporation or transfer agent so mails such a notice it shall withhold the transfer for 30 days after the mailing and shall then make the transfer unless restrained by a court order.

30005. A corporation or transfer agent incurs no liability to any person by making a transfer or otherwise acting in a manner authorized by this division. Nonliability

30006. No person who participates in the acquisition, disposition, assignment or transfer of a security by or to a fiduciary including a person who guarantees the signature of the fiduciary is liable for participation in any breach of fiduciary duty by reason of failure to inquire whether the transaction involves such a breach unless it is shown that he acted with actual knowledge that the proceeds of the trans- Same Participation without actual knowledge

action were being or were to be used wrongfully for the individual benefit of the fiduciary or that the transaction was otherwise in breach of duty.

If a corporation or transfer agent makes a transfer pursuant to an assignment by a fiduciary, a person who guaranteed the signature of the fiduciary is not liable on the guarantee to any person to whom the corporation or transfer agent by reason of this division incurs no liability.

This section does not impose any liability upon the corporation or its transfer agent.

Law of sites where corporation was organized applies

30007. The rights and duties of a corporation and its transfer agents in registering a security in the name of a fiduciary or in making a transfer of a security pursuant to an assignment by a fiduciary are governed by the law of the jurisdiction under whose laws the corporation is organized.

This division applies to the rights and duties of a person other than the corporation and its transfer agents with regard to acts and omissions in this State in connection with the acquisition, disposition, assignment or transfer of a security by or to a fiduciary and of a person who guarantees in this State the signature of a fiduciary in connection with such a transaction.

Taxes Estate, etc.

30008. This division does not affect any obligation of a corporation or transfer agent with respect to estate, inheritance, succession or other taxes imposed by the laws of this State.

Construction

30009. This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Short title

30010. This division may be cited as the Uniform Act for Simplification of Fiduciary Security Transfers.

CHAPTER 709

An act to repeal Article 4, comprising Sections 1154 to 1164, inclusive, of Chapter 3, Title 4, Part 4, Division 2 of the Civil Code, and to add Article 4, comprising Sections 1154 to 1165, inclusive, to Chapter 3, Title 4, Part 4, Division 2 of the Civil Code, relating to gifts of money and securities to minors.

In effect September 18 1959

[Approved by Governor June 1, 1959 Filed with Secretary of State June 1, 1959.]

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

Repeal

SECTION 1. Article 4, comprising Sections 1154 to 1164, inclusive, of Chapter 3, Title 4, Part 4, Division 2 of the Civil Code is repealed.

SEC. 2. Article 4, comprising Sections 1154 to 1165, inclusive, is added to Chapter 3, Title 4, Part 4, Division 2 of the Civil Code, to read:

Article 4. California Uniform Gifts to Minors Act

1154. The repeal of the California Gifts of Securities to Minors Act (Article 4, Chapter 3, Title 4, Part 4, Division 2, Civil Code, added by Chapter 1958, Statutes of 1955) does not affect gifts made in a manner prescribed therein nor the powers, duties and immunities conferred by gifts in such manner upon custodians and persons dealing with custodians. Notwithstanding its repeal, the provisions of that act, rather than this article, shall be applicable to gifts made pursuant to that act prior to the effective date of this article. This article applies to gifts made, on or after its effective date, pursuant to its provisions. Application

1155. In this article, unless the context otherwise requires: Definitions

(a) An "adult" is a person who has attained the age of 21 years.

(b) A "bank" is any commercial bank or savings bank as defined in Sections 104, 105, and 109 of the Financial Code.

(c) A "broker" is a person lawfully engaged in the business of effecting transactions in securities for the account of others. The term includes a bank which effects such transactions. The term also includes a person lawfully engaged in buying and selling securities for his own account, through a broker or otherwise, as a part of a regular business.

(d) "Court" means the superior court.

(e) "The custodial property" includes:

(1) All securities and money under the supervision of the same custodian for the same minor as a consequence of a gift or gifts made to the minor in a manner prescribed in this article.

(2) The income from the custodial property; and

(3) The proceeds, immediate and remote, from the sale, exchange, conversion, investment, reinvestment or other disposition of such securities, money and income.

(f) A "custodian" is a person so designated in a manner prescribed in this article.

(g) A "guardian" of a minor includes the general guardian, guardian, tutor or curator of his property, estate or person.

(h) An "issuer" is a person who places or authorizes the placing of his name on a security (other than as a transfer agent) to evidence that it represents a share, participation or other interest in his property or in an enterprise or to evidence his duty or undertaking to perform an obligation evidenced by the security, or who becomes responsible for or in place of any such person.

(i) A "legal representative" of a person is his executor or the administrator, general guardian, guardian, committee, conservator, tutor or curator of his property or estate.

(j) A "member" of a "minor's family" means any of the minor's parents, grandparents, brothers, sisters, uncles and

aunts, whether of the whole blood or the half blood, or by or through legal adoption.

(k) A "minor" is a person who has not attained the age of 21 years.

(*l*) A "savings and loan association" includes a federal savings and loan association, or a state-chartered savings and loan association or building and loan association doing business in this State; an "insured savings and loan association" is a savings and loan association which is an "insured institution" as defined in Title IV of the National Housing Act; and an "account in an insured savings and loan association" has the meaning as in Section 1431 of the Probate Code.

(m) A "security" includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, account in an insured savings and loan association, certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease, collateral trust certificate, transferable share, voting trust certificate or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. The term does not include a security of which the donor is the issuer. A security is in "registered form" when it specifies a person entitled to it or to the rights it evidences and its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer.

(n) A "transfer agent" is a person who acts as authenticating trustee, transfer agent, registrar or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrendered securities.

(o) A "trust company" means a trust company as defined by Sections 107 and 109 of the Financial Code.

Conditions of gift of securities to minor

1156. (a) An adult person may, during his lifetime, make a gift of a security or money to a person who is a minor on the date of the gift:

(1) If the subject of the gift is a security in registered form, by registering it in the name of the donor, another adult person, or a trust company, followed in substance, by the words: "as custodian for _____
(Name of minor)
under the California Uniform Gifts to Minors Act.";

(2) If the subject of the gift is a security not in registered form, by delivering it to an adult person other than the donor or a trust company, accompanied by a statement of gift in the following form, in substance, signed by the donor and the person designated as custodian:

"GIFT UNDER THE CALIFORNIA UNIFORM
GIFTS TO MINORS ACT

I, _____, hereby deliver to _____
(Name of donor) (Name of custodian)
as custodian for _____ under the California
(Name of minor)
Uniform Gifts to Minors Act, the following security(ies): (insert an appropriate description of the security or securities delivered sufficient to identify it or them)

_____
(Signature of donor)

_____ hereby acknowledges receipt
(Name of custodian)
of the above-described security(ies) as custodian for the above minor under the California Uniform Gifts to Minors Act.
Dated: _____ _____"
(Signature of custodian)

(3) If the subject of the gift is money, by paying or delivering it to a broker or a bank for credit to an account (or to a savings and loan association for investment in an account in an insured savings and loan association) in the name of the donor, another adult person or a bank with trust powers, followed, in substance, by the words: "as custodian for _____ under the California
(Name of minor)
Uniform Gifts to Minors Act."

(b) Any gift made in a manner prescribed in subdivision (a) may be made to only one minor and only one person may be the custodian.

(c) A donor who makes a gift to a minor in a manner prescribed in subdivision (a) shall promptly do all things within his power to put the subject of the gift in the possession and control of the custodian, but neither the donor's failure to comply with this subdivision, nor his designation of an ineligible person as custodian, nor renunciation by the person designated as custodian affects the consummation of the gift.

Irrevocable gift

1157. (a) A gift made in a manner prescribed in this article is irrevocable and conveys to the minor indefeasibly vested legal title to the security or money given, but no guardian of the minor has any right, power, duty or authority with respect to the custodial property except as provided in this article.

(b) By making a gift in a manner prescribed in this article, the donor incorporates in his gift all the provisions of this article and grants to the custodian, and to any issuer, transfer agent, bank, savings and loan association, broker or third person dealing with a person designated as custodian, the respective powers, rights and immunities provided in this article.

Custodian's duties and powers

1158. (a) The custodian shall collect, hold, manage, invest and reinvest the custodial property.

(b) The custodian shall pay over to the minor for expenditure by him, or expend for the minor's benefit, so much of or all the custodial property as the custodian deems advisable for the support, maintenance, education and benefit of the minor in the manner, at the time or times, and to the extent that the custodian in his discretion deems suitable and proper, with or without court order, with or without regard to the duty of himself or of any other person to support the minor or his ability to do so, and with or without regard to any other income or property of the minor which may be applicable or available for any such purpose.

(c) The court, on the petition of a parent or guardian of the minor or of the minor, if he has attained the age of 14 years, may order the custodian to pay over to the minor for expenditure by him or to expend so much of or all the custodial property as is necessary for the minor's support, maintenance or education.

(d) To the extent that the custodial property is not so expended, the custodian shall deliver or pay it over, with an accounting, to the minor on his attaining the age of 21 years or, if the minor dies before attaining the age of 21 years he shall thereupon deliver or pay it over, with an accounting, to the estate of the minor.

(e) The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent man of discretion and intelligence who is seeking a reasonable income and the preservation of his capital, except that he may, in his discretion and without liability to the minor or his estate, retain a security given to the minor in a manner prescribed in this article.

(f) The custodian may sell, exchange, convert or otherwise dispose of custodial property in the manner, at the time or times, for the price or prices and upon the terms he deems advisable. He may vote in person or by general or limited proxy a security which is custodial property. He may consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution or liquidation of an issuer, a security of which is custodial property, and to the sale, lease, pledge or mortgage of any property by or to such an issuer, and to any other action by such an issuer. He may execute and deliver any and all instruments in writing which he deems advisable to carry out any of his powers as custodian.

(g) The custodian shall register each security which is custodial property and in registered form in the name of the custodian, followed, in substance, by the words: "as custodian for _____ under the California Uniform Gifts to
(Name of minor)
Minors Act." The custodian shall hold all money which is custodial property in an account with a broker or in a bank or in an account in an insured savings and loan association in the

name of the custodian, followed, in substance, by the words: "as custodian for _____ under the California Uni-
(Name of minor)
form Gifts to Minors Act." The custodian shall keep all other custodial property separate and distinct from his own property in a manner to identify it clearly as custodial property.

(h) The custodian shall keep records of all transactions with respect to the custodial property and make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor, if he has attained the age of 14 years.

(i) A custodian has and holds as powers in trust, with respect to the custodial property, in addition to the rights and powers provided in this article, all the rights and powers which a guardian has with respect to property not held as custodial property.

Custodian's reimbursement

1159. (a) A custodian is entitled to reimbursement from the custodial property for his reasonable expenses, including reasonable fees for his attorney, incurred in the performance of his duties.

(b) A custodian may act without compensation for his services.

(c) Unless he is a donor, a custodian may receive from the custodial property reasonable compensation for his services determined by one of the following standards in the order stated:

(1) A direction by the donor when the gift is made;
(2) A statute of this State applicable to custodians;
(3) The statute of this State applicable to guardians;
(4) An order of the court.

(d) Except as otherwise provided in this aricle, a custodian shall not be required to give a bond for the performance of his duties.

(e) A custodian not compensated for his services is not liable for losses to the custodial property unless they result from his bad faith, intentional wrong-doing or gross negligence or from his failure to maintain the standard of prudence in investing the custodial property provided in this article.

Persons exempt from responsibility

1160. No issuer, transfer agent, bank, savings and loan association, broker or other person acting on the instructions of or otherwise dealing with any person purporting to act as a donor or in the capacity of a custodian is responsible for determining whether the person designated by the purported donor or purporting to act as a custodian has been duly designated or whether any purchase, sale or transfer to or by or any other act of any person purporting to act in the capacity of custodian is in accordance with or authorized by this article, or is obliged to inquire into the validity or propriety under this article of any instrument or instructions executed or given by a person purporting to act as a donor or in the capacity of a custodian, or is bound to see to the application

by any person purporting to act in the capacity of a custodian of any money or other property paid or delivered to him.

Successor custodian

1161. (a) Only an adult member of the minor's family, a guardian of the minor or a trust company is eligible to become successor custodian. A successor custodian has all the rights, powers, duties and immunities of a custodian designated in a manner prescribed by this article.

(b) A custodian, other than the donor, may resign and designate his successor by:

(1) Executing an instrument of resignation designating successor custodian; and

(2) Causing each security which is custodial property and in registered form to be registered in the name of the successor custodian followed, in substance, by the words: "as custodian for _____ under the California Uniform
(Name of minor)
Gifts to Minors Act"; and

(3) Delivering to the successor custodian the instrument of resignation, each security registered in the name of the successor custodian and all other custodial property, together with any additional instruments required for the transfer thereof.

(c) A custodian, whether or not a donor, may petition the court for permission to resign and for the designation of a successor custodian.

(d) If the person designated as custodian is not eligible, renounces or dies before the minor attains the age of 21 years, the guardian of the minor shall be successor custodian. If the minor has no guardian, a donor, his legal representative, the legal representative of the custodian, an adult member of the minor's family, or the minor, if he has attained the age of 14 years, may petition the court for the designation of a successor custodian.

(e) A donor, the legal representative of a donor, an adult member of the minor's family, a guardian of the minor or the minor, if he has attained the age of 14 years, may petition the court that, for cause shown or for the best interests of the minor, the custodian be removed and a successor custodian be designated or, in the alternative, that the custodian be required to give bond for the performance of his duties.

(f) Upon the filing of a petition as provided in this section, the court shall grant an order, directed to the persons and returnable on such notice as the court may require, to show cause why the relief prayed for in the petition should not be granted and, in due course, grant such relief as the court finds to be in the best interests of the minor.

Accounting

1162. (a) The minor, if he has attained the age of 14 years, or the legal representative of the minor, an adult member of the minor's family, or a donor or his legal representative may petition the court for an accounting by the custodian or his legal representative. The right to petition for an accounting shall continue for one year after the filing of a final

accounting by the custodian or his legal representative and delivery of the custodial property to the minor or his estate.

(b) The court, in a proceeding under this article or otherwise, may require or permit the custodian or his legal representative to account and, if the custodian is removed, shall so require and order delivery of all custodial property to the successor custodian and the execution of all instruments required for the transfer thereof.

Construction

1163. (a) This article shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

(b) This article shall not be construed as providing an exclusive method for making gifts to minors.

Short title

1164. This article may be cited at the "California Uniform Gifts to Minors Act."

Saving clause

1165. If any provision of this article or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

CHAPTER 710

An act to amend Sections 1653, 1672, 1677, 1680, 1683, 1685, and 1689 of, to repeal Sections 1661 and 1681 of, and to add Sections 1661, 1672.5, 1681, 1683.5, 1691, and 1692 to, the Code of Civil Procedure, relating to the enforcement of duties of support.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1653 of the Code of Civil Procedure is amended to read:

Definitions

1653. As used in this title unless the context requires otherwise,

(1) "State" includes any state, territory or possession of the United States and the District of Columbia in which this or a substantially similar reciprocal law has been enacted.

(2) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(3) "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.

(4) "Court" means the superior court of this State and when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

(5) "Law" includes both common and statute law.

(6) "Duty of support" includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, judicial separation, separate maintenance or otherwise.

(7) "Obligor" means any person owing a duty of support.

(8) "Obligee" means any person to whom a duty of support is owed and a state or political subdivision thereof.

(9) "Prosecuting official" means the district attorney of the county in which the obligor is alleged to be present.

(10) "Governor" includes any person performing the functions of Governor or the executive authority of any territory covered by the provisions of this or a substantially similar reciprocal law.

(11) "Support order" means any judgment, decree, or order of support whether temporary or final, whether subject to modification, revocation, or remission regardless of the kind of action in which it is entered.

Repeal

SEC. 2. Section 1661 of said code is repealed.

SEC. 3. Section 1661 is added to said code, to read:

Governor's duties

1661. (a) Before making the demand on the Governor of any other state for the surrender of a person charged in this State with the crime of failing to provide for the support of any person, the Governor of this State shall require any prosecuting attorney of this State to satisfy him that at least 60 days prior thereto the obligee brought an action for support under this title, or that the bringing of an action would be of no avail.

(b) When under this or a substantially similar law, a demand is made upon the Governor of this State by the Governor of another state for the surrender of a person charged in the other state with the crime of failing to provide support, the Governor shall call upon any prosecuting attorney to investigate or assist in investigating the demand, and to report to him whether any action for support has been brought under this title or would be effective.

(c) If an action for support would be effective and no action has been brought, the Governor shall delay honoring the demand for a reasonable time to permit prosecution of an action for support.

(d) If an action for support has been brought, and the person demanded has prevailed in that action, the Governor shall decline to honor the demand.

(e) If an action for support has been brought, and pursuant thereto the person demanded is subject to a support order, the Governor shall decline to honor the demand so long as the person demanded is complying with the support order.

SEC. 4. Section 1672 of said code is amended to read:

Duty of support enforceable irrespective of relationship

1672. All duties of support are enforceable by action irrespective of relationship between the obligor and obligee.

SEC. 5. Section 1672.5 is added to said code, to read:

1672.5. Jurisdiction of all proceedings hereunder is vested in the superior court. Jurisdiction

SEC. 6. Section 1677 of said code is amended to read:

1677. There shall be no filing fee or other fees or costs taxable to or required from the obligee but a court of this State acting either as an initiating or responding state may in its discretion direct that any part of or all fees and costs incurred in this State, including without limitation by enumeration, appearance fees, library fees, reporter's fees, fees for filing, service of process, seizure of property, and stenographic service of both plaintiff and defendant, or either, be paid by the obligor or the county. No filing fee

SEC. 7. Section 1680 of said code is amended to read:

1680. (a) After the court of this State, acting as a responding state, receives from the court of an initiating state the aforesaid copies, the clerk of the court shall docket the cause and notify the prosecuting official of his action. Action

(b) It shall be the duty of the prosecuting official to prosecute the case diligently. He shall take all action necessary in accordance with the laws of this State to give the court jurisdiction of the defendant or his property. He shall, upon being notified that the cause has been docketed, request the court to issue a citation requiring defendant to appear personally at a specified time and place to show cause why an order should not be issued on the basis of the complaint on file, and he shall cause a copy of the complaint and of the citation to be served upon the defendant at least five days prior to the hearing.

From the time of the service of the citation, and a copy of the complaint, the court is deemed to have acquired jurisdiction of the defendant and to have control of all subsequent proceedings. Neither the issuance of a summons nor a service thereof shall be required.

SEC. 8. Section 1681 of said code is repealed. Repeal

SEC. 9. Section 1681 is added to said code, to read:

1681. (a) The prosecuting official shall, on his own initiative, use all means at his disposal to trace the defendant or his property and if, due to inaccuracies of the complaint or otherwise, the court cannot obtain jurisdiction, the prosecuting official shall inform the court of what he has done and request the court to continue the case pending receipt of more accurate information or an amended complaint from the court in the initiating state. Tracing property of defendant

(b) If the defendant or his property is not found in the county and the prosecuting official discovers by any means that the defendant or his property may be found in another county of this State he shall so inform the court, and thereupon the clerk of the court shall forward the documents received from the court in the initiating state to a court in the other county. Thereupon both the court of the other county or any court of this State receiving the documents and the prosecuting official have the same powers and duties under this title as if the documents had been originally addressed to

them. When the clerk of a court of this State retransmits documents to another court, he shall notify forthwith the court from which the documents came.

(c) If the prosecuting official has information as to the whereabouts of the obligor or his property in another state or no information as to the whereabouts of the obligor or his property, he shall so inform the initiating court.

SEC. 10. Section 1683 of said code is amended to read:

Enforcement of order

1683. If the court of the responding state finds a duty of support, it may order the defendant to furnish support or reimbursement therefor and subject the property of the defendant to such order. The court and prosecuting official of any county where the obligor is present or has property have the same powers and duties to enforce the order as have those of the county where it was first issued. If enforcement is impossible or cannot be completed in the county where the order was issued, the prosecuting official shall transmit a certified copy of the order to the prosecuting official of any county where it appears that procedures to enforce payment of the amount due would be effective. The prosecuting official to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order.

SEC. 11. Section 1683.5 is added to said code, to read:

Continuance

1683.5. If the plaintiff is absent from the responding state and the defendant presents evidence which constitutes a defense, the court shall continue the case for further hearing and the submission of evidence by both parties.

SEC. 12. Section 1685 of said code is amended to read:

Powers of court

1685. In addition to the foregoing powers, the court of this State when acting as the responding state has the power to subject the defendant to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular

(a) To require the defendant to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the defendant.

(b) To require the defendant to make payments at specified intervals to the probation officer of the county and to report personally to such probation officer at such times as may be deemed necessary.

(c) To punish the defendant who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

SEC. 13. Section 1689 of said code is amended to read:

Court orders for support do not supersede other orders for support

1689. Any order of support issued by a court of this State when acting as a responding state shall not supersede any other order of support, but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under both.

SEC. 14. Section 1691 is added to said code, to read:

1691. No proceeding under this title shall be stayed because of the existence of a pending action for divorce, separation, annulment, dissolution, habeas corpus or custody proceeding.

Proceedings not stayed by divorce, etc.

SEC. 15. Section 1692 is added to said code, to read:

1692. This title shall be applicable when both the plaintiff and the defendant are in this State but in different counties. If the court of the county in which the petition is filed finds that the petition sets forth facts from which it may be determined that the defendant owes a duty of support and finds that a court of another county in this State may obtain jurisdiction of the defendant or his property, the clerk of the court shall send three copies of the complaint and a certification of the findings to the court of the county in which the defendant or his property is found. The clerk of the court of the county receiving these copies shall notify the prosecuting official of their receipt. The prosecuting official and the court in the county in which the copies are forwarded shall then have duties corresponding to those imposed upon them, when acting for the state as a responding state.

Applicability

CHAPTER 711

An act to add Section 7702.1 to the Fish and Game Code, relating to commercial fishing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 7702.1 is added to the Fish and Game Code, to read:

7702.1. No sardines, anchovies, mackerel, or squid intended for or used in any cannery shall be unloaded from any vessel except at a weighing or measuring device approved by the Bureau of Weights and Measures. Such products shall be weighed by a public weighmaster licensed as an individual under the laws of this State and a receipt as to such weight shall be immediately issued by him to the fisherman at the time of receipt of such products. Copies of such receipt shall be handled in the manner provided in Sections 8011 to 8014 of this code.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

If this act is to be in effect to afford its protection during the present season it must take effect immediately.

CHAPTER 712

An act to add Sections 6159 and 6160 to the Elections Code, relating to the approval of voting machines.

In effect September 18, 1959

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 6159 is added to the Elections Code, to read:

Withdrawal of approval

6159. The commission, in connection with the approval of any voting machine under this article, may reserve the right to withdraw its approval should the machine prove defective or otherwise unacceptable after use in any election.

SEC. 2. Section 6160 is added to said code, to read:

Previous approval revoked

6160. The commission's approval, heretofore given, of any device designed to tabulate returns by the electronic recordation of impressions from a ballot is revoked.

CHAPTER 713

An act to amend Section 25452 of the Government Code, relating to publication of notice to bidders on county contracts.

In effect September 18, 1959

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 25452 of the Government Code is amended to read:

25452. The board shall cause an advertisement for bids for the performance of the work to be published pursuant to Section 6062 of the Government Code in a daily newspaper, or pursuant to Section 6066 of the Government Code in a weekly newspaper, of general circulation published in the county. If there is no such newspaper published in the county, the notice shall be given by posting in three public places for at least two weeks.

CHAPTER 714

An act to add Section 242a to the Code of Civil Procedure, relating to grand juries.

In effect September 18, 1959

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 242a is added to the Code of Civil Procedure, to read:

242a. When, after the grand jury consisting of 19 persons has been impaneled pursuant to law, the membership thereof is reduced by reason of:

1. Death;
2. Change of residence from the county of origin;
3. Illness of such a nature as to incapacitate the juror physically or mentally from attending the sessions of the grand jury;
4. A subsequent loss of competency to act as a grand juror by reason of conviction of malfeasance in office or any felony or other high crime;

such vacancies within an existing grand jury may be filled, so as to maintain the full membership at 19 persons, by the clerk of the superior court, in the presence of the court, drawing out sufficient names to fill the vacancies from the grand jury box, pursuant to law, or from a special venire as provided in Section 226. No vacancy shall be filled pursuant to this section unless the superior court makes a finding, entered in records of the court, that the membership of the grand jury has been reduced below 19 members because of the happening of an event prescribed in this section. No person selected as a grand juror to fill a vacancy pursuant to this section shall vote as a grand juror on any matter upon which evidence has been taken by the grand jury prior to the time of his selection.

CHAPTER 715

An act to amend Section 1269b of the Penal Code, relating to the acceptance of bail.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 1269b of the Penal Code is amended to read:

1269b. The officer in charge of a jail wherein an arrested person is held in custody and the clerk of the justice or municipal court of the judicial district in which the offense was alleged to have been committed shall have authority to accept bail in such amount as fixed by the warrant of arrest or schedule of bail in cash or surety bond executed by a certified, admitted surety insurer as provided in the Insurance Code, to issue and sign an order for the release of the arrested person, and to set a time and place for the appearance of the arrested person before the appropriate court and give notice thereof, as follows:

(a) For appearance before the court of an arrested person who has been arrested for having committed a misdemeanor and is being held in custody prior to the filing of a formal complaint, and for appearance before the court of a defend-

ant charged with a misdemeanor by a formal complaint filed in the court. If a defendant has appeared before a judge of the court on the charge contained in the complaint the bail shall be in the amount fixed by such judge at the time of such appearance; if no such appearance has been made the bail shall be in the amount fixed in the warrant of arrest or, if no warrant of arrest has been issued, the amount of bail shall be pursuant to a schedule of bail in such case previously fixed and approved by the judge or judges of the court of the judicial district in which the offense is alleged to have been committed.

(b) For appearance before the court of a defendant charged with a felony by a formal complaint filed in court.

If a defendant has appeared before a judge of the court on the charge contained in the complaint, the bail shall be in the amount fixed by such judge at the time of such appearance; if no such appearance has been made the bail shall be in the amount fixed in the warrant of arrest.

(c) The schedule of bail referred to herein shall be one adopted by a majority of the municipal and justice court judges in each county. It shall contain a list of such misdemeanor offenses and the amounts of bail applicable thereto as the judges determine to be appropriate. The schedule of bail may also contain a general clause providing for a designated amount of bail as the judges of the county determine to be appropriate for all misdemeanor offenses not specifically listed in the schedule. The schedule of bail may be revised from time to time by the judges of the county, and the senior judge at each county seat shall call not more than two or less than one meeting each year of all municipal and justice court judges in the county for the purpose of establishing or revising a countywide uniform bail schedule. A copy of the schedule shall be sent to the officer in charge of the county jail and to the officer in charge of each city jail within the county.

Upon posting such bail the defendant or arrested person shall be discharged from custody as to the offense on which the bail is posted.

All money and surety bonds so deposited with such officer shall be transmitted immediately to the judge or clerk of the court by which the order was made or warrant issued or bail schedule fixed.

If a defendant or arrested person so released fails to appear at the time and in the court so ordered upon his release from custody, the court before which he was ordered to appear may forfeit the cash bail or surety bond, with or without issuing a warrant, and if the bail is a surety bond the surety company is obligated as provided by Section 1306 of the Penal Code, subject to the right of the court to set aside the forfeiture as provided by law.

CHAPTER 716

An act to add Section 22511.5 to the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, relating to parking privileges for disabled persons.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 22511.5 is added to the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, to read:

22511.5. Any person who has lost, or has lost the use of, both legs or is so severely disabled as to be unable to move without the aid of a wheelchair shall be allowed to park for unlimited periods in parking zones restricted as to the length of time parking is permitted. This section shall have no application to those zones in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. As a condition to this privilege the vehicle shall display a distinguishing license plate which shall be issued for a vehicle registered to the disabled person, without additional fees, by the Department of Motor Vehicles pursuant to regulations adopted by that department.

CHAPTER 717

An act to amend Section 800 of the Labor Code, relating to lumber industries.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 800 of the Labor Code is amended to read:

800. Every person operating a sawmill, shakemill, shingle-mill, logging camp, planing mill, veneer mill, plywood plant or any other type of plant or mill which processes or manufactures any lumber, lumber products or allied wood products, in this State shall allow his employees a period of not less than one-half hour for the midday meal, between the third and fifth hours of each day's shift after the start thereof.

CHAPTER 718

An act to amend Sections 7302, 7310, 7311, 7312, 7320, 7330, 7331, 7332, 7334, 7362.1, 7370, 7372, 7373, 7376, 7380, 7382, 7383, 7393, 7394, 7400, 7412, 7420, 7431, 7436, and 7442 of the Business and Professions Code, relating to cosmetology.

In effect September 18, 1959

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 7302 of the Business and Professions Code is amended to read:

Eligibility of board members

7302. No person is eligible for appointment as a member of the board:

(a) Who is not registered as a cosmetologist under this chapter.

(b) Who is connected, directly or indirectly, with any school of cosmetology.

(c) Who is not, at the time of appointment, either actually engaged in conducting a cosmetological establishment, or actually engaged in the practice of cosmetology or electrology.

(d) Who is not of good moral character.

(e) Who is connected, directly or indirectly, in the wholesale business of the manufacture, rental, sale or distribution of cosmetological appliances or supplies.

(f) Who has not had at least five years experience in the actual practice of cosmetology, or electrology, in this State immediately prior to the appointment.

(g) Who is not at least 25 years of age.

At all times the personnel of the board shall be so constituted that two graduates of the same school of cosmetology shall not be members at the same time.

SEC. 2. Section 7310 of said code is amended to read:

Rules

7310. The board may, in accordance with the provisions of the Administrative Procedure Act, adopt, amend, or repeal such rules as are reasonably necessary:

(a) For carrying out the provisions of this chapter.

(b) For conducting examinations of applicants for registration and license.

(c) For governing the recognition of, and the credits to be given to, the study of cosmetology, or any of its branches, under a cosmetologist, or in a school of cosmetology, licensed under the laws of another state.

SEC. 3. Section 7311 of said code is amended to read:

Same

7311. The board may adopt such rules governing sanitary conditions, and precautions to be employed as are reasonably necessary to prevent the creating or spreading of infectious or contagious diseases in cosmetological establishments, schools of cosmetology, in the practice of a cosmetologist, and in any branch of cosmetology. Such rules shall be adopted in accord-

ance with the provisions of the Administrative Procedure Act, and shall be submitted to the Department of Public Health, and approved by such department prior to transmission to the Department of Professional and Vocational Standards for filing with the Secretary of State. A copy of all such rules shall be furnished to each licensee.

SEC. 4. Section 7312 of said code is amended to read:

Registration record

7312. The board shall keep a registration record containing the name, known places of business, and the date and number of the license of every licensed cosmetologist, and of those engaged in the practice of any branch of cosmetology, together with the name and addresses of all cosmetological establishments and schools of cosmetology, registered under this chapter. This record shall also contain such facts as the applicants may have stated in their application for examination for registration and license.

SEC. 5. Section 7320 of said code is amended to read:

License required

7320. No person, firm or corporation shall conduct or operate a cosmetological establishment, school of cosmetology, hairdressing shop, beauty parlor or any other place of business in which any one or any combination of the occupations of a cosmetologist are taught or practiced, except the branch of manicuring as practiced in a barber shop, until licensed under the provisions of this chapter and complying with the provisions of this chapter relating to sanitation. Any violation of this section is a misdemeanor.

SEC. 6. Section 7330 of said code is amended to read:

"Cosmetologist"

7330. A cosmetologist is any person who engages in the practice of cosmetology in a licensed cosmetological establishment except the branch of electrolysis.

SEC. 7. Section 7331 of said code is amended to read:

"Junior operator"

7331. A junior operator is any person who is engaged in learning or acquiring a knowledge of the occupation of a cosmetologist, in a licensed cosmetological establishment, under a licensed cosmetologist.

SEC. 8. Section 7332 of said code is amended to read:

Requirements for certificate of registration

7332. The board shall admit to examination for a certificate of registration and license as a cosmetologist, at any meeting of the board duly held for the purpose of conducting examination, any person who has made application to the board in proper form, paid the fee required by this chapter, and who is qualified as follows:

(a) Who is not less than 18 years of age.

(b) Who is of good moral character and temperate habits.

(c) Who has completed the tenth grade in the public schools of this State or its equivalent.

(d) Who has had any one of the following:

(1) Training of at least 1,600 hours, extending over a school term of nine months in a school of cosmetology approved by the board.

(2) Practice of the occupation of a cosmetologist, for a period of four years outside of this State. Each three months

of such practice shall be deemed the equivalent of 100 hours of training for qualification under paragraph (1) of this subdivision.

(3) Service for at least two years as a licensed junior operator in a licensed cosmetological establishment in which all of the occupations of a cosmetologist are practiced.

SEC. 9. Section 7334 of said code is amended to read:

Supervision of junior operator

7334. A licensed junior operator may engage in any one occupation of a cosmetologist upon a patron who is paying for service or materials, under the immediate supervision of a licensed cosmetologist in a licensed cosmetological establishment only after he has had 350 hours of instruction.

Every junior operator shall secure his license as a cosmetologist within three years and six months of receiving his license as a junior operator.

SEC. 10. Section 7362.1 of said code is amended to read:

Permanent waver classification abolished

7362.1. The classification of permanent waver is hereby abolished and any person holding a certificate of registration and license as a permanent waver shall be issued, by the board, a certificate of registration and license, entitling such person to practice as a cosmetologist and designating such person a cosmetologist.

SEC. 11. Section 7370 of said code is amended to read:

Applications

7370. Every application for admission to examination, and every application for license as a cosmetologist, or in any branch of cosmetology, shall be in writing, on blanks prepared and furnished by the board.

Each application shall be accompanied by the required fee, and shall contain proof of the qualifications of the applicant for examination for registration and license. It shall be verified by the oath of the applicant, and shall also be accompanied by two photographs of the applicant, taken within 30 days prior to date of application, size of photograph to be 5 inches by 3 inches.

SEC. 12. Section 7372 of said code is amended to read:

Examinations

7372. Examinations for certificates of registration and license as cosmetologists shall include practical demonstrations in shampooing the hair, haircutting, hairdressing, permanent waving, wet hairdressing, water waving, hair coloring, manicuring and facial and scalp massage with the hands. They shall also include written and oral tests in antisepsis, sterilization, sanitation and the use of mechanical apparatus and electricity as applicable to the practice of the occupation of a cosmetologist. They may include such other demonstrations and tests as the board, in its discretion, may require.

The scope of examinations in any other branch of cosmetology shall be such as the board, by regulation, in its discretion, may require.

SEC. 13. Section 7373 of said code is amended to read:

Certificate of registration

7373. Every applicant for a license as a cosmetologist satisfactorily passing the examination conducted by the board to determine his fitness to engage in the practice of the occupa-

tion of a cosmetologist, shall receive from the board a certificate of registration and license as a cosmetologist.

This license, except for renewal fees, entitles the holder, without additional cost, to engage in the practice of the occupation of a cosmetologist upon the public in a licensed cosmetological establishment.

SEC. 14. Section 7376 of said code is amended to read:

Further course of study

7376. If an applicant for a certificate of registration and license as a cosmetologist or for a certificate of registration and license as a manicurist or for a certificate of registration and license as an electrologist fails to pass two examinations, he shall complete a further course of study in a school of cosmetology approved by the board before he is eligible to file another application for an examination to determine his fitness to receive a certificate.

The further course for cosmetologist applicants shall be not less than 500 hours extending over a period of not less than three months. The further course for manicurist applicants shall be not less than 50 hours extending over a period of not less than one month. The further course for electrologist shall be not less than 150 hours extending over a period of not less than two months.

SEC. 15. Section 7380 of said code is amended to read:

"Cosmetological establishment"

7380. A cosmetological establishment is any premises, building or part of a building, whereon or wherein is practiced any branch or any combination of branches of cosmetology, or the occupation of a cosmetologist, except the branch of manicuring as practiced in barber shops, licensed by the board and complying with the provisions of Sections 7381, 7382, 7383, and 7384 of this code and all sanitary regulations established by the board.

SEC. 16. Section 7382 of said code is amended to read:

Licensed cosmetologist in charge exception

7382. A cosmetological establishment shall, at all times, be in charge of a licensed cosmetologist, except that if the operations within the establishment are limited to the practice of electrology, such establishment may, at all times, be in charge of a licensed electrologist.

SEC. 17. Section 7383 of said code is amended to read:

Unlawful acts

7383. It is unlawful for any person to employ, or allow to be employed, or permit to work, in or about a cosmetological establishment as a cosmetologist, as a junior operator, as a permanent waver, as an electrologist, as a junior electrologist or as a manicurist, any person not duly registered or licensed by the board.

Any person violating the provisions of this section is guilty of a misdemeanor.

SEC. 18. Section 7393 of said code is amended to read:

Experience required

7393. Every school of cosmetology shall, at all times, be in charge of and under the immediate supervision of a licensed cosmetologist, who has had at least a total of three years' practical experience in the practice or teaching of all of the branches of cosmetology, except the branch of elec-

trology, in a licensed cosmetological establishment or a licensed school of cosmetology and who holds an instructor's permit.

Every person employed in a school of cosmetology to instruct students therein shall be a licensed cosmetologist (1) who has had either (a) one year of practical experience in all branches of cosmetology, except the branch of electrology, in a licensed cosmetological establishment or (b) 600 hours of teacher training in a school of cosmetology over a period of not less than four months and (2) who has passed an instructor's examination given by the board and has received an instructor's permit. In order to take the instructor's examination, the instructor's examination fee shall be paid.

All instructors shall be continuously engaged in teaching students in theoretical or practical work. Except when instructing a student and the student is doing the manual work, no instructor may practice upon a patron and any instructor who does so is subject to disciplinary action by the board.

Before any school of cosmetology license, as provided herein shall be finally granted, a second inspection shall be made after the equipment has been installed and before the school is permitted to begin operation.

No applicant shall be granted a license to operate a school of cosmetology unless, in the opinion of the board, sufficient equipment has been installed for the requirements of enrolling a minimum of not less than 25 bona fide students; and provided further, that the floor space shall provide a separate lecture room and a separate locker room with sufficient space for the proper placement of said equipment.

No school of cosmetology shall be licensed until the board has had ample opportunity to verify sworn statements as to the actual ownership and in this respect, if false statements are submitted to the board in connection with said application, this in itself shall constitute sufficient grounds for the refusal to grant any application hereunder, or if an application is granted and thereafter the board discovers that false statements were made in connection therewith, this shall constitute sufficient grounds for the cancellation of said school of cosmetology license even though it is detected after a license has been issued.

The board reserves the right to deny a school of cosmetology license to any applicant who fails to present satisfactory evidence of personal integrity and moral responsibility, and in the event that the said applicant is a corporation, this shall apply to all the officers thereof; provided further, that no school of cosmetology license shall be issued until the real owner files with the department a statement definitely designating who is authorized to accept service of notice from the said board and to transact all business negotiations in behalf of the said school, including answers to cita-

tions for hearing, and compliance with rulings issued by the said board.

No school of cosmetology shall advertise student work to the public for pay through any medium including radio, unless the work advertised is expressly designated as student work.

SEC. 19. Section 7394 of said code is amended to read:

7394. Every school of cosmetology shall maintain a school term of not less than 1,600 hours extending over a period of not less than nine months, and shall maintain a course of practical training and technical instruction, equal to the requirements for examination for a certificate of registration and license as a cosmetologist. School term

It shall include in its curriculum a course of shop deportment consisting of instruction in courtesy, neatness and professional attitude in meeting the public.

It shall so arrange the courses devoted to each branch or practice of cosmetology as the board may from time to time adopt as the course to be followed by the schools.

SEC. 20. Section 7400 of said code is amended to read:

7400. In every licensed school of cosmetology, a student for a license as a cosmetologist, after 200 hours of instruction, may engage, in the school and as a student, in work connected with any branch or any combination of the branches of cosmetology taught in the school upon a patron who is paying for service or materials and a student for a license as a manicurist, after 50 hours of instruction, may engage, in the school and as a student, in work connected with manicuring taught in the school upon a patron who is paying for service or materials. Student work

No student may engage in any work upon a patron who is paying for service or materials until he has had the required number of hours of instruction.

SEC. 21. Section 7412 of said code is amended to read:

7412. Every registered cosmetologist, junior operator, electrologist, junior electrologist, manicurist and permanent waver, shall, within 30 days after changing the address of his place of business, as designated on the books of the board, notify the secretary of his new place of business, and, upon receipt of the notification, the secretary shall make the necessary changes in the register. Change of address

SEC. 22. Section 7420 of said code is amended to read:

7420. Upon application to the board in the form provided for the particular class of license applied for, accompanied by the required fee, a person registered as a cosmetologist, electrologist or manicurist under the laws of another state shall, if he satisfactorily passes an examination given by the board, be granted a certificate of registration and license to practice the occupation or occupations in this State not of greater scope than the occupation or occupations for which the applicant was previously registered in the other state, upon the following conditions: Applicant registered in another state

(a) That he is not less than 18 years of age.

(b) That he is of good moral character and temperate habits.

(c) That the requirements for registration or licensing of cosmetologists, electrologists and manicurists, in the particular state were, at the date of the previous registration or licensing, substantially equal to the requirements therefor then in force in this State.

Any person who fails to qualify for admission to the examination because his study or training does not fulfill the requirements of subdivision (c) shall receive credit for the number of hours of study and training successfully completed in the particular state where he is registered, and he shall be qualified for the examination upon completion of such supplementary study and training in a licensed school in this State as the board finds necessary to substantially equal the study and training of a qualified person who has studied and trained in a licensed school in this State only. For the purposes of this subdivision, each three months of practice of the occupation or occupations outside of this State shall be deemed the equivalent of 100 hours of study and training required in order to qualify for a license for that occupation or occupations.

SEC. 23. Section 7431 of said code is amended to read:

Grounds for disciplinary action

7431. The grounds for disciplinary action are as follows:

(a) Failure of a person, firm or corporation operating a cosmetological establishment or school of cosmetology or engaged in the practice of cosmetology or any of its branches to comply with the requirements of this chapter.

(b) Failure to comply with the rules governing sanitary conditions, adopted by the board and approved by the State Department of Public Health, for the regulation of cosmetological establishments, schools of cosmetology or the practice of the occupation of a cosmetologist.

(c) Obtaining practice in cosmetology, or any branch thereof, or money, or any other thing of value, by fraudulent misrepresentation.

(d) Gross malpractice.

(e) Continued practice by a person knowingly having an infectious or contagious disease.

(f) Habitual drunkenness, or habitual addiction to the use of morphine or any habit-forming drug.

(g) Advertisement by means of knowingly false or deceptive statements.

(h) Permitting a certificate of registration or license to be used where the holder is not personally, actively and continuously engaged in business.

(i) Failure to display the license.

(j) Conviction of any crime involving moral turpitude, in which case the record of conviction or a certified copy, shall be conclusive evidence thereof.

(k) Engaging, outside of a licensed school of cosmetology or cosmetological establishment and for compensation in any form whatever, in any practice for which a license is required under this chapter, except that when such service is necessary because of the illness or other physical incapacity of the person with respect to whom it is performed, it may be performed by a licensee obtained for the purpose from a licensed cosmetological establishment.

SEC. 24. Section 7436 of said code is amended to read:

Expiration of licenses

7436. Licenses of cosmetologists, instructors, electrologists, manicurists, and permanent wavers expire on September 30th of each year. An application for renewal of a license shall be filed with the board during the months of August or September, accompanied by the renewal fee prescribed by this chapter. Thereupon the board shall renew the license for the ensuing year.

SEC. 25. Section 7442 of said code is amended to read:

Fees

7442. The amount of the fees required by this chapter is that fixed by the following schedule:

(a) The fee for examination as a cosmetologist shall be set by the board annually at not more than fifteen dollars ($15) and not less than five dollars ($5).

(b) The fee for examination as an electrologist shall be set by the board annually at not more than fifteen dollars ($15) and not less than five dollars ($5).

(c) The fee for examination as a manicurist shall be set by the board annually at not more than eight dollars ($8) and not less than two dollars ($2).

(d) The application fee for a junior operator shall be set by the board annually at not more than four dollars ($4) and not less than one dollar ($1).

(e) The application fee for junior electrologist shall be set by the board annually at not more than four dollars ($4) and not less than one dollar ($1).

(f) The issuance fee for a duplicate license is one dollar ($1).

(g) The annual renewal fee for an individual license shall be set annually by the board at not more than five dollars ($5) and not less than one dollar ($1).

(h) The delinquency fee is one dollar ($1).

(i) The annual registration fee for a cosmetological establishment shall be set annually by the board at not more than five dollars ($5) and not less than two dollars ($2).

(j) The annual registration fee for a school of cosmetology shall be set by the board annually at not more than one hundred fifty dollars ($150) and not less than one hundred dollars ($100).

(k) The fee for the instructors' examination shall be set by the board annually at not more than twenty dollars ($20) and not less than ten dollars ($10).

(*l*) The fee for an electrology instructor's examination shall be set by the board annually at not more than twenty dollars ($20) and not less than ten dollars ($10).

(m) The fee for examination as a permanent waver shall be set by the board annually at not more than eight dollars ($8) and not less than two dollars ($2).

(n) The reinstatement fee is twice the amount of the fee set by the board for the particular type of license involved for each year in which the license was not renewed or reinstated within the time prescribed by this article.

CHAPTER 719

An act to amend Section 27361.6 of the Government Code, relating to recordation of instruments.

In effect September 18, 1959

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 27361.6 of the Government Code is amended to read:

27361.6. On all printed forms primarily intended to be used for recordation purposes the top two and one-half (2½) inches of the first page should be reserved for recording information. The left-hand three and one-half (3½) inches of such space is intended for use by the public to show the person requesting recordation and to whom the document should be returned. All instruments, papers or notices presented for recordation should be on a quality of paper that will reproduce legibly by photographic or microphotographic processes.

CHAPTER 720

An act to add Section 1024 to the Military and Veterans Code, relating to the Veterans' Home of California.

In effect September 18, 1959

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1024 is added to the Military and Veterans Code, to read:

1024. The department may conduct such investigation as may be required to determine the total value of the property and assets of any veteran applying for admission to the home, and may contract with any other state agency to conduct such an investigation in its behalf.

CHAPTER 721

An act to add Article 10 (commencing at Section 53900) to Chapter 4, Part 1, Division 2, Title 5 of the Government Code, relating to budgets of local governmental bodies.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Article 10 (commencing at Section 53900) is added to Chapter 4, Part 1, Division 2, Title 5 of the Government Code, to read:

Article 10. Budgets

53900. Every local governmental agency, not otherwise required by law to do so, shall, on or before September 5th in each year, prepare and file with the county auditor of the county in which the agency conducts its principal operations a budget for the fiscal year then in progress.

This section shall not apply to cities, school districts, irrigation districts, reclamation districts, municipal utility districts, transit districts, public utility districts, county water authorities, county water districts, municipal water districts, metropolitan water districts, and other districts for which the tax levy is not carried on the regular county assessment roll.

CHAPTER 722

An act to amend Section 19582 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to school building aid.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 19582 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

19582. The board by the adoption of rules shall provide for the manner of determining the area of adequate school construction existing in an applicant school district at the time of application. Such rules shall define and provide for the method of determining building areas that are to be included in whole or in part, or to be excluded from the area of existing adequate school construction.

The board may make exceptions to the provisions of this section or to the rules adopted pursuant to such section when it determines that such will be for the benefit of children affected.

For the purposes of this section, "service area" may be defined as (1) buildings which when constructed were intended to be used for a purpose to which the provisions of Education Code Sections 15451 to 15465, inclusive, would not apply, whether or not such sections were in effect at the time when the building was constructed, or (2) buildings which when constructed were intended to be used for a purpose to which Education Code Sections 15451 to 15465, inclusive, would apply, whether or not such sections were in effect when the building was constructed, but which building has been converted or is intended to be converted, as shown by the application, to use for purposes to which such sections would not apply. Service area may include, but is not limited to, construction used as bus garages, maintenance shops, centrally located district storage and warehouses, teacherage and custodial houses, utility shelters, administration offices, transformer vaults, and service yards.

The board shall exclude from the building area of a district the area of any building which is or will be used exclusively for a parent co-operative nursery education facility, and for no other purpose, and which building at the time of acquisition thereof by the district was incidental to the purchase of a school site and unsuitable for classroom purposes or which was acquired by the district without expenditure of school district funds.

The area of adequate school construction existing in a district at the time of application shall be initially computed as all of the construction area of a district except (1) such areas as may be eligible for replacement under standards established by the board, and (2) such areas in an existing structurally inadequate building for which an application has been filed for structural rehabilitation or in a building previously structurally rehabilitated under either Sections 19401 to 19486, inclusive, or Sections 19551 to 19689, inclusive, of the Education Code, that exceeds the maximum building area allowed by Section 19581 for a number of pupils, equivalent to those that could be housed in the building after rehabilitation. The board shall prescribe by rule the method of computing the number of pupils which could be so housed for the purposes of this subsection. If such area of adequate school construction, when added to the minimum facilities needed by the district, results in a total construction area in excess of the amount prescribed in Section 19581, then the board may make the following adjustments to the initial computation or such revisions thereof as the board, in its discretion, deems desirable:

(a) Service areas constructed prior to July 19, 1947, shall be excluded, except as provided in (c) below.

(b) Service areas constructed subsequent to July 19, 1947, shall be recomputed by multiplying the total number of square feet of said service area by the percentage determined from dividing the actual construction cost per square foot as deter-

mined by the Director of Finance by the estimated average cost per square foot of the new school facilities for which the district has made application.

(c) If any inadequate nonservice area constructed prior to July 19, 1947, is, or will be, converted to a service area, such area shall be recomputed by multiplying said area by the percentage determined by dividing the depreciated value of said area by the replacement cost as such value and cost are determined by the Director of Finance.

(d) If, after the revised computation of service areas is made as prescribed under subsections (a), (b), and (c) of this section, the existing and requested building area of the district is in excess of the schedule set forth in Section 19581, the existing building area of nonservice facilities may be determined on the basis of the number of pupils housed by such facilities at an allowance per pupil which is not more than 25 percent in excess of the amount per pupil prescribed in Section 19581.

The board shall prescribe by rule the method for computing the number of adequately housed pupils for purposes of this subsection.

This section shall remain in effect until the ninety-first day after final adjournment of the 1961 Regular Session of the Legislature.

CHAPTER 723

An act to add Chapter 4 (commencing at Section 1960) to Part 7, Division 2 of, the Labor Code, relating to firefighters.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Chapter 4 (commencing at Section 1960) is added to Part 7, Division 2 of the Labor Code, to read:

CHAPTER 4. FIREFIGHTERS

1960. Neither the State nor any county, political subdivision, incorporated city, town, nor any other municipal corporation shall prohibit, deny or obstruct the right of firefighters to join any bona fide labor organization of their own choice.

Obstruction of right to join labor organization prohibited

1961. As used in this chapter, the term "employees" means the employees of the fire departments and fire services of the State, counties, cities, cities and counties, districts, and other political subdivisions of the State.

"Employees"

1962. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to present grievances and recommendations regarding wages, salaries, hours, and working conditions to the governing body, and to discuss

Right to join labor organization

the same with such governing body, through such an organization, but shall not have the right to strike, or to recognize a picket line of a labor organization while in the course of the performance of their official duties.

Construction

1963. The enactment of this chapter shall not be construed as making the provisions of Section 923 of this code applicable to public employees.

CHAPTER 724

An act to amend Section 5180 of the Streets and Highways Code, relating to special assessment proceedings under the Improvement Act of 1911.

In effect September 18, 1959

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 5180 of the Streets and Highways Code is amended to read:

5180. If in the opinion of the legislative body the contemplated work is of more than local or ordinary public benefit or of such nature that the costs and expenses should be assessed in proportion to estimated benefits arising therefrom, or if, according to the estimate furnished by the engineer, the total estimated costs and expenses thereof will exceed one-half the total assessed value of the lots or lands fronting upon the proposed work, if such lots or lands are assessed according to the valuation fixed by the last assessment roll whereon it was assessed for taxes for city purposes, and after allowing a reasonable depth from such frontage for lots or lands assessed in bulk, the legislative body may make the expense of such work chargeable upon a district, which the legislative body shall, in its resolution of intention, declare to be the district benefited by the work, and to be assessed to pay the cost and expense thereof. The territory comprising said district may, but need not, include all, or be confined to, or extend beyond, the lots or lands fronting upon the improvement, or be contiguous, and the district may consist of separate and distinct areas or sections. The work performed in one section need not benefit the other section or sections.

CHAPTER 725

An act to amend Section 1550.1 of the Penal Code, relating to hearings in extradition proceedings.

In effect September 18, 1959

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1550.1 of the Penal Code is amended to read:

1550.1. No person arrested upon such warrant shall be delivered over to the agent of the executive authority demanding him unless he first is taken forthwith before a magistrate, who shall inform him of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand and procure legal counsel. If the accused or his counsel desires to test the legality of the arrest, the magistrate shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus. If the writ is denied or the accused is remanded to custody, and probable cause appears for an application for a writ of habeas corpus to another court, or justice or judge thereof, the order denying the writ or remanding the accused shall fix a reasonable time within which the accused may again apply for a writ of habeas corpus. When an application is made for a writ of habeas corpus as contemplated by this section, a copy of the application shall be served as provided in Section 1475 upon the district attorney of the county in which the accused is in custody, and upon the agent of the demanding state.

CHAPTER 726

An act to amend Section 715.3 of the Civil Code, relating to restraints upon alienation.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 715.3 of the Civil Code is amended to read:

715.3. No trust heretofore or hereafter created forming part of a profit-sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries or forming part of a retirement plan formed primarily for the purpose of providing benefits for employees on or after retirement shall be deemed invalid as violating Sections 715.1 or 715.2 of this code; and the income arising from such property, real or personal, held in such trust may be permitted to accumulate until the fund is sufficient, in the opinion of the trustee or trustees thereof, to accomplish the purposes of the trust.

CHAPTER 727

An act to amend Section 2934a of the Civil Code, relating to the substitution of trustee under trust deed.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 2934a of the Civil Code is amended to read:

2934a. The trustee under a trust deed upon real property given to secure an obligation to pay money and conferring no other duties upon the trustee than those which are incidental to the exercise of the power of sale therein conferred, may be substituted by the recording in the county in which the property is located of a substitution executed and acknowledged by all of the beneficiaries under such trust deed, or their successors in interest.

The beneficiary or beneficiaries who elect to substitute trustees hereunder shall cause a copy of such substitution to be mailed, prior to the recording thereof, in the manner provided in Section 2924b of this code, to all persons to whom a copy of the notice of default would be required to be mailed by the provisions of Section 2924b of this code. The substitution must contain the date of execution of the trust deed, the name of the trustor, the book and page where the trust deed is recorded and the name of the new trustee, and an affidavit attached to said substitution to the effect that notice has been given to the persons and in the manner above required. The substitution shall also contain an acknowledgment signed and acknowledged by the trustee then of record of a receipt of a copy thereof, or an affidavit of personal service of a copy thereof, or of publication of notice thereof in accordance with Section 6061 of the Government Code, and where service is by publication the affidavit shall also show that a copy of such substitution had been mailed to said trustee at his last known address. From the time the substitution is filed for record, the new trustee shall succeed to all the powers, duties, authority and title granted and delegated to the trustee named in the deed of trust.

CHAPTER 728

An act to amend Section 28004 of the Corporations Code, relating to retirement systems.

In effect September 18, 1959

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 28004 of the Corporations Code is amended to read:

28004. No trust forming part of a retirement system shall be deemed invalid as violating any laws against perpetuities or suspension of the power of alienation of title to property; and the income arising from any property, real or personal, held in such trust may be permitted to accumulate until the fund is sufficient, in the opinion of the trustee or trustees thereof, to accomplish the purposes of the trust.

CHAPTER 729

An act to repeal Sections 1653 and 1654 of the Insurance Code, as enacted by the Legislature at the 1959 Regular Session, relating to producers' licenses.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Sections 1653 and 1654 of the Insurance Code are repealed.

CHAPTER 730

An act to amend Sections 20655, 20685, 20897, 21100, 21207, 21251.15 and 21261 of the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 20655 of the Government Code is amended to read:

Basis for computing rate

20655. If a state or local miscellaneous member elects pursuant to Section 20654 to redeposit withdrawn contributions which had been deposited by him as a state or local miscellaneous member, his normal rate of contribution beginning on the first day of the calendar month following the date his election is received in the office of the system shall be based on an age determined by adding the number of completed years of his absence from state service since the earliest period of state service included in such redeposit, to the age upon which his normal rate of contribution was based during such earliest period.

If the member whose current service pension will be calculated either under Section 21252.1, 21252.2, 21252.3, 21252.4, or 21252.6 elects to redeposit withdrawn contributions which had been deposited by him in the same or another such membership category, his normal rate of contribution beginning on the first day of the calendar month following the date his election is received in the office of the system shall be established under Section 20609.

SEC. 2. Section 20685 of said code is amended to read:

Basic death benefit payable before payment of total elected amount

20685. If a basic death benefit has become or becomes payable before the payment of the total amount the member elected to pay under any election with respect to normal contributions permitted under this part, the member's entire compensation, or the service upon which that total amount was based, as the case may be, shall be included in the computation of the portion of the death benefit which is provided

in subdivision (b) of Section 21361, and the unpaid balance of the total amount shall not be paid to this system, nor shall it be included in the member's accumulated contributions which constitute a part of the basic death benefit. Any balance of any such total amount remaining unpaid at the death of the member on account of which a special death benefit is payable or at the retirement of a member for industrial disability shall become due and payable forthwith and if not paid, shall be deducted from the benefit otherwise payable. Any such balance at the time of retirement for service or ordinary disability, or at death, with respect to which a benefit is payable under Section 21365.5 shall become due and payable forthwith, and if it is not paid the service credit included in the election shall be reduced proportionately and any prior service dependent on completion of payments eliminated for purposes of computing the allowance but not for purposes of determining entitlement to an allowance.

SEC. 3. Section 20897 of said code is amended to read:

Credit for absence because of ordered evacuation and relocation during war

20897. (a) Any state member of this system who was absent from state service on war relocation leave may elect by written election filed with the board at any time prior to January 1, 1960, to make contributions pursuant to this section for, and to receive credit in this system as state service for, all or any part of the time he was on war relocation leave.

(b) As used in this part, "war relocation leave" means the period of absence from state service occasioned by the evacuation and relocation of a member pursuant to orders issued by the commanding officer of the Western Defense Command in March, 1942, for the evacuation of persons of Japanese descent from such area, where the member was in state service on March 5, 1942, and returned to state service prior to January 1, 1947, or within six months of the time he was discharged, under conditions other than dishonorable, from military service which commenced after his evacuation or relocation, whichever date is later. War relocation leave of a member shall include the period of time from the separation of a member from state service until his return to state service within the period provided herein.

(c) Any state member who elects to make contributions and receive credit as state service for all or any part of the time he was on war relocation leave shall contribute to the Retirement Fund, prior to the effective date of his retirement, by lump sum payment or by installment payments over a period not in excess of the length of time for which the member has elected to receive credit for war relocation leave as state service, at times and in a manner fixed by the board, an amount equal to the sum of (1) the contributions he would have made to the Retirement Fund if he had been in state service during the time he was on war relocation leave and for which he has elected to receive credit for state service, computed by applying the rate of contribution applicable to him upon commencement of his period of war relocation leave to the monthly compen-

sation earnable by him at the time of commencement of his period of war relocation leave multiplied by the number of months of war relocation leave for which he has elected to receive credit for state service and which will constitute current service under this system, (2) the contributions that would have been made by the State in respect to him if he had been in state service during the time he was on war relocation leave and for which he has elected to receive credit for state service, excluding any such contributions with respect to prior service, computed by applying the rate of state contribution with respect to members of his category at the time of commencement of his period of war relocation leave to the monthly compensation earnable by him at said time of commencement of his period of war relocation leave multiplied by the number of months of war relocation leave for which he has elected to receive credit for state service and which will constitute current service under this system, and (3) the interest which would have accrued to such member contributions and such state contributions if they had been made on the date of commencement of the member's period of war relocation leave from that date until the completion of payment of those contributions, computed at the current interest rate.

At the time of his retirement a member shall not receive credit as state service for any war relocation leave in excess of that for which he has completed payment of contributions as provided in this section. Any member who has elected to make such contributions by installment payments may, at any time prior to the effective date of his retirement, complete payment of such contributions by lump sum payment. All contributions made pursuant to this section shall be considered to be, and shall be administered as, normal contributions by the member

SEC. 4. Section 21100 of said code is amended to read:

Reinstatement from retirement

21100. A person who has been retired under this system for service may be reinstated from retirement by the board as provided in this article, and thereafter may be employed by the State or by a contracting agency in accordance with the laws governing such service, in the same manner as a person who has not been so retired.

SEC. 5. Section 21207 of said code is amended to read:

Payment to minor

21207. If any person entitled to a benefit of not more than one thousand dollars ($1,000) from this system is a minor who has no guardian of his estate, the board may pay it to the person entitled to the custody of the minor to hold for the minor, if the person files with the board his verified statement that the total estate of the minor does not exceed two thousand five hundred dollars ($2,500) in value. Payment so made is a full discharge of the board and this system. The person shall account to the minor for the money when the minor reaches the age of majority.

SEC 6. Section 21251.15 of said code is amended to read:

Current service pension for state miscellaneous member after reinstatement from service retirement

21251.15. For a state miscellaneous member or a local miscellaneous member other than one whose current service pension is computed according to Section 21252, reinstated from service retirement, the current service pension upon his service retirement subsequent to such reinstatement, shall be the sum of (1) a current service pension calculated on the basis of service rendered after reinstatement in accordance with the formula applicable to him in such service and membership, plus (2) his current service pension as it was prior to his reinstatement, adjusted according to any change after reinstatement in the provisions governing the calculation of his pension which would have applied to him had he continued in retirement; provided, that such subsequent retirement occurs before he renders, after his reinstatement, at least one year of state service credited under this system; or if he has rendered one year or more of state service after reinstatement, in lieu of (2), plus (3) a current service pension based on current service rendered prior to such reinstatement, calculated on the basis of the formula currently applicable to the employment in which the service was rendered but on the basis of an age taken to the preceding completed quarter year but not less than the minimum retirement age applicable to him at his last retirement and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement. For such a member reinstated from nonindustrial disability retirement, the current service pension upon his service retirement after attaining an age one year less than the minimum age at which he could have retired without an actuarial discount because of age in the employment from which he was last retired, or upon his disability retirement after attaining such minimum age, and subsequent to such reinstatement, shall be calculated in the manners described in the preceding sentence, but the age determined upon subsequent retirement after rendering at least one year of state service shall not be taken at less than one year less than such minimum age if the subsequent retirement is for service, or such minimum age if the retirement is for disability.

SEC. 7 Section 21261 of said code is amended to read:

Prior service pension of member reinstated from service retirement

21261. The prior service pension of a state miscellaneous or local miscellaneous member reinstated from service retirement, upon his subsequent service retirement, shall be in the same amount as his prior service pension prior to his reinstatement, adjusted according to any change in the provisions governing the calculation of such pensions, made after such reinstatement and applicable to pensions being paid at the date of the change; provided, that such subsequent retirement occurs before he renders after his reinstatement at least one year of state service credited under this system; otherwise the prior service pension calculated on the basis of an age, taken to the preceding completed quarter year but not less than the minimum retirement age applicable to him at his last retire-

ment, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement. For such a member reinstated from nonindustrial disability retirement, the prior service pension upon his service retirement after attaining an age one year less than the minimum age at which he could have retired without an actuarial discount because of age in the employment from which he was last retired, or upon his disability retirement after attaining such minimum age, and subsequent to such reinstatement, shall be calculated in the manners described in the preceding sentence, but the age determined upon subsequent retirement after rendering at least one year of state service, shall not be taken at less than one year less than such minimum age if the subsequent retirement is for service, or such minimum age if such retirement is for disability.

SEC. 8. This act shall become operative on October 1, 1959. Operative date

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CHAPTER 731

An act to amend Sections 13853 and 13854 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to the State Teachers' Retirement Board.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 13853 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

13853. The Retirement Board has the sole power and authority to hear and determine all facts pertaining to application for benefits under the Retirement System or any matters pertaining to administration thereof, except as to investment of funds. The Retirement Board shall meet at least once every calendar quarter. Power and authority

The board may appoint a committee of two or more of its members to perform any act within the power of the board itself to perform. The board may also delegate authority to the executive officer to perform any such act. Except where the board, in delegating such authority, provides that the committee or the executive officer may act finally, all acts of the committee or the executive officer shall be reported to the board at its next regular meeting and shall be subject to review and ratification or reversal by the board.

The executive officer may delegate to his subordinates, or to the actuary, any act or duty unless the board by motion or resolution recorded in its minutes has required him to act personally.

SEC. 2. Section 13854 of said code is amended to read:

13854. Reversal by the board of any act of the committee or the executive officer shall be effective on the date fixed by the board, but payment, prior to the board's action, of bene- Effective date of reversal by the board

fits shall not be affected by such action, except for such recovery as the board may direct of the amounts paid, from the beneficiary receiving the amounts.

CHAPTER 732

An act to amend Section 12025 of the Education Code, and Section 13101 of the Education Code as proposed by Senate Bill No. 2, relating to accreditation of teacher training institutions.

In effect September 18, 1959

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 12025 of the Education Code is amended to read:

Accredited institution

12025. The State Board of Education shall accredit any teacher education institution meeting such standards as may be prescribed by this board as an institution authorized to give the training required for credentials and to recommend to the State Board of Education the issuance of such credentials to persons who have successfully completed prescribed requirements.

The State Board of Education may appoint an accreditation committee of not more than 20 members who shall be educators. The members of such committee shall receive no compensation but shall be allowed actual traveling expenses.

The accreditation committee may appoint a panel of educators to serve as members of visiting teams to teacher education institutions and to act as advisers to said committee. The members of said panel shall receive no compensation but shall be allowed actual traveling expenses when attending workshops provided for in this section. The chairmen of visiting teams shall also be allowed actual traveling expenses when meeting with the accreditation committee. The Department of Education may incur expenses necessary to conduct annual workshops for the purpose of training the members of such panel.

SEC. 2. Section 13101 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

Same

13101. The State Board of Education shall accredit any teacher education institution meeting such standards as may be prescribed by this board as an institution authorized to give the training required for credentials and to recommend to the State Board of Education the issuance of such credentials to persons who have successfully completed prescribed requirements.

The State Board of Education may appoint an accreditation committee of not more than 20 members who shall be educators. The members of such committee shall receive no compensation but shall be allowed actual traveling expenses.

The accreditation committee may appoint a panel of educators to serve as members of visiting teams to teacher education institutions and to act as advisers to said committee. The members of said panel shall receive no compensation but shall be allowed actual traveling expenses when attending workshops provided for in this section. The chairmen of visiting teams shall also be allowed actual traveling expenses when meeting with the accreditation committee. The Department of Education may incur expenses necessary to conduct annual workshops for the purpose of training the members of such panel.

Effect. Stats 1959, Ch 2

SEC. 3. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 12025 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 733

An act to add Chapter 14 (commencing at Section 21951) to Division 10 of the Education Code, and to add Chapter 4 (commencing at Section 30101) to Division 21 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to testing of students attending public and private schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Chapter 14 (commencing at Section 21951) is added to Division 10 of the Education Code, to read:

CHAPTER 14. TESTING OF STUDENTS IN GRADES SEVEN TO TWELVE

"Secondary education"

21951. For the purposes of Title V of the National Defense Education Act of 1958, secondary education means education furnished by any public or private school in any grade not below grade seven nor beyond grade twelve.

Testing outstanding students in private schools

21952. Upon the request of any private school providing secondary education, as defined in Section 21951, and pursuant to a state plan approved by the United States Commissioner of Education under Title V of the National Defense Education Act of 1958, the State Board of Education may enter into a contract with such school for a project for the testing of students regularly enrolled and attending grades seven to twelve, inclusive, in the school to identify students with outstanding aptitudes and ability. The State Board of Education may expend for the costs thereof any money re-

ceived under Section 504 of Title V of the National Defense Education Act of 1958.

SEC. 2. Chapter 4 (commencing at Section 30101) is added to Division 21 of the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

CHAPTER 4. TESTING OF STUDENTS IN GRADES SEVEN TO TWELVE

"Secondary education"

30101. For the purposes of Title V of the National Defense Education Act of 1958, secondary education means education furnished by any public or private school in any grade not below grade seven nor beyond grade twelve.

Testing outstanding students in private schools

30102. Upon the request of any private school providing secondary education, as defined in Section 30101, and pursuant to a state plan approved by the United States Commissioner of Education under Title V of the National Defense Education Act of 1958, the State Board of Education may enter into a contract with such school for a project for the testing of students regularly enrolled and attending grades seven to twelve, inclusive, in the school to identify students with outstanding aptitudes and ability. The State Board of Education may expend for the costs thereof any money received under Section 504 of Title V of the National Defense Education Act of 1958.

Operative date. Effect Stats. 1959, Ch. 2

SEC. 3. Section 2 of this act shall become operative at the same time as the Education Code as enacted by the Legislature at its 1959 Regular Session takes effect, at which time Chapter 14 of Division 10 of the Education Code as added by Section 1 of this act is repealed.

Legislative declaration

SEC. 4. It is in the interest of the State and of the people thereof for the State to permit the State Board of Education to provide for the identification of students with outstanding aptitudes and ability in public and private schools under a state plan to be approved by the United States Commissioner of Education under Title V of the National Defense Education Act of 1958 and for the State to expend for the costs of such testing any money received from the Federal Government for the purpose.

Urgency

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The United States Commissioner of Education has allotted, or will allot, money under the National Defense Education Act of 1958 for the Fiscal Year 1958-59 for the purpose of identifying outstanding students in grades seven to twelve, inclusive, in the public and private schools in the State, expendable for the purpose of testing students during the 1958-59 Fiscal Year, and it is necessary that this act become effective immediately in order that the State Board of Education may pro-

vide for such tests in public and private schools prior to July 1, 1959, and pay the costs thereof from money so allotted.

CHAPTER 734

An act to amend Section 496 of the Penal Code, relating to stolen property.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 496 of the Penal Code is amended to read:

496. 1. Every person who buys or receives any property which has been stolen or which has been obtained in any manner constituting theft or extortion, knowing the same to be so stolen or obtained, or who conceals, withholds or aids in concealing or withholding any such property from the owner, knowing the same to be so stolen or obtained, is punishable by imprisonment in a state prison for not more than 10 years, or in a county jail for not more than one year.

2. Every person whose principal business is dealing in or collecting used or secondhand merchandise or personal property, and every agent, employee or representative of such person, who buys or receives any property which has been stolen or obtained in any manner constituting theft or extortion, under such circumstances as should cause such person, agent, employee or representative to make reasonable inquiry to ascertain that the person from whom such property was bought or received had the legal right to sell or deliver it, without making such reasonable inquiry, shall be presumed to have bought or received such property knowing it to have been so stolen or obtained. This presumption may, however, be rebutted by proof.

3. When in a prosecution under this section it shall appear from the evidence that the defendant's principal business was as set forth in the preceding paragraph, that the defendant bought, received, or otherwise obtained, or concealed, withheld or aided in concealing or withholding from the owner, any property which had been stolen or obtained in any manner constituting theft or extortion, and that the defendant bought, received, obtained, concealed or withheld such property under such circumstances as should have caused him to make reasonable inquiry to ascertain that the person from whom he bought, received, or obtained such property had the legal right to sell or deliver it to him, then the burden shall be upon the defendant to show that before so buying, receiving, or otherwise obtaining such property, he made such reasonable inquiry to ascertain that the person so selling or delivering the same to him had the legal right to so sell or deliver it.

Any person who buys or receives any property which has been stolen or which has been obtained in any manner constituting theft or extortion, from any person under the age of 18 years shall be presumed to have bought or received such property knowing it to have been so stolen or obtained, unless such property is sold by such minor at a fixed place of business carried on by the minor or his employer. This presumption may, however, be rebutted by proof.

CHAPTER 735

An act to amend Section 71601 of the Government Code, relating to justice courts.

In effect September 18, 1959

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 71601 of the Government Code is amended to read:

71601. No person is eligible to the office of judge of a justice court unless he either has been admitted to practice before the State Supreme Court or has within four years preceding his election or appointment passed a qualifying examination under regulations prescribed by the Judicial Council. So long as a person who qualifies for the office of judge by passing such examination remains an incumbent of such office, he shall be eligible to election or re-election to such office. This section does not apply to the incumbent of a superseded inferior court who succeeds to the office of judge of a justice court or is elected to such office at the first election of judges pursuant to the Municipal and Justice Court Act of 1949 or the provisions of law succeeding that act, or who seeks re-election to such office.

CHAPTER 736

An act to amend Section 11001 of the Health and Safety Code, relating to narcotics.

In effect September 18, 1959

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 11001 of the Health and Safety Code is amended to read:

11001. "Narcotics," as used in this division, means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(a) Cocaine and coca leaves.
(b) Opium.
(c) Morphine.
(d) Codeine.
(e) Heroin.
(f) Alpha eucaine.
(g) Beta eucaine.
(h) All parts of the plant Cannabis sativa L. (commonly known as marijuana), whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin; except as otherwise provided by law.
(i) Isonipecaine. "Isonipecaine" shall mean any substance identified chemically as 1-methyl-4-phenyl-piperidene-4-carboxylic acid ethyl ester, or any salt thereof, by whatever trade name designated.
(j) Amidone. "Amidone" shall mean any substance identified chemically as 4,4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof by whatever trade name designated.
(k) Any substance decreed to be a narcotic as provided by Section 11002.1.
(*l*) All parts of the plant of the genus Lophophora whether growing or otherwise; the buttons thereof, the alkaloids extracted from any such plant; and every compound, salt, derivative, mixture or preparation of such plant.
(m) Dromoran. "Dromoran" shall mean any substance identified chemically as dl-3-hydroxy-N-methylmorphinan, l-3-hydroxy-N-methylmorphinan (but excepting d-3-hydroxy-N-methylmorphinan), dl-3-methoxy-N-methylmorphinan, or l-3-methoxy-N-methylmorphinan (but excepting d-3-methoxy-N-methylmorphinan), or any salt thereof by whatever trade name designated.
(n) Nisentil. "Nisentil" shall mean any substance identified chemically as α-1,3-dimethyl-4-phenyl-4-propionoxypiperidine or any salt thereof by whatever trade name designated.
(o) Ketobemidone. "Ketobemidone" shall mean any substance identified chemically as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone or any salt thereof by whatever trade name designated.
(p) Isoamidone. "Isoamidone" shall mean any substance identified chemically as 4,4-diphenyl-5-methyl-6-dimethylaminohexanone-3.
(q) Bemidone. "Bemidone" shall mean any substance identified chemically as 1-methyl-4-metahydroxy-phenyl-piperidine-4-carboxylic acid ethyl ester.
(r) Any substance identified chemically as α-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine.
(s) Any substance identified chemically as beta-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine.

(t) N.I.H.-2933. "N.I.H.-2933" shall mean any substance identified chemically as 6-dimethylamino-4,4-diphenyl-3-heptanol.

(u) N.I.H.-2953. "N.I.H.-2953" shall mean any substance identified chemically as 6-dimethylamino-4,4-diphenyl-3-acetoxyheptane.

(v) CB-11. "CB-11" shall mean any substance identified chemically as 6-morpholino-4,4-diphenyl-3-heptanone (also known as Heptazone or Heptalgin).

(w) Alpha-acetylmethadol. "Alpha-acetylmethadol" shall mean any substance identified chemically as α-6-dimethylamino-4,4-diphenyl-3-acetoxyheptane.

(x) Alpha-methadol. "Alpha-methadol" shall mean any substance identified chemically as α-6-dimethylamino-4,4-diphenyl-3-heptanol.

(y) Beta-acetylmethadol. "Beta-acetylmethadol" shall mean any substance identified chemically as β-6-dimethylamino-4,4-diphenyl-3-acetoxyheptane.

(z) Any substance identified chemically as 3-dimethylamino-1,1-di-(2-thienyl)-1-butene.

(aa) Any substance identified chemically as 3-ethylmethylamino-1,1-di-(2-thienyl)-1-butene.

(bb) Any substance identified chemically as 4,4-diphenyl-6-dimethylamino-3-hexanone.

(cc) Piperidyl methadone. "Piperidyl methadone" shall mean any substance identified chemically as 4,4-diphenyl-6-piperidino-3-heptanone.

(dd) Any substance identified chemically as isopropyl 1-methyl-4-phenylpiperidine-4-carboxylate.

(ee) Diethylthiambutene. "Diethylthiambutene" shall mean any substance identified chemically as 3-diethylamino-1,1-di(2-thienyl)-1-butene.

(ff) Any substance identified chemically as 1,3-dimethyl-4-phenyl-4-propionoxy-hexamethyleneimine.

(gg) Any substance identified chemically as ethyl 2,2-diphenyl-4-morpholino-butyrate.

(hh) Anileridine. "Anileridine" shall mean any substance identified chemically as ethyl 1-[2-(p-aminophenyl)-ethyl]-4-phenylpiperidine-4-carboxylate.

(ii) Morpheridine. "Morpheridine" shall mean any substance identified chemically as 1-(2 morpholinoethyl)-4-carbethoxy-4-phenylpiperidine.

(jj) Palfium. "Palfium" shall mean any substance identified chemically as d-2,2-diphenyl-3-methyl-4-morpholino-butyryl-pyrrolidine.

(kk) Any compound, manufacture, salt, derivative, or preparation of opium, isonipecaine, coca leaves, or opiate.

(*ll*) Any substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in the foregoing subdivisions.

CHAPTER 737

An act to amend Section 1107 of the Code of Civil Procedure, relating to prerogative writs.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 1107 of the Code of Civil Procedure is amended to read:

1107. When an application is filed for the issuance of any prerogative writ, the application shall be accompanied by proof of service of a copy thereof upon the respondent and the real party in interest named in such application. Where the real party in respondent's interest is a board or commission, such service shall be made upon the presiding officer, or upon the secretary, or upon a majority of the members, of such board or commission. Within five days after service and filing of the application, the real party in interest or the respondent or both may serve upon the applicant and file with the court points and authorities in opposition to the granting of the writ.

The court in which the application is filed, in its discretion and for good cause, may grant the application ex parte, without notice or service of the application as herein provided.

The provisions of this section shall not be applicable to applications for the writ of habeas corpus, or to applications for writs of review of the Industrial Accident or Public Utilities Commissions.

CHAPTER 738

An act to amend Section 190.1 of the Penal Code, relating to offenses for which the penalty is death or life imprisonment.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 190.1 of the Penal Code is amended to read:

190.1. The guilt or innocence of every person charged with an offense for which the penalty is in the alternative death or imprisonment for life shall first be determined, without a finding as to penalty. If such person has been found guilty of an offense punishable by life imprisonment or death, and has been found sane on any plea of not guilty by reason of insanity, there shall thereupon be further proceedings on the issue of penalty, and the trier of fact shall fix the penalty. Evidence may be presented at the further proceedings on the issue of penalty, of the circumstances surrounding the crime, of the defendant's background and history, and of any facts

in aggravation or mitigation of the penalty. The determination of the penalty of life imprisonment or death shall be in the discretion of the court or jury trying the issue of fact on the evidence presented, and the penalty fixed shall be expressly stated in the decision or verdict. The death penalty shall not be imposed, however, upon any person who was under the age of 18 years at the time of the commission of the crime. The burden of proof as to the age of said person shall be upon the defendant.

If the defendant was convicted by the court sitting without a jury, the trier of fact shall be the court. If the defendant was convicted by a plea of guilty, the trier of fact shall be a jury unless a jury is waived. If the defendant was convicted by a jury, the trier of fact shall be the same jury unless, for good cause shown, the court discharges that jury in which case a new jury shall be drawn to determine the issue of penalty.

In any case in which defendant has been found guilty by a jury, and the same or another jury, trying the issue of penalty, is unable to reach a unanimous verdict on the issue of penalty, the court shall dismiss the jury and either impose the punishment for life in lieu of ordering a new trial on the issue of penalty, or order a new jury impaneled to try the issue of penalty, but the issue of guilt shall not be retried by such jury.

CHAPTER 739

An act to amend Section 6341 of the Business and Professions Code, relating to law libraries.

In effect September 18, 1959

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 6341 of the Business and Professions Code is amended to read:

6341. Any board of law library trustees may establish and maintain a branch of the law library in any city in the county, other than the county seat, in which a session of the superior court or of a municipal court is held. In any city constituting the county seat, any board of law library trustees may establish and maintain a branch of the law library at any location therein where four or more judges of the municipal court are designated to hold sessions more than 10 miles distant from the principal office of the municipal court. In any city and county any board of law library trustees may establish and maintain branches of the law library. A branch is in all respects a part of the law library and is governed accordingly.

CHAPTER 740

An act to add Section 26504 to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to air-brakes for vehicles.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 26504 is added to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, to read:

26504. The air governor cut-in and cut-out pressures of every motor vehicle equipped with airbrakes shall be adjusted so that the maximum pressure in the air system and the minimum cut-in pressure shall be within limits prescribed by the department. In adopting regulations specifying such pressures the department shall consider the safe operating capacities of the various airbrake systems which are now or may be used on motor vehicles and shall be guided by the designed capabilities of those systems.

CHAPTER 741

An act to amend Section 753 of, and to add Section 753.1 to, the Code of Civil Procedure, relating to actions for partition of property.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 753 of the Code of Civil Procedure is amended to read:

Complaint Allegations re interest in property

753. Except as provided in Section 753.1 and 754, the interests of all persons in the property, whether such persons are known or unknown, must be set forth in the complaint, as far as known to the plaintiff; and if one or more of the parties, or the share or quantity of interest of any of the parties, is unknown to the plaintiff, or is uncertain or contingent, or the ownership of the inheritance depends upon an executory devise, or the remainder is a contingent remainder, so that such parties cannot be named, that fact must be set forth in the complaint.

SEC. 2. Section 753.1 is added to said code, to read:

Property subject to a lease, etc.

753.1. When the property is subject to a lease, community lease, unit agreement or other pooling arrangement with respect to oil or gas or both, it shall not be necessary to name as parties defendant persons whose only interest in the property is that of a lessee, royalty-owner, lessor-owner of other real property in the community, unit or pooled area,

or working interest owner, or persons claiming under any of them, and no sale or judgment shall affect the interests of such persons not made parties defendant.

CHAPTER 742

An act to amend Section 21115 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to school district payroll procedure.

In effect September 18, 1959

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 21115 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

21115. In any county, the county superintendent of schools, with the approval of the State Superintendent of Public Instruction, the county board of education and the county auditor, may prescribe a payroll procedure, to be followed by designated districts in the county, under which the school district governing boards, by use of payroll orders, shall authorize and direct the county superintendent of schools and the county auditor to draw separate payroll warrants in the names of the individual district employees for the respective amounts set forth therein to the end that each employee may be furnished with a statement of the amount earned and an itemization of the amounts withheld therefrom under requirements of the law or by direction of the employee.

Such payroll warrants shall show the closing date of the pay period for which issued and the date of issue, the name of the district by which the payee was employed and a statement that it is drawn by order of the governing board of the district and shall bear the signatures of the county superintendent of schools and the county auditor.

The payroll order may direct the transfer from the districts' funds to a clearing fund in the county treasury, to be known as the schools payroll revolving fund, of the total of the amount of the payroll warrants to be issued under the order to the end that payroll warrants for all districts may be drawn against a single revolving fund. The payroll order may further direct the transfer from the districts' funds of the totals of the various deductions set forth therein to the trust funds in the county treasury entitled to receive credit for them and may further direct the proper disbursement of such trust amounts.

CHAPTER 743

An act to amend Section 25452 of the Government Code, relating to publication of notice to bidders on county contracts.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 25452 of the Government Code is amended to read:

25452. The board shall cause an advertisement for bids for the performance of the work to be published pursuant to Section 6062 of the Government Code in a daily newspaper, or pursuant to Section 6066 of the Government Code in a weekly newspaper, of general circulation published in the county. If there is no such newspaper published in the county, the notice shall be given by posting in three public places for at least two weeks.

CHAPTER 744

An act to amend Sections 75 and 170 of the Code of Civil Procedure, and Sections 75002, 75003, and 75028 of the Government Code, relating to the assignment of judges.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 75 of the Code of Civil Procedure is amended to read:

Noncontested matter where judge is absent

75. The superior court in any county in which there is only one judge may by rule provide that, whenever the judge is absent from the county upon assignment by the Chairman of the Judicial Council, any noncontested matter in which no evidence is required, or which may be submitted upon affidavits, shall be deemed submitted upon the filing with the clerk of a statement of submission by the party or his attorney or upon the date set for the hearing.

SEC. 2. Section 170 of said code is amended to read:

Interest of judge or justice

170. No justice or judge shall sit or act as such in any action or proceeding:

1. To which he is a party; or in which he is interested other than as a holder or owner of any capital stock of a corporation, or of any bond, note or other security issued by a corporation;

2. In which he is interested as a holder or owner of any capital stock of a corporation, or of any bond, note or other security issued by a corporation;

3. When he is related to either party, or to an officer of a corporation, which is a party, or to an attorney, counsel, or

agent of either party, by consanguinity or affinity within the third degree computed according to the rules of law, or when he is indebted, through money borrowed as a loan, to either party, or to an attorney, counsel or partner of either party, or when he is so indebted to an officer of a corporation or unincorporated association which is a party; provided, however, that if the parties appearing in the action and not then in default, or the petitioner in any probate proceeding, or the executor, or administrator of the estate, or the guardian of the minor or incompetent person, or the commissioner, or the referee, or the attorney for any of the above named, or the party or his attorney in all other or special proceedings, shall sign and file in the action or matter, a stipulation in writing waiving the disqualification mentioned in this subdivision or in subdivisions 2 or 4 hereof, the judge or court may proceed with the trial or hearing and the performance of all other duties connected therewith with the same legal effect as if no such disqualification existed;

4. When, in the action or proceeding, or in any previous action or proceeding involving any of the same issues, he has been attorney or counsel for any party; or when he has given advice to any party upon any matter involved in the action or proceeding; or when he has been retained or employed as attorney or counsel for any party within two years prior to the commencement of the action or proceeding;

5. When it is made to appear probable that, by reason of bias or prejudice of such justice or judge a fair and impartial trial cannot be had before him.

Whenever a judge or justice shall have knowledge of any fact or facts, which, under the provisions of this section, disqualify him to sit or act as such in any action or proceeding pending before him, it shall be his duty to declare the same in open court and cause a memorandum thereof to be entered in the minutes or docket. It shall thereupon be the duty of the clerk, or the judge if there be no clerk, to transmit forthwith a copy of such memorandum to each party, or his attorney, who shall have appeared in such action or proceeding, except such party or parties as shall be present in person or by attorney when the declaration shall be made.

In justice courts when, before the trial, either party makes and files an affidavit that he believes that he cannot have a fair and impartial trial before the judge before which the action is pending, by reason of the interest, prejudice or bias of the judge, the court may order the transfer of the action, and the provisions of Section 398 of this code shall apply to such transfer.

Whenever a judge of a court of record who shall be disqualified under the provisions of this section, to sit or act as such in any action or proceeding pending before him, neglects or fails to declare his disqualification in the manner hereinbefore provided, any party to such action or proceeding who has appeared therein may present to the court and file

with the clerk a written statement objecting to the hearing of such matter or the trial of any issue of fact or law in such action or proceeding before such judge, and setting forth the fact or facts constituting the ground of the disqualification of such judge.

Within five days after the presentation and filing of any such statement, the judge alleged therein to be disqualified may file with the clerk his consent in writing that the action or proceeding be tried before another judge, or may file with the clerk his written answer admitting or denying any or all of the allegations contained in such statement and setting forth any additional fact or facts material or relevant to the question of his disqualifications. The clerk shall forthwith transmit a copy of the judge's consent or answer to each party or his attorney who shall have appeared in such action or proceeding. Every such statement and every such answer shall be verified by oath in the manner prescribed by Section 446 of this code for the verification of pleadings The statement of a party objecting to the judge on the ground of his disqualification, shall be presented at the earliest practicable opportunity, after his appearance and discovery of the facts constituting the ground of the judge's disqualification, and in any event before the commencement of the hearing of any issue of fact in the action or proceeding before such judge.

No judge of a court of record, who shall deny his disqualification, shall hear or pass upon the question of his own disqualification; but in every such case, the question of the judge's disqualification shall be heard and determined by some other judge agreed upon by the parties who shall have appeared in the action or proceeding, or, in the event of their failing to agree, by a judge assigned to act by the Chairman of the Judicial Council, and, if the parties fail to agree upon a judge to determine the question of the disqualification, within five days after the expiration of the time allowed herein for the judge to answer, it shall be the duty of the clerk then to notify the Chairman of the Judicial Council of that fact; and it shall be the duty of the Chairman of the Judicial Council forthwith, upon receipt of notice from the clerk, to assign some other judge, not disqualified, to hear and determine the question.

If such judge admits his disqualification, or files his written consent that the action or proceeding be tried before another judge, or fails to file his answer within the five days herein allowed, or if it shall be determined after hearing that he is disqualified, the action or proceeding shall be heard and determined by another judge or justice not disqualified, who shall be agreed upon by the parties, or, in the event of their failing to agree, assigned by the Chairman of the Judicial Council; provided, however, that when there are two or more judges of the same court, one of whom is disqualified, the action or proceeding may be transferred to a judge who is not disqualified.

A judge who is disqualified may, notwithstanding his disqualification, request another judge, who has been agreed upon by the parties, to sit and act in his place.

6. In an action or proceeding brought in any court by or against the Reclamation Board of the State of California, or any irrigation, reclamation, levee, swampland or drainage district, or any public agency, or trustee, officer or employee thereof, affecting or relating to any real property, or an easement or right-of-way, levee, embankment, canal, or any work provided for or approved by the Reclamation Board of the State of California, a judge of the superior court of the county, or a judge of the municipal court or justice court of the judicial district, in which such real property, or any part thereof, or such easement or right-of-way, levee, embankment, canal or work, or any part thereof is situated shall be disqualified to sit or act, and such action shall be heard and tried by some other judge assigned to sit therein by the Chairman of the Judicial Council, unless the parties to the action shall sign and file in the action or proceeding a stipulation in writing, waiving the disqualification in this subdivision of this section provided, in which case such judge may proceed with the trial or hearing with the same legal effect as if no such legal disqualification existed. If, however, the parties to the action shall sign and file a stipulation, agreeing upon some other judge to sit or act in place of the judge disqualified under the provisions of this subdivision, the judge agreed upon shall be called by the judge so disqualified to hear and try such action or proceeding; provided, that nothing herein contained shall be construed as preventing the judge of the superior court of such county, or of the municipal court of such judicial district, from issuing a temporary injunction or restraining order, which shall, if granted, remain in force until vacated or modified by the judge designated as herein provided.

7. When, as a judge of a court of record, by reason of permanent or temporary physical impairment, he is unable to properly perceive the evidence or properly conduct the proceedings.

8. Notwithstanding anything contained in subdivision 6 of this section, a judge of the superior court or a judge of the municipal court or justice court of the judicial district, in which any real property is located, shall not be disqualified to hear or determine any matter in which the opposing party shall have failed to appear within the time allowed by law, or as to such of the opposing parties who shall have failed to appear within the time allowed by law, and as to which matter or parties the same shall constitute purely a default hearing; provided, that nothing in this section contained shall be construed as preventing the judge of the superior court of such county, or of the municipal court of such judicial district, from issuing an order for immediate possession in proceedings in eminent domain.

Nothing in this section contained shall affect a party's right to a change of the place of trial in the cases provided for in Title 4, Part 2 of this code.

SEC. 3. Section 75002 of the Government Code is amended to read:

"Judge"

75002. "Judge" means a justice of the Supreme Court or of a district court of appeal, or a judge of a superior court or municipal court. A judge or justice of any other court does not acquire status as a judge for the purposes of this chapter by reason of designation as a judge pro tempore of, or assignment by the Chairman of the Judicial Council to, any of the said courts.

SEC. 4. Section 75003 of said code is amended to read:

"Salary"

75003. "Salary" means the compensation received by a judge as the emolument of the office of judge, but does not include any additional compensation received by reason of designation as a judge pro tempore or assignment by the Chairman of the Judicial Council.

SEC. 5. Section 75028 of said code is amended to read:

Exceptions
Status of judge

75028. Except as provided in Sections 75080 and 75081, any designation as a judge pro tempore or any assignment by the Chairman of the Judicial Council shall be disregarded for purposes of this chapter. For the purposes of this chapter no person shall acquire status as a judge, nor shall any person's status as a judge be affected, by any such designation or assignment.

CHAPTER 745

An act to amend Sections 65503 and 65652 of the Government Code, relating to vote required for change of master plan and precise plan.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 65503 of the Government Code is amended to read:

Master plan
Adoption by resolution

65503. The adoption of the master or general plan, or of any amendment, extension, or addition to it, shall be by resolution of the commission carried by the affirmative votes of not less than a majority of its total voting members.

SEC. 2. Section 65652 of said code is amended to read:

Majority required

65652. The recommendation of any precise plan or regulation, or of any amendment to it, shall be by resolution of the commission carried by the affirmative votes of not less than a majority of its total voting members.

CHAPTER 746

An act to add Section 655 to the Unemployment Insurance Code, relating to excluded services.

In effect September 18, 1959

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 655 is added to the Unemployment Insurance Code, to read:

655. "Employment" does not include services performed by a professional athlete who is neither a citizen of nor a resident of the United States or any state when he comes to the State of California for occasional or incidental professional engagements.

CHAPTER 747

An act to amend Section 31214 of, and to add Sections 31214.1 and 31214.2 to, the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to state scholarships.

In effect September 18, 1959

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 31214 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

Competitive scholarships Period

31214. Each competitive scholarship is for the period of one academic year and the award shall be for six hundred dollars ($600) or an amount equal to the tuition or necessary fees, or both tuition and fees, for the academic year, excluding summer sessions, of the institution at which the scholarship is used, whichever is the smaller amount. The State Scholarship Commission may provide by appropriate rules and regulations for such reports, accounting, and statements from the award winner and college or university of attendance pertaining to the use or application of the award as it may deem proper. A competitive scholarship may be renewed annually without an additional competitive examination until the award winner has received four annual awards or until he has been graduated from such an institution in a four-year undergraduate course. The scholarship shall remain in effect only during the period that the award winner achieves satisfactory academic progress and is regularly enrolled as a full-time student in an institution of collegiate grade, as described in Section 31206.

SEC. 2. Section 31214.1 is added to said code, to read:

Same: Renewal

31214.1. Notwithstanding the provisions of Section 31214, the award may be granted and renewed during the first four

years of full-time college attendance following high school graduation, as defined by the State Scholarship Commission.

SEC. 3. Section 31214.2 is added to said code, to read:

31214.2. In any instance where the State Scholarship Commission shall deem necessary, a competitive scholarship may be granted for a single semester or quarter or for two quarters of an academic year, and the award payment therefor shall be prorated accordingly.

Same Semester or quarter

CHAPTER 748

An act to add Section 13747.1 to the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to re-employment of noncertificated school district employees.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 13747.1 is added to the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

13747.1. Any noncertificated employee of any school district, who at the time of his resignation was classified as permanent, may be re-employed without further examination within 39 months after his last day of paid service, as a permanent or limited term employee in a related lower class or in a lower class in which the employee formerly had permanent status or as a limited term employee in the class from which the employee resigned.

If re-employed as a permanent employee, the governing board of the district shall disregard the break in service of said employee and classify him as, and restore to him all of the rights, benefits, and burdens of a permanent employee.

CHAPTER 749

An act to add Section 1633.5 to the Insurance Code, relating to insurance licensing.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 1633.5 is added to the Insurance Code, to read:

1633.5. It is hereby declared to be the intent of the Legislature in enacting this chapter that the regulations prescribed herein be the exclusive regulations relating to the conduct of insurance business by persons licensed to act in any of the capacities defined hereunder, any local regulations or ordinances notwithstanding.

CHAPTER 750

An act to amend Sections 23358, 23360, 23361, and 23362 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 18, 1959

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 23358 of the Business and Professions Code is amended to read:

Sale. By licensed winegrowers

23358. Licensed winegrowers, notwithstanding any other provisions of this division, may also sell wine and brandy to any person holding a license authorizing the sale of wine or brandy and to consumers for consumption off the premises where sold.

SEC. 2. Section 23360 of said code is amended to read:

Same By licensed brandy manufacturers

23360. Licensed brandy manufacturers, notwithstanding any other provisions of this division, may also sell brandy and wine to consumers for consumption off the premises where sold, and to any person holding a license authorizing the sale of brandy and wine.

SEC. 3. Section 23361 of said code is amended to read:

Same

23361. A person holding a brandy manufacturer's license may also sell grape brandy, fruit brandy, or spirits of wine to licensed wine growers for use by the latter in the production of wine and the production or manufacturing of alcohol for the United States Government, and beverage brandy for sale to consumers for consumption off the premises.

SEC. 4. Section 23362 of said code is amended to read:

Offsale general license

23362. Notwithstanding any other provisions of this division, a licensed winegrower or brandy manufacturer may be issued and may hold an offsale general license. The issuance of such offsale general licenses shall be subject to the pertinent provisions of Article 2 of Chapter 5 of this division. Nothing in this division shall be construed to be retroactive or to affect the right of a licensed winegrower or brandy manufacturer to hold, renew or transfer any offsale general license held by such licensed winegrower or brandy manufacturer on the thirtieth day of September, 1959.

CHAPTER 751

An act to amend Section 1176 of the Insurance Code, relating to mortgage loan investments.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 1176 of the Insurance Code is amended to read:

1176. Such insurers may invest in notes or bonds secured by mortgage or other first lien upon unincumbered real property, if:

(a) There exists no condition or right of re-entry or of forfeiture under which such lien can be cut off, subordinated, or otherwise disturbed.

(b) The principal so loaned or the entire note or bond issue so secured, plus the amount of the liens of any public bond, assessment, or tax assessed upon the property loaned upon, does not exceed (1) 75 percent of the market value of such real property, if it is primarily improved by a single family residence, or (2) 66⅔ percent of the market value of such real property, or of such real property together with improvements, if other than a single family residence, which are taken as security at the date of investment.

(c) Where the loan is made or the notes or bonds are issued for a building loan on real property, the principal so loaned, or the entire outstanding notes or bonds so issued, plus the amount of the lien of any public bond, assessment, or tax assessed upon the property loaned upon, at no time exceeds 75 percent if made upon the kind of property and improvements referred to in (b)(1) above or at no time exceeds 66⅔ percent of the market value of the real property, if other than referred to in (b)(1) above, together with the actual cost of the improvements thereon taken as security.

Real property is not incumbered within the meaning of this section if subject only to one or more of the following: (a) the lien of taxes and assessments not delinquent at the time of investment, (b) the lien for delinquent taxes or assessments delinquent at the time of investment, which are being contested by any legal proceedings; provided, that indemnity has been given pursuant to the indenture under which the bonds and notes are issued, or otherwise, for the payment of any amount which may be found to be due upon the final adjudication of such contest, (c) the lien of taxes and assessment becoming delinquent subsequent to the time of investment, (d) outstanding mineral, oil or timber rights, (e) easements or rights-of-way, (f) sewer rights, (g) rights in walls, (h) building restrictions or other restrictive covenants, or conditions or regulations of use, or leases under which rents or profits are reserved to the owner.

For the purposes of this section, delinquent taxes funded on any deferred payment plan shall be deemed delinquent.

CHAPTER 752

An act to add Section 22155 to the Government Code, relating to combination of retirement and social security plans.

In effect September 18, 1959

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 22155 is added to the Government Code, to read:

22155. Whenever on the request of the governing body of a public agency a retirement system has been divided pursuant to this article, the board, on the request of the governing body, shall execute in conformity with Section 218 Social Security Act and applicable federal regulations a modification to the agreement providing for transfer to the system as defined in Section 22009.1(k)(1) created by the division, the position of any member included in the system as defined in Section 22009.1(k)(2) who requests such transfer pursuant to Section 218(d)(6)(F) of the Social Security Act and board rules.

CHAPTER 753

An act to amend Sections 1719, 1724, 1751, and 1887 of the Insurance Code, relating to insurance licenses.

In effect September 18, 1959

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1719 of the Insurance Code is amended to read:

Issuance of permanent license

1719. The commissioner shall not issue any permanent license with a period of less than one year to any person between April 1st and the succeeding July 1st unless such person shall have also filed an application for renewal of the license for that license year or term directly following such July 1st to which such application for renewal relates and shall have paid the fee for filing specified in Section 1750. As to the filing of such renewal application, the provisions of Section 1718 shall not be applicable.

SEC. 2. Section 1724 of said code is amended to read:

Prohibitions

1724. Except as provided in Section 1701, the holder of a certificate of convenience pending examination, and, in the case of an organization, any person named on its certificate of convenience, may not transact personal or controlled insurance as the same is defined in Insurance Code Sections 760 and 760.5, whichever is applicable, nor receive commissions thereon.

SEC. 3. Section 1751 of said code is amended to read:

1751. The commissioner shall require in advance as a fee for filing the following documents: Fees

(a) Application for registration of change in membership of a copartnership licensed as:

(1) Insurance agent, four dollars ($4).

(2) Insurance broker, ten dollars ($10).

(3) Life agent, resident, two dollars ($2) for each insurer.

(4) Life agent, nonresident:

(A) In the case of a licensee maintaining an office within 50 miles of the border of the State of California whose normal operation would include the transaction of insurance on both sides of that border, two dollars ($2) for each insurer.

(B) In all other cases, ten dollars ($10) for each insurer.

(b) Application for endorsement removing from any insurance agent's or insurance broker's license issued to an organization the name of any natural person named thereon, one dollar ($1).

(c) First amendment to an application, one dollar ($1).

(d) Application to be given the qualifying examination for a license of a fire and casualty licensee, five dollars ($5) for each person to be examined.

(e) Application to be given the qualifying examination for a license of a life licensee, three dollars ($3) for each person to be examined.

SEC 4. Section 1887 of the said code is amended and renumbered to read:

1837. The commissioner may decline to issue a license if an applicant: Grounds for denial of license

(a) Has been refused a license or had a license revoked by any public authority for reasons which indicated lack of honesty or integrity or which showed improper business practice on the part of the applicant.

(b) Has been convicted of a misdemeanor or felony denounced by this code or one of the elements of which involved the misappropriation of money or property.

(c) Has committed an act forbidden by this code.

CHAPTER 754

An act to amend Sections 7201 and 7210 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to school libraries affiliating with county libraries.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 7201 of the Education Code is amended to read:

School library as branch of county library

7201. Whenever the county in which a district is situated maintains a county library, the governing board of any school district may agree with the proper authorities of the county to make the school library a branch of the county library. Either the governing board of the school district or the governing body of the county library may initiate proceedings to make the school library a branch of the county library.

SEC. 2. Section 7210 of said code is amended to read:

Termination

7210. With the consent of the county superintendent of schools the governing board of the school district may agree with the proper authorities of the county or city to terminate the affiliation of the district with the county or city library. Either the governing board of the school district or the governing body of the county library may initiate termination proceedings. The proceedings shall be terminated prior to the first day of February of the school year in which begun and shall be effective on the first day of July next succeeding.

CHAPTER 755

An act to add Section 27000 to Article 1, of Chapter 1, of Division 20, of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to public libraries.

In effect September 18, 1959

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 27000 is added to Article 1, Chapter 1, Division 20 of the Education Code, to read:

27000. The Legislature hereby declares that it is in the interest of the people and of the State that there be a general diffusion of knowledge and intelligence through the establishment and operation of public libraries. Such diffusion is a matter of general concern inasmuch as it is the duty of the State to provide encouragement to the voluntary lifelong learning of the people of the State.

The Legislature further declares that the public library is a supplement to the formal system of free public education, and a source of information and inspiration to persons of all ages, and a resource for continuing education and re-education beyond the years of formal education, and as such deserves adequate financial support from government at all levels.

CHAPTER 756

An act to amend Section 54309 of the Government Code, relating to the issuance of revenue bonds by local agencies.

[Approved by Governor June 1, 1959. Filed with Secretary of State June 1, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 54309 of the Government Code is amended to read:

54309. "Enterprise" means a revenue-producing improvement, building, system, plant, works, facilities, or undertaking used for or useful in any of the following:

(a) The obtaining, conserving, treating and supplying of water for domestic use, irrigation, sanitation, industrial use, fire protection, recreation, or any other public or private uses.

(b) The collection, treatment or disposal of garbage or refuse matter.

(c) The collection, treatment or disposal of sewage, waste or storm water, including drainage.

(d) The providing of public parking lots, garages, or other automotive or vehicular parking facilities, including any and all public offstreet vehicular parking facilities.

(e) The providing of public transportation by means of a ferry or ferry system.

(f) The providing of public airports and facilities appurtenant thereto.

(g) The acquisition, construction, maintenance, operation, improvement and development of harbors, including without limitation public small boat harbors, and such facilities and improvements in connection therewith as in the opinion of the local agency may be reasonably necessary to provide for the full, complete and convenient public use of such harbors.

It includes all parts of the enterprise, all appurtenances to it, and lands, easements, rights in land, water rights, contract rights, franchises, approaches, dams, reservoirs, garbage trucks, equipment, dumps, garbage disposal plants and incinerators or other disposal facilities, sewage treatment plants, sewage disposal plants, intercepting and collecting sewers, outfall sewers, trunk, connecting, and other sewer and water mains, filtration works, pumping stations, water supply, storage and distribution facilities and equipment, the franchises or licenses to operate a ferry or ferry system, all boats and vessels, all land and interest in land, all slips, wharves, piers, landing places, approaches and all facilities and equipment used in the maintenance and operation of a ferry or ferry system, or harbor, including small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and all buildings, structures, improvements, equipment, ditches, canals, and facilities whatsoever appurtenant or relating to the enterprise.

CHAPTER 757

An act to add Section 855.1 to the Education Code, as enacted at the 1959 Regular Session of the Legislature, relating to leaves of absences of employees of county superintendent of schools.

In effect September 18, 1959

[Approved by Governor June 2, 1959. Filed with Secretary of State June 2, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 855.1 is added to the Education Code as enacted at the 1959 Regular Session, to read:

855.1 The county superintendent of schools, with the approval of the county board of education, may grant leaves of absence, with or without pay, to persons employed by him in positions not requiring certification qualifications in the same manner and to the same extent as is permitted of school district governing boards by Section 13651.

CHAPTER 758

An act to amend Sections 3212 and 3212.5 of the Labor Code, relating to workmen's compensation.

In effect September 18 1959

[Approved by Governor June 2, 1959. Filed with Secretary of State June 2, 1959]

The people of the State of California do enact as follows:

SECTION 1. Section 3212 of the Labor Code is amended to read:

Sheriffs, police, firemen and wardens

3212. In the case of members of a sheriff's office or of police or fire departments of cities, counties, cities and counties, districts or other public or municipal corporations or political subdivisions, whether such members are volunteer, partly paid, or fully paid, and in the case of active fire-fighting members of the Division of Forestry of the State Department of Natural Resources whose duties require fire fighting or of any county forestry or fire-fighting department or unit, whether voluntary, fully paid, or partly paid, and in the case of members of the warden service of the Wildlife Protection Branch of the Department of Fish and Game whose principal duties consist of active law enforcement service, excepting those whose principal duties are clerical or otherwise do not clearly fall within the scope of active law enforcement service such as stenographer, telephone operators, and other officeworkers, the term "injury" as used in this act includes hernia when any part of the hernia develops or manifests itself during a period while such member is in the service in such office, division, department or unit, and in the case of members of such fire departments, county forestry or fire-fighting departments, and in the case of active fire-fighting members of the Division of Forestry whose

duties require fire fighting, and in the case of members of the warden service of the Wildlife Protection Branch of the Department of Fish and Game whose principal duties consist of active law enforcement service, excepting those whose principal duties are clerical or otherwise do not clearly fall within the scope of active law enforcement service such as stenographer, telephone operators, and other officeworkers, the term "injury" includes pneumonia and heart trouble which develops or manifests itself during a period while such member is in the service of such office, department or unit. In the case of regular salaried county or city and county peace officers, the term "injury" also includes any hernia which manifests itself or develops during a period while the officer is in the service. The compensation which is awarded for such hernia, heart trouble or pneumonia, shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits, as provided by the workmen's compensation laws of this State.

Such hernia, heart trouble or pneumonia so developing or manifesting itself in such cases shall be presumed to arise out of and in the course of the employment. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the commission is bound to find in accordance with it.

Such hernia, heart trouble or pneumonia so developing or manifesting itself in such cases shall in no case be attributed to any disease existing prior to such development or manifestation.

SEC. 2. Section 3212.5 of the Labor Code is amended to read:

City police, highway patrolmen and sheriffs

3212.5. In the case of a member of a police department of a city or municipality, or a member of the State Highway Patrol, when any such member is employed under civil service upon a regular, full-time salary, and in the case of a sheriff or deputy sheriff employed upon a regular, full-time salary, the term "injury" as used in this division includes heart trouble and pneumonia which develops or manifests itself during a period while such member, sheriff, or deputy sheriff is in the service of the police department, or the State Highway Patrol, or the sheriff's office, as the case may be. The compensation which is awarded for such heart trouble or pneumonia shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits as provided by the provisions of this division.

Such heart trouble or pneumonia so developing or manifesting itself shall be presumed to arise out of and in the course of the employment; provided, however, that the member of the police department or State Highway Patrol or the sheriff or deputy sheriff shall have served five years or more in such capacity before the presumption shall arise as to the compensability of heart trouble so developing or manifesting itself. This presumption is disputable and may be controverted by other

evidence, but unless so controverted, the commission is bound to find in accordance with it.

Such hernia, heart trouble or pneumonia so developing or manifesting itself in such cases shall in no case be attributed to any disease existing prior to such development or manifestation.

CHAPTER 759

An act to add Section 201a to, and to amend Section 225 of, the Code of Civil Procedure, relating to trial juries.

In effect September 18, 1959

[Approved by Governor June 2, 1959. Filed with Secretary of State June 2, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 201a is added to the Code of Civil Procedure, to read:

Rules for excuses from jury service

201a. In any county or city and county having three or more superior court judges, a majority of the judges thereof may adopt written rules and regulations establishing a procedure whereby the jury commissioner of said county or city and county may be empowered to grant excuses from jury service to such prospective jurors who in the opinion of the jury commissioner qualify for excuses under Section 201.

SEC. 2. Section 225 of said code is amended to read:

Summons by sheriff

225. The sheriff, or marshal, as soon as he receives the list or lists of jurors drawn, shall summon the persons named therein to attend the court at the opening of the regular session thereof, or at such session or time as the court may order, by giving personal notice to that effect to each of them, or by leaving a written notice to that effect at his place of residence, with some person of proper age, or by mailing such notice by registered mail or certified mail, and shall return the list to the court at the opening of the regular session thereof, or at such session or time as the jurors may be ordered to attend, specifying the names of those who were summoned, and the manner in which each person was notified. Once a person has been so summoned, the specific time and place of his appearance may be modified or specified by order of the court and notification thereof given by either oral, written, telephonic, or telegraphic communication.

CHAPTER 760

An act to repeal Article 4.5 (commencing at Section 20215) of Chapter 2, Part 3, Division 5, Title 2 of, and to add Section 20209 to, the Government Code, relating to investment of money in the State Employees' Retirement Fund.

[Approved by Governor June 2, 1959. Filed with Secretary of State June 2, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Article 4.5 (commencing at Section 20215) of Chapter 2, Part 3, Division 5, Title 2 of the Government Code is repealed. Repeal

SEC. 2. Section 20209 is added to said code, to read:

20209. The board may invest the money in the Retirement Fund in real property or improvements thereon or to be constructed thereon when such real property or improvements are acquired or to be made by or for sale or lease to the State or a public agency. The board also may invest such money in any valid special obligations of the State or a public agency or an agency of either issued to finance a public building and secured solely by such building or revenues, rentals or receipts received from operation of such building. This section shall not be construed as authorization to the State or any public agency to acquire any real property or improvements thereon or to issue any obligations to finance such acquisition. Investment of Retirement Fund

SEC. 3. This act shall become operative on October 1, 1959. Operative date

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CHAPTER 761

An act to amend Sections 20024 and 20024.01 of the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor June 2, 1959. Filed with Secretary of State June 2, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 20024 of the Government Code is amended to read:

20024. For a local member who is an employee of a contracting agency which is subject to the provisions of this section, "final compensation" means the highest average annual compensation earnable by a member during any period of five consecutive years during his membership in the system, including any or all of such period or periods of (a) service required for qualification for membership, or (b) prior service which qualifies for credit under this system, if any, immediately preceding membership, or (c) time prior to entering state service "Final compensation"

at the compensation earnable by him in the position first held by him in such service, as may be necessary to complete five consecutive years. For the purposes of this section, periods of service separated by breaks in service may be aggregated to constitute a period of five consecutive years, if the periods of service are consecutive except for such breaks. If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time shall be included in computation of final compensation. If a break in service exceeded six months in duration, the first six months thereof and the compensation earnable during those six months shall be included in computation of final compensation, but time included in the break which is in excess of six months and the compensation earnable during such excess time shall be excluded in computation of final compensation. Time during which a member is in state service and is also a member of the State Teachers' Retirement System or of another retirement system to which the State or the university contributes shall not be considered to be an absence for the purposes of Section 20023 nor to be a break in service for the purposes of this section, and the determination of the final compensation of such a member shall take into consideration his compensation earnable while he was a member of such other system.

SEC. 2 Section 20024.01 of said code is amended to read:

Same

20024.01. For a state member, or for a local member who is an employee of a contracting agency which is subject to the provisions of this section, "final compensation" means the highest average annual compensation earnable by a member during any period of three consecutive years during his membership in the system, including any or all of such period or periods of (a) service required for qualification for membership, or (b) prior service which qualifies for credit under this system, if any, immediately preceding membership, or (c) time prior to entering state service at the compensation earnable by him in the position first held by him in such service, as may be necessary to complete three consecutive years. For the purposes of this section, periods of service separated by breaks in service may be aggregated to constitute a period of three consecutive years, if the periods of service are consecutive except for such breaks. If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time shall be included in computation of final compensation. If a break in service exceeded six months in duration, the first six months thereof and the compensation earnable during those six months shall be included in computation of final compensation, but time included in the break which is in excess of six months and the compensation earnable during such excess time shall be excluded in computation of final compensation. Time during which a member is in state service and is also a member of the State Teachers' Retirement

System or of another retirement system to which the State or the university contributes shall not be considered to be an absence for the purposes of Section 20023 nor to be a break in service for the purposes of this section, and the determination of the final compensation of such a member shall take into consideration his compensation earnable while he was a member of such other system.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

SEC. 3. This act shall become operative on October 1, 1959. Operative date

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CHAPTER 762

An act to add Article 2.5 (commencing at Section 53240) to Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, relating to payment of the cost of repairing or replacing property of governmental employees.

[Approved by Governor June 2, 1959. Filed with Secretary of State June 2, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Article 2.5 (commencing at Section 53240) is added to Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 2.5. Replacing or Repairing Property of Employees

53240. The legislative body of a county, city, municipal corporation, political subdivision, public district, or other public agency may provide for the payment of the costs of replacing or repairing property or prostheses of an employee, such as eyeglasses, hearing aids, dentures, watches, or articles of clothing necessarily worn or carried by the employee when any such items are damaged in the line of duty without fault of employee. If the items are damaged beyond repair, the actual value of such items may be paid. The value of such items shall be determined as of the time of the damage thereto.

CHAPTER 763

An act to add Section 13007 to the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to deposits by school districts for traveling expenses.

In effect September 18, 1959

[Approved by Governor June 2, 1959. Filed with Secretary of State June 2, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 13007 is added to the Education Code, to read:

13007. The governing board of any school district may use school district funds for cash deposits, when required to guarantee payment for transportation purchased on credit for school district employees or other representatives who are directed by the governing board to travel on school district business.

CHAPTER 764

An act to add Section 817 to the Education Code as enacted at the 1959 Regular Session, relating to payment of the cost of repairing or replacing property of school district employees.

In effect September 18, 1959

[Approved by Governor June 2, 1959. Filed with Secretary of State June 2, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 817 is added to the Education Code, to read:

817. The governing body of any school district may provide for the payment of the costs of replacing or repairing property or prostheses of an employee, such as eyeglasses, hearing aids, dentures, watches, or articles of clothing necessarily worn or carried by the employee when any such items are damaged in the line of duty without fault of the employee. If the items are damaged beyond repair, the actual value of such items may be paid. The value of such items shall be determined as of the time of the damage thereto.

CHAPTER 765

An act to amend Section 172a of the Penal Code, relating to alcoholic beverages.

In effect September 18, 1959

[Approved by Governor June 2, 1959. Filed with Secretary of State June 2, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 172a of the Penal Code is amended to read:

172a. Every person who, upon or within one and one-half miles of the university grounds or campus, upon which are located the principal administrative offices of any university having an enrollment of more than 1,000 students, more than 500 of whom reside or lodge upon such university grounds or campus, sells, gives away or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor; except that the provisions of this sentence shall not apply to the sale, giving away, exposing for sale or serving of alcoholic beverages by any licensee under the Alcoholic Beverage Control Act in any premises for which a license is issued and in effect at the time when the number of students enrolled increases to exceed 1,000 and the number of students residing or lodging upon the grounds or campus of any university increases to exceed 500, and this section first becomes operative as to such university grounds or campus, and the provisions of this sentence do not prohibit the transfer of any such retail package offsale beer and wine license or any such onsale beer and wine license from one premises to another within the prescribed area; provided, however, that the provisions of this section shall not apply to nor prohibit the sale of any of said liquors by any regularly licensed pharmacist who shall maintain a fixed place of business in said territory, upon the written prescription of a physician regularly licensed to practice medicine under the laws of the State of California when such prescription is dated by the physician issuing it, contains the name of the person for whom the prescription is written, and is filled for such person only and within 48 hours of its date; provided further, that the provisions of this section shall not apply to nor prohibit the sale of any of said liquors for chemical or mechanical purposes; provided further, that the provisions of this section shall not apply to nor prohibit the sale, gift, or exposing, or offering for sale of ale, porter, wine, similar fermented malt, or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale, gift, or exposing, or offering for sale of beer.

In measuring distances from the university grounds or campus of the University of Southern California in the City of Los Angeles, such distances shall not be measured by air line but by following the shortest road or roads connecting the points in question.

With respect to Leland Stanford Junior University, the provisions of this section shall not apply to the sale, giving away, exposing for sale or serving of alcoholic beverages by any licensee under the Alcoholic Beverage Control Act (commencing at Section 23000, Business and Professions Code) in any premises for which a license is issued and in effect on September 15, 1959.

CHAPTER 766

An act to amend Section 9359.1 of the Government Code, relating to the State Employees' Retirement System.

In effect September 18, 1959

[Approved by Governor June 2, 1959. Filed with Secretary of State June 2, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 9359.1 of the Government Code is amended to read:

9359.1. (a) The retirement allowance for a member all of whose credited service was rendered as a Member of the Senate or Assembly is an annual amount equal to five percent (5%) of the compensation payable, at the time payments of the allowance fall due, to incumbent Members of the Senate or Assembly, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed fifteen (15) years. In no event shall any retirement allowance payable under this chapter to any such member exceed seventy-five percent (75%) of the compensation payable to Members of the Legislature at the time the payment of the allowance is made.

(b) The retirement allowance for a member all of whose credited service was rendered as an elective officer of the State whose office is provided for by the Constitution other than a judge (and other than a member of the Senate or Assembly) is an annual amount equal to five percent (5%) of the compensation payable at the time payments of the allowance fall due, to the officer holding the office which the retired member last held prior to his retirement, or five percent (5%) of the highest compensation fixed for such office during the member's last term or any subsequent term prior to his retirement, whichever is greater, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed eight (8) years.

(c) The retirement allowance for a member part of whose credited service was rendered as a Member of the Senate or Assembly and part of whose credited service was rendered as an elective officer of the State whose office is provided for by the Constitution, other than a judge (and other than a Member of the Senate or Assembly) is an annual amount equal to five percent (5%) of the compensation, at the time payment of the allowance falls due, to the officer holding the highest salaried office which the member held at any time during his service prior to retirement, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed eight (8) years. If, however, the member would be entitled to receive a greater allowance under subdivision (a) or subdivision (b) of this section if all of his credited service had

been rendered as a Member of the Senate or Assembly or as an elective officer of the State whose office is provided for by the Constitution other than a judge (and other than a Member of the Senate or Assembly), then all of his credited service shall be deemed to have been rendered as a Member of the Senate or Assembly or as such other elective officer, and he shall receive a retirement allowance computed under subdivision (a) or subdivision (b) of this section, whichever is greater.

CHAPTER 767

An act to add Sections 43401 and 43648.1 to, and to amend Section 43652.1 of the Government Code, relating to limited obligation bonds and the deposit and use of sales and use tax funds, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 2, 1959. Filed with Secretary of State June 2, 1959.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 43401 is added to the Government Code, to read:

43401. All moneys received from sales and use taxes shall be paid into the General Fund, or into such special fund or funds for such purpose or purposes as shall be established by ordinance. Moneys received from sales and use taxes

SEC. 2. Section 43648.1 is added to said code, to read:

43648.1. City, as used in this article, shall also mean an incorporated city having a permanent resident population of not less than 12,000, and whose seasonal population, because of the recreational character of the city and its surrounding areas, increases to not less than three times that of its permanent resident population. The findings of the legislative body as to such population, made after notice and public hearing, shall be conclusive. "City"

SEC. 3. Section 43652.1 of said code is amended to read:

43652.1. Such bonds may be issued for the acquisition, installation, construction or improving of any or all works or improvements of a public nature and the acquisition of lands and easements therefor, except for the supply or distribution of water, gas or electricity other than street lighting. Purpose of bonds

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

There is presently an unprecedented population growth within the State and within the cities therein. In many cities this growth has caused a great shortage of municipal facilities

which may be financed with limited obligation bonds. Primarily, these shortages arise in the nature of offstreet parking and other facilities within the commercial areas thereof. Frequently, these improvements are beyond the general financial means of such cities. Usually, little benefit from the improvements exists beyond the commercial area within the city. The proceeds of sales taxes are derived from the sale of merchandise within such commercial areas and constitute an appropriate means of revenue for relieving the conditions existing within such and other areas of such cities.

Other improvements required by reason of growth are of a more general benefit. However, by reason of said unprecedented growth or seasonal growth, property taxes have seriously increased and it is required that other sources of revenue be provided to pay the costs of needed improvements.

CHAPTER 768

An act to add Article 11 (commencing at Section 3481) to Chapter 9 of Division 5 of, the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to the dissolution of unified school districts.

In effect September 18, 1959

[Approved by Governor June 2, 1959. Filed with Secretary of State June 2, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Article 11 is added to Chapter 9 of Division 5 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, to read:

Article 11. Dissolution of Districts

Dissolution of unified school district

3481. After three years from the effective date of its formation, any unified school district formed under this chapter may be dissolved in the manner prescribed by this article.

Petition

3482. A petition signed by 25 percent of the registered voters residing in the district shall be presented to the county superintendent of schools having jurisdiction over the district, setting forth briefly the reasons for dissolution and praying that the question be submitted to the county committee on school district organization of the county whose superintendent has jurisdiction over the district for study and recommendations.

County committee

3483. Upon submission of the petition, each member of the governing body of the unified school district shall be included in the membership of the county committee and shall be so notified by letter sent by the county superintendent of schools. Thereafter the provisions of Sections 3114, 3115, 3117, 3121, and 3127, not inconsistent with this section, shall be applicable to the augmented county committee.

3485. The augmented county committee shall study the territory included in the unified school district and may formulate plans and recommendations to be submitted to the State Board of Education for the dissolution of the unified school district. Plans and recommendations for dissolution

The State Board of Education shall act on the matter within 90 days of the receipt of the plans and recommendations of the county committee.

3486. The plans and recommendations of the county committee formulated pursuant to Section 3485 shall include the following: Same

(a) The description of each elementary school district proposed to be established in the territory of the dissolved unified district.

(b) The inclusion of the territory of the dissolved unified district in a new high school district or in an existing contiguous high school district or districts.

(c) Proposals for the division of property other than real property, funds, and obligations including bonded indebtedness of the unified district among the districts in which the territory is included.

Any real property used for elementary school purposes shall become the property of the elementary district in which it is located following the dissolution. Any real property used for high school or junior high school purposes shall become the property of the high school district in which it is located following the dissolution.

The provisions of Section 21883 notwithstanding, the bonded indebtedness of the unified district shall become the bonded indebtedness of the elementary or high school districts in accordance with the plans and recommendations and shall be considered as bonded indebtedness of such districts for the purposes of determining the limitation of bonded indebtedness under Sections 21801 and 21802 of this code.

3487. After the State Board of Education has approved the plans and recommendations for the dissolution of the unified school district, the board shall notify the county superintendent of schools having jurisdiction of the district. Thereupon the county superintendent of schools shall call and conduct a special election in the unified school district in the manner prescribed by Article 4 (commencing at Section 3151) of this chapter, except that the ballots used for voting upon the adoption or rejection of the plans and recommendations of the county committee shall have printed on them the words "For dissolution—Yes" and "For dissolution—No." Approval by State Board of Education Election

3488. If a majority of all the votes cast at the election is opposed to dissolution, no further petition shall be entertained or election ordered for a similar purpose within three years following the election. Unfavorable vote

Favorable vote: Order of dissolution

3489. If a majority of all the votes cast at the election are in favor of dissolution the county superintendent of the county shall forthwith certify the result of the election to the board of supervisors of the county, and the board shall, at its first regular meeting after the election, make an order declaring the unified school district dissolved, and the elementary districts and high school district established, or the boundaries of the high school district or districts changed, as the case may be. The effective date of the establishment of any new district shall be as provided in Sections 1601, 1602, and 1603 of this code. The order shall take effect at the end of the current school year, except as provided in this article.

Original districts

3490. From and after the time of making of the order provided for in this article, declaring a unified school district dissolved, the original high school districts composing the district, with such additional territory as has been annexed to it, and the elementary school districts proposed by the plans and recommendations of the county committee shall be considered to be in existence as separate districts and subject to the provisions of this code relating to elections of school trustees. The first elections in each of the districts shall be held as in the case of a newly formed district.

Dissolution of board

3491. The order declaring a unified school district dissolved shall not affect the continuance of the governing board of the unified school district or the maintenance of the schools of the district until the end of the current school year. At the expiration of the current school year, the board and the unified school district shall cease to exist.

Transfer of moneys

3492. When a unified district is dissolved pursuant to this article, all property of the district, together with any moneys in the treasury to the credit of the dissolved district, shall be transferred to the credit of the newly formed school districts that composed the dissolved district in accordance with the plans and recommendations of the county committee. Within 30 days after the dissolution of the unified school district becomes effective for all purposes, the county auditor of the county whose superintendent of schools has jurisdiction over the district shall determine the balance of the funds standing to the credit of the dissolved unified school district as of the effective date of such dissolution. Thereupon he shall transfer from the general fund of the unified school district to the general fund of each of the newly established districts such sums as may be necessary to give effect to the plans and recommendations of the county committee. With respect to property other than funds of the district, the board of supervisors of the county whose superintendent of schools has jurisdiction of the unified school district shall make such orders as may be necessary to give effect to the plans and recommendations of the county committee.

CHAPTER 769

An act to amend Section 4354 of the Agricultural Code, relating to fluid milk and fluid cream.

[Approved by Governor June 2, 1959. Filed with Secretary of State June 2, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 4354 of the Agricultural Code is amended to read:

4354. In determining minimum wholesale prices and minimum retail prices in any marketing area, the director shall first make an investigation in such marketing area to establish such facts as shall be necessary to permit him to carry out the intent of this article within the standards herein prescribed. In making such investigation, the director may examine the books and records of distributors and retail stores in such marketing area and shall hold one or more public hearings, take testimony and may subpoena witnesses. All testimony received at such hearings shall be under oath. Notice of any hearing held by the director, pursuant to this article, shall be given by the director to every distributor and retail store in such marketing area whose name appears upon the records of the Department of Agriculture or who files a request for the same with the department, by mail or by publication for the time and in the manner prescribed in Section 4273. At the time of giving such notice the director shall mail with such notice to each person to whom such notice is required to be given a written statement showing:

(a) Whether such hearing is held at the instance of the director or in response to written request;

(b) The purpose and scope of such hearing;

(c) A summary of changes in economic factors to the extent such changes have been ascertained by the director in connection with the hearing prior to giving notice thereof;

(d) The proposed minimum prices for fluid milk, fluid cream, or both, together with any other provisions which the director then has under consideration or may then propose to establish for such marketing area, based upon such investigation, cost surveys or examinations, or a statement that the director has not, prior to giving notice of the hearing, formulated any such proposed minimum prices or other provisions.

A record of any and all hearings held by the director, pursuant to this article, shall be made and filed in the office of the director and shall, at all times, be available to inspection by any interested person.

CHAPTER 770

An act to amend Section 8250 of the Health and Safety Code, relating to cemeteries.

In effect September 18, 1959

[Approved by Governor June 2, 1959. Filed with Secretary of State June 2, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 8250 of the Health and Safety Code is amended to read:

8250. Except as provided in subdivision (c) of this section, the provisions of this part do not apply to any of the following:

(a) Any religious corporation, church, religious society or denomination, a corporation sole administering temporalities of any church or religious society or denomination, or any cemetery organized, controlled, and operated by any of them.

(b) Any public cemetery.

(c) Any private or fraternal burial park not exceeding 10 acres in area, heretofore established; provided, however, that the provisions of Chapter 6 (commencing at Section 8800) and Chapter 7 (commencing at Section 8825) of this part are applicable thereto.

CHAPTER 771

An act to amend Sections 8851, 8903, and 11204 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to county superintendents of schools.

In effect September 18, 1959

[Approved by Governor June 3, 1959. Filed with Secretary of State June 3, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 11204 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

Attendance credit: Physically handicapped pupils

11204. The attendance of physically handicapped pupils instructed by the county superintendent of schools pursuant to Section 8903 shall be credited as follows:

(a) The attendance of pupils taught in emergency elementary schools shall be credited to the emergency schools.

(b) The attendance of elementary school pupils given individual instruction in the home or at the bedside in institutions and of minors with speech disorders or defects who are at least three years of age or by co-operative arrangements with the Bureau of Vocational Rehabilitation of the State Department of Education shall be credited to an emergency elementary school maintained for physically handicapped pupils, if such a school is maintained in the county, or if no such school is maintained in the county the attendance shall be credited

to an emergency elementary school maintained in the county, but not to more than one emergency elementary school. If no emergency school is maintained in the county, the total number of days of attendance of pupils shall be divided by 175 to compute average daily attendance, and the average daily attendance so computed shall be credited to the county school service fund as attendance upon a single emergency elementary school for individual instruction of physically handicapped children.

(c) The attendance of pupils of secondary grade given individual instruction in the home or in institutions or by co-operative arrangement with the Bureau of Vocational Rehabilitation of the State Department of Education, or instructed in special classes of secondary grade or in remedial classes pursuant to Section 8903, shall be credited to the county school service fund.

(d) The attendance of pupils taught by emergency teachers in the regular schools of the districts of any county shall be credited to the districts, except that the attendance of pupils taught by emergency teachers pursuant to Section 8902 in the regular schools of the district of any county and the attendance of pupils in remedial classes pursuant to Section 8903 shall be credited to the county school service fund in accordance with subdivision (b) of this section.

(e) The attendance of pupils residing in one county and educated under contract with the county superintendent of schools or governing board of a school district of another county, shall be credited to the county school service fund of the county, or district, in which the pupils are educated.

SEC. 2. Section 8851 of said code is amended to read:

Audiovisual facilities

8851. (a) The county superintendent of schools may, with the approval of the county board of education, establish, conduct, and maintain facilities, for use in the elementary and secondary schools of the school districts under his jurisdiction that elect to participate in the use of the facilities, which provide for audial and visual curriculum materials, including the necessary salaries, supplies, materials, apparatus, and equipment and other necessary expenses.

(b) The county superintendent of schools shall, with the approval of the county board of education, enter into an agreement with the governing board of any district electing to participate which shall provide for payment by the district for the use of audiovisual facilities. The county superintendent of schools shall, with the approval of the county board of education, prescribe the method for determining the amount to be paid for the use of the facilities, but in no event shall the total payments made to the county superintendent of schools of any county by the school districts of that county be less than one-half of an amount equal to the total cost of the use of the facilities provided to the school districts electing to participate, less any restricted remaining balance and any amount received by the county superintendent of schools under the provisions

of the National Defense Education Act of 1958 (Public Law 864, Eighty-fifth Congress) or under any similar provisions of any other act of Congress, except that the Superintendent of Public Instruction may provide county school service fund money in addition to the established ratio of support in those counties in which he determines that sparsity of population increases operational costs.

(c) Films and filmstrips shall be adopted by the county board of education before they are purchased by the county superintendent of schools.

SEC. 3. Section 8903 of said code is amended to read:

Education of physically handicapped minors

8903. The county superintendent of schools may, with the approval of the county board of education, provide for the education of physically handicapped minors who otherwise would be denied proper educational advantages. The education may be provided:

(a) In emergency elementary schools;

(b) By the employment of emergency teachers to provide special instruction in the regular schools of the districts of the county;

(c) By the maintenance of special classes of secondary grade;

(d) By the employment of home instructors to give individual instruction in the home or at the bedside in institutions and by the employment of instructors to provide remedial instruction for physically handicapped minors in regular, special day, and special training schools or classes which he may be authorized to conduct, and by the employment of instructors to provide individual instruction for minors with speech disorders or defects who are at least three years of age for the purpose of remedying such speech disorders or defects;

(e) By co-operation with the Bureau of Vocational Rehabilitation of the State Department of Education in the provision of individual instruction and co-ordination services; or

(f) By contract with the county superintendent of schools of another county or with the governing board of any school district.

CHAPTER 772

An act to amend Sections 14064 and 14068 of, the Education Code as enacted at the 1959 Regular Session, relating to State Teachers' Retirement System.

In effect September 18, 1959

[Approved by Governor June 3, 1959. Filed with Secretary of State June 3, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 14064 of the Education Code as enacted at the 1959 Regular Session is amended to read:

Uncredited service in certificated positions Election

14064. Notwithstanding the provisions of this chapter (commencing at Section 13801), any member who has rendered service in the employment of a school district in this

State in a position the incumbent of which, when such service was rendered, was required by the governing board of such school district to possess a valid school administration certificate and a valid teacher's certificate issued by the State Board of Education, and who was not entitled to be credited with such service in this system or in any other public-employee retirement system established pursuant to any law of this State at the time of making the election herein provided, may elect in writing at any time before October 1, 1959, to receive credit in the system for such service; provided, that upon making such election, he pays into the system by lump-sum payment, to the credit of the appropriate fund or funds, as determined by the board, the contributions that he would have made had he been in a status requisite for membership in this system at the time such service was rendered, together with the amount of interest that would have been credited to his account or accounts in such fund or funds under such assumption.

SEC. 2. Section 14068 of said code is amended to read:

Teachers of deaf and blind

14068. A member shall receive credit for time served, either before or after July 1, 1944, in publicly supported and administered schools in other states of the United States and its territories and possessions and in Canada as a teacher of children who are deaf or blind or both deaf and blind if the member fulfills all of the following conditions:

(a) He is credited with at least 10 years of service in this State as a teacher of children who are both deaf and blind.

(b) Within five years immediately preceding the date when he became a member of this system, he served at least one year in publicly supported and administered schools in other states of the United States, its territories and possessions, or in Canada, as a teacher of children who were both deaf and blind.

(c) He was a member of this system on October 1, 1959.

CHAPTER 773

An act to amend Section 14370 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to state teachers' disability annuity.

[Approved by Governor June 3, 1959 Filed with Secretary of State June 3, 1959]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 14370 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

14370. (a) If the retiring member has attained the age of 60 years at the effective date of his retirement, the amount of

disability annuity payable under subdivision (b) of Section 14369 shall be the same as the amount of the annuity which would have been payable to him under subdivision (b) of Section 14355 if his retirement were for service instead of for disability.

(b) If the retiring member has not attained the age of 60 years at the effective date of his retirement, the amount of disability annuity payable under subdivision (b) of Section 14369 shall be:

(1) Ninety percent (90%) of the sum of the annuity payable to him under subdivision (b) of Section 14355 at the age of 60 years, on the basis of his final compensation at retirement, and service rendered up to the effective date of his retirement, or

(2) If the retiring member is entitled to be credited with at least 10 years of service in this State, and the resulting disability retirement allowance does not exceed one-fourth of his final compensation, ninety percent (90%) of the sum of the annuity payable to him under subdivision (b) of Section 14355 at the age of 60 years, on the basis of his final compensation at retirement, and the service which would be creditable to him were his service to continue until attainment by him of age 60, but in such case, the retirement allowance shall not exceed one-fourth of such final compensation. If the retiring member is entitled to receive a retirement allowance from another retirement system to which the State or university contributes, the amount of such allowance shall be deducted from the amount otherwise payable under this subparagraph except that such reduced amount shall not be less than the amount payable under subparagraph (1) of this subdivision (b).

(c) In no event shall the disability annuity under this section be more than sufficient to make the disability retirement allowance, exclusive of any annuity provided by accumulated annuity deposits, exceed the service retirement allowance, exclusive of any annuity purchased by accumulated annuity deposits, receivable by the member should he continue until retirement at age 60.

CHAPTER 774

An act to amend Section 14411 of, and to repeal Sections 14110 and 14412 of the Education Code as enacted at the 1959 Regular Session, relating to State Teachers' Retirement System.

In effect September 18, 1959

[Approved by Governor June 3, 1959. Filed with Secretary of State June 3, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 14411 of the Education Code as enacted at the 1959 Regular Session is amended to read:

Ceasing to be member of local system

14411. If a member of this retirement system who is or has been a member of another retirement system ceases to be

entitled to retirement benefits from the other retirement system for any service rendered after July 1, 1944, which qualifies for credit under this retirement system and for which he has not contributed to the Retirement Annuity Fund under Section 14108, but continues to be a member of this retirement system, upon receipt of refund of his contributions to the other retirement system he may elect at any time prior to retirement to deposit in the Retirement Annuity Fund an amount equal to the contributions which he would have been required to make during such service if he had not then been a member of the other retirement system, with interest from the first of the year next following the date on which such contributions would have been payable to the first of the month following the date said election is received in the office of the system in Sacramento, California, at the rate of interest currently being used from time to time to credit interest to Retirement Annuity Fund contributions.

Subject to minimum payments and time limits fixed by the board, the member may make the deposit of said amount in one or more sums, but if not made within 30 days after said election to deposit is received in the office of the system in Sacramento, California, the member shall also deposit in the Retirement Annuity Fund interest on the unpaid portion of said amount at said rate.

Unless such deposit is made the member shall not be entitled to benefits from the Retirement Annuity Fund based upon service rendered after July 1, 1944, for which he has not contributed to the Retirement Annuity Fund pursuant to Section 14108, and the minimum retirement allowance applicable to such member shall be the minimum allowance calculated as if the deposit were made, and then reduced by the amount of the annuity which would have been the actuarial equivalent of such deposit. If the member elects to make the deposit, his rate of annuity fund contributions with respect to service rendered after the first of the month in which the election is received in the office of the system in Sacramento shall be based on his age at the beginning of the service under the other retirement system after July 1, 1944, or on a lower age, as determined under this chapter (commencing at Section 13801), because of other credited service. If the member does not make the election to deposit, his rate of annuity fund contributions shall be determined under this chapter.

If a member has elected to make the deposit and does not make it in accordance with rules established by the board, the election shall be canceled and his rate of annuity fund contributions shall be determined retroactively under this chapter and as it would have been had the election not been made; any payments made under the election shall be refunded to the member after deducting any retirement annuity fund contributions due because of the adjustment in his rate.

SEC. 2. Sections 14110 and 14412 of said code are repealed. **Repeals**

CHAPTER 775

An act to amend Section 21361 of the Government Code, relating to the State Employees' Retirement System.

In effect September 18, 1959

[Approved by Governor June 3, 1959. Filed with Secretary of State June 3, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 21361 of the Government Code is amended to read:

21361. The basic death benefit is payable in all cases where the retirement system is liable under Section 21360 for either the basic or a special death benefit and the special death benefit is not payable.

The basic death benefit shall consist of:

(a) The accumulated contributions of the member.

(b) An amount, provided from contributions by the State, or a contracting agency, equal to one-twelfth of the annual compensation earnable by the deceased during the 12 months immediately preceding his death, multiplied by the number of completed years of current service credited to the member, but not to exceed one-half of such compensation.

The basic death benefit for a member who dies under the circumstances described in subdivision (e) of Section 21360 shall not exceed an amount which when added to the death benefit paid for such member under such other system equals the maximum death benefit payable under that system, if the death is not the result of injury or disease arising out of and in the course of his employment under that system; provided, however, that such benefit shall be at least equal to his accumulated contributions. The basic death benefit for such member shall be the amount of his accumulated contributions if death is the result of disease or injury arising out of and in the course of employment under such other system.

SEC. 2. This act shall become operative on October 1, 1959.

CHAPTER 776

An act to amend Sections 20023.1, 20393, 20600.5, 21021.5, and 21360 of the Government Code, relating to the State Employees' Retirement System.

In effect September 18, 1959

[Approved by Governor June 3, 1959. Filed with Secretary of State June 3, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 20023.1 of the Government Code is amended to read:

"Compensation earnable". Under county retirement system

20023.1. The average monthly salary during any period of service as a member of a county retirement system established under the County Employees' Retirement Law of 1937 shall be considered compensation earnable by a member of this

system for purposes of computing final compensation for such member provided:

(1) Entry into membership in one system occurred on or after October 1, 1957, and within 90 days of discontinuance of employment as a member of the other system.

(2) He retires concurrently under both systems and is credited with such period of service under the county system at the time of retirement.

SEC. 2. Section 20393 of said code is amended to read:

Elections re accumulated contributions

20393. Any other provision in this part to the contrary notwithstanding, a member whose accumulated contributions exceed five hundred dollars ($500) shall have the right to elect, not later than 90 days after the date upon which notice of said right is mailed by this system to the member's latest address on file in the office of this system, whether to leave such accumulated contributions on deposit in the Retirement Fund under any of the following conditions:

(1) If his state service is discontinued by reason of resignation or discharge.

(2) If his state service is discontinued by reason of layoff or leave of absence deemed by the board to have resulted in permanent discontinuance (and in such case, as of the date of the determination by the board that the discontinuance is permanent).

(3) If a member ceases to be entitled to credit in this system for future service because he has become entitled to credit for such service in another retirement system supported wholly or in part by funds of the United States Government, or any state government or political subdivision thereof.

(4) If the disability retirement of a member is followed by cessation of the disability and by cancellation of the disability allowance, but the member does not re-enter state service

A member whose accumulated contributions are five hundred dollars ($500) or less shall have such right to elect if he enters employment as a member of a retirement system established under the County Employees' Retirement Law of 1937 on or after October 1, 1957, and within 90 days of leaving state service.

Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions unless the member is entitled to be credited with 20 years of service. An election to allow accumulated contributions to remain in the Retirement Fund may be revoked by the member at any time except while he is employed in state service in a position in which he is not excluded from membership with respect to such service, or while he is in service, entered on or after October 1, 1957, and within 90 days after discontinuing state service, as a member of a retirement system established under the County Employees' Retirement Law of 1937. All contributions accumulated up to the time of revocation may then be withdrawn. A member whose membership continues under

this section is subject to the same age and disability requirements as apply to other members for service or for disability retirement but he is not subject to a minimum service requirement. After the qualification of such member for retirement by reason of age, which shall be the lowest age applicable to any membership category in which he has credited service, or disability, he shall be entitled to receive a retirement allowance based upon the amount of his accumulated contributions and service standing to his credit at the time of retirement and on the employer contributions held for him and calculated in the same manner as for other members, except that the provisions in this part for minimum service and disability retirement allowances do not apply to him, unless he meets such minimum service requirements. If a basic death benefit becomes payable under Article 5 of Chapter 9 of this part because of death before retirement of such a member, the average annual compensation earnable in the year preceding the date of termination of such service rather than in the year preceding death shall be used in computing such benefit under such Article 5 of Chapter 9.

SEC. 3. Section 20600.5 of the Government Code is amended to read:

Determination of age at entry if a member under 1937 county act

20600.5. For purposes of this chapter, the age of entry into this system as a member in any membership category for a person who enters on or after October 1, 1957, and within 90 days after last rendering service as a member of a retirement system established under the County Employees' Retirement Law of 1937 and who retains his membership in such system shall be his age at entry into such county retirement system.

SEC. 4. Section 21021.5 of said code is amended to read:

County employees

21021.5. A member whose membership continues under Section 20393 shall be retired for disability and receive a retirement allowance based on the service credited to him at time of retirement during any period in which he receives a disability retirement allowance under a retirement system established under the County Employees' Retirement Law of 1937, subject to the following conditions:

(1) That such allowance shall not be paid if entry into membership of such county system occurred prior to October 1, 1957, or after more than 90 days of discontinuance of state service.

(2) That such allowance shall not exceed an amount which when added to the allowance paid under such other system equals the allowance which would be paid if the member's state service were credited under such other system where retirement is for disability not arising out of or in the course of employment subject to such other system; provided, however, that the allowance shall in any event be no less than an annuity which is the actuarial equivalent of member's contributions.

(3) That such allowance shall be an annuity which is the actuarial equivalent of accumulated contributions where retirement under such other system is for disability arising out of and in the course of employment subject to such other system.

SEC. 5. Section 21360 of said code is amended to read:

21360. This system is liable for either the basic or special death benefit upon the death of a member (a) while in state service, before the effective date of his retirement, or with respect to (1) any member whose retirement was not compulsory under Article 2 of Chapter 8, and (2) any member who has not elected optional settlement 2 or 3 or an optional settlement 4 involving payment of an allowance throughout the life of a beneficiary under Article 4 of Chapter 9, after such effective date and before his retirement is approved, or (b) while absent on military service and who makes contributions under Section 20891.1 or for whom contributions will be made under Section 20894.5, or (c) within four months after discontinuance of state service, or (d) while physically or mentally incapacitated for the performance of his duty, if such incapacity has been continuous from discontinuance of state service, or (e) while employed as a member of a retirement system established under the County Employees' Retirement Law of 1937; provided, such employment as a member was begun on or after October 1, 1957, and within 90 days of discontinuance of state service. Upon the death of a member before the effective date of his retirement or, with respect to (1) any member whose retirement was not compulsory under Article 2 of Chapter 8, and (2) any member who has not elected optional settlement 2 or 3 or an optional settlement 4 involving payment of an allowance throughout the life of a beneficiary under Article 4 of Chapter 9, after such effective date and before his retirement is approved, under circumstances in which this system is not so liable for either the basic or special death benefit, this system is liable for a limited death benefit which consists only of the accumulated contributions of the member payable to his beneficiary or to his estate. Benefits

SEC. 6. This act shall become operative on October 1, 1959. Operative date

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CHAPTER 777

An act to add Sections 22015, 22152, 22308 and 22503 to, and to amend Sections 22150 and 22151 of, the Government Code, relating to integration of federal old-age and survivors insurance with the State Employees' Retirement System, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 3, 1959. Filed with Secretary of State June 3, 1959.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 22015 is added to the Government Code, to read:

"Member"

22015. "Member," with respect to any retirement system, for the purposes provided in Section 218(d)(6)(E) of the Social Security Act, shall include in addition to a member of the system any nonmember in a position in which he may elect membership. The board shall execute such modification or modifications to the agreement as may be necessary to make this definition immediately effective and to permit such nonmembers of the divided system, who were mandatorily included in the part composed of members not desiring coverage when the other part of the system was included in the agreement, to elect to transfer to the part so included.

SEC. 2. Section 22150 of said code is amended to read:

Authorization for division of retirement system

22150. Unless otherwise provided in this article, the board shall authorize a division of a retirement system upon the request of any public agency having employees in positions covered by the system or upon authorization of the Legislature, but only if a majority of the persons voting in an election held among members of the system to be divided, after due notice of the modification of the retirement plan proposed in the event positions covered by the system are included in the agreement, voted in favor of such division. A retirement system as defined in subdivisions (b), (c), (d), (e), and (f) of Section 22009.1 shall be divided pursuant to this article only if such division is otherwise authorized by the Legislature.

For purposes of this section and all coverage procedures under this part subsequent to division of the retirement system defined in subdivision (g) of Section 22009.1 the University of California shall be deemed to be a public agency.

SEC. 3. Section 22151 of said code is amended to read:

Rules and regulations

22151. The division shall be conducted in accordance with Section 218(d)(7) of the Social Security Act and applicable federal and board rules and regulations by the person or body designated under Article 2, Chapter 2 of this part to conduct a referendum in the system to be divided.

SEC. 4. Section 22152 is added to said code, to read:

Meeting of conditions of Social Security Act

22152. Upon receiving evidence satisfactory to him with respect to any division of a retirement system that the conditions specified in Section 218(d)(7) of the Social Security Act have been met, the Governor or any other state official now or hereafter authorized by federal law, shall so certify to the federal agency.

SEC. 5. Section 22308 is added to said code, to read:

Exemption

22308. This article shall not apply to a retirement system composed of the positions of members of a divided system who desire coverage under the federal system as defined in subsection (k) of Section 22009.1 and wherever in this part the conduct of a referendum is made a condition such condition shall be fully satisfied by compliance with Article 2.5 of Chapter 1 of this part as to such retirement system.

SEC. 6. Section 22503 is added to said code, to read:

22503. The board may delegate to the executive officer authority to perform any act within the power of the board itself to perform under this part. Delegation of authority by board

SEC. 7. Sections 2, 3, 4, and 5 shall not apply to any proceedings for division of a retirement system begun before the effective date of this act and any such division and coverage completed under procedures in effect when proceedings were begun shall be valid and effective for all purposes. Exception

SEC. 8. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

In 1958 Congress adopted amendments to the Social Security Act providing new procedures for coverage of public agencies in the Old Age and Survivors Insurance Program. In order that the public agencies of the State may take advantage of these procedures at the earliest possible time it is necessary that this act take effect immediately.

CHAPTER 778

An act to amend Sections 20865, 20950, 20950.5, 20951, 20952, 20952.5, 20952.6, 20953, and 21365.5, and to repeal Section 20806, of the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor June 3, 1959. Filed with Secretary of State June 3, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 20806 of the Government Code is repealed.

SEC. 2. Section 20865 of said code is amended to read:

20865. In determining qualification for retirement and the benefit provided under Section 21365.5 and calculating benefits payable upon death before retirement other than that provided under Section 21365.5, a year of service shall be credited for each year during which the member was employed throughout the year on a part-time basis and was engaged in his duties the full amount of time he was required by his employment to be so engaged. Credit for fractional years shall be granted to the extent of the fraction derived by dividing the time during which the member was engaged in his duties within the year, by the time he was required by his employment to be so engaged. Credit

SEC. 3. Section 20950 of said code is amended to read:

20950. A patrol or warden member shall be retired for service upon his written application to the board if he has Patrol or warden member

attained age 50 and is entitled to be credited with 20 years of state service or if the amount of his accumulated contributions standing to his credit exceeds five hundred dollars ($500).

SEC. 4. Section 20950.5 of said code is amended to read:

Forestry member

20950.5. A forestry member shall be retired for service upon his written application to the board if he has attained age 50 and is entitled to be credited with 20 years of state service or if the amount of his accumulated contributions standing to his credit exceeds five hundred dollars ($500).

SEC. 5. Section 20951 of said code is amended to read:

State miscellaneous member

20951. A state miscellaneous member shall be retired for service upon his written application to the board if:

(a) He has attained age 55 and is entitled to be credited with 20 years of state service or if the amount of his accumulated contributions standing to his credit exceeds five hundred dollars ($500); or

(b) The following conditions exist:

(1) He is separated from state service because of a curtailment of or a change in the manner of performing such service, and not because of resignation or dismissal under charges.

(2) He has attained age 50 and is entitled to be credited with 15 or more years of state service.

(3) The board determines that his separation is of an extended and uncertain duration, and not the separation normally experienced by members in positions known at the time of employment to be of limited duration or on a seasonal or intermittent basis.

SEC. 6. Section 20952 of said code is amended to read:

Local safety member

20952. (a) A local safety member shall be retired for service upon his written application to the board if he has attained age 55, and is entitled to be credited with 20 years of state service or if the amount of his accumulated contributions standing to his credit exceeds five hundred dollars ($500).

(b) The provisions of subdivision (a) of this section do not apply to the employees of any contracting agency having a contract with the board made prior to the date this section takes effect, which contract specifies an age greater than age 55 as the minimum age for voluntary retirement for service for local safety members, unless and until the agency elects to make subdivision (a) of this section applicable to its employees, by amendment to its contract made in the manner prescribed for the approval of contracts, except that an election among the employees is not required.

Unless and until any such contracting agency elects to make subdivision (a) of this section applicable to its employees, a local safety member employed by such contracting agency shall be retired for service upon his written application to the board if he has attained the minimum age for voluntary retirement specified in the contract between his employer and the board, and is entitled to be credited with 20 years of state service or if the amount of his accumulated contributions standing to his credit exceeds five hundred dollars ($500).

SEC. 7. Section 20952.5 of said code is amended to read:

20952.5. Notwithstanding the provisions of Section 20952, a local safety member shall be retired for service upon his written application to the board if he has attained age 50 and is entitled to be credited with 20 years of state service or if the amount of his accumulated contributions standing to his credit exceeds five hundred dollars ($500). Same

However, if a local safety member retires before attaining the minimum age of voluntary retirement which would be applicable to him if this section had not been enacted, his prior and current service pensions shall be reduced to that amount which the value of the pensions as deferred to that minimum age will purchase at the actual age of retirement.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

SEC. 8. Section 20952.6 of said code is amended to read:

20952.6. A local safety member who is a fireman shall be retired for service upon his written application to the board if he has attained age 50, and is entitled to be credited with 20 years of state service or if the amount of his accumulated contributions standing to his credit exceeds five hundred dollars ($500). Same: Fireman

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section and of Sections 20607.6 and 21252.6 by amendment to its contract made in the manner prescribed for approval of contracts, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

Whenever this section becomes applicable to the employees of any contracting agency, as to those members to whom it applies it shall supersede the provisions of Section 20952.

SEC. 9. Section 20953 of said code is amended to read:

20953. A local miscellaneous member shall be retired for service upon his written application to the board if he has attained age 60 and is entitled to be credited with 20 years of state service or if the amount of his accumulated contributions standing to his credit exceeds five hundred dollars ($500). Local miscellaneous member

However, if any contracting agency elects, by amendment to its contract with the board made as provided in Section 20461.5, to subject itself and its employees to the provisions of this part reducing the ages at which members may retire and

increasing the benefits members will receive, then each local miscellaneous member employed by that contracting agency shall be retired for service upon his written application to the board if he has attained age 55 and is entitled to be credited with 20 years of state service or if the amount of his accumulated contributions standing to his credit exceeds five hundred dollars ($500).

SEC. 10. Section 21365.5 of said code is amended to read:

Benefit payable upon death of a member qualified for service retirement

21365.5. Upon the death while in state service and before the effective date of his retirement of a member who had attained the minimum age for voluntary service retirement applicable to him in his employment at the time of death and who is credited with 20 or more years of state service, a monthly allowance equal to one-half of the unmodified retirement allowance which the member would have been entitled to receive if he had retired on the date of his death shall be payable:

(a) To the surviving wife of a male member as long as she lives or until her remarriage; or

(b) To a dependent surviving husband of a female member as long as he lives or until remarriage.

(c) To the children under age 18 collectively if there is no surviving spouse or if the surviving spouse dies or remarries before all children of the deceased member attain age 18, until every child dies or attains age 18; provided, that no child shall receive any allowance after marrying or attaining the age of 18.

Where a member does not have a surviving spouse nor any children under the age of 18 years at the time of death, no allowance shall be payable under this section.

No allowance shall be payable under this section if a special death benefit is payable.

The payments provided by this section shall be paid in lieu of the basic death benefit but if the total payments made hereunder are less than the basic death benefit that would have been paid at the death of the member, the amount of the basic death benefit less any payments made pursuant to this section shall be paid as follows:

(1) To the remarried spouse if such spouse is the person last entitled to the monthly payments; or

(2) To the surviving children of the member, share and share alike, or if there are no such children, to the estate of the person last entitled to receive the monthly allowance.

The board shall compute the amount by which benefits paid pursuant to this section exceed the benefits which would otherwise be payable and shall charge any such excess against the contributions of the State so that there shall be no increase in contributions of members by reason of benefits paid pursuant to this section. As used in this section, "a surviving wife" means a wife that was married to the member for at

least one year prior to his death, a "dependent surviving husband" means a husband that was married to the member for at least one year prior to the member's death and whose income from all other sources was less than one-half the earnings of the member, and "child" includes a posthumously born child of the member.

This section shall not apply to a safety member in the employ of a contracting agency which has elected to be subject to Section 21337.

The section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the time this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

SEC. 11. This act shall become operative on October 1, 1959. Operative date

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CHAPTER 779

An act to amend Sections 20560, 20606, and 20834 of, to add Sections 20465 and 20933.5 to, and to repeal Sections 20019.1, 20019.2, 20606.1, and 20608.1 of, the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor June 3, 1959. Filed with Secretary of State June 3, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Sections 20019.1 and 20019.2 of the government Code are repealed. Repeals

SEC. 2. Section 20465 is added to said code, to read:

20465. All acts and proceedings heretofore taken under this part by or on behalf of any public agency for the approval and execution of a contract for participation in the system or an amendment to such contract are hereby confirmed, validated, and declared legally effective and all such contracts and amendments in the form and manner executed shall be legal and valid. This provision shall operate to supply such legislative authorization as may be necessary to validate such acts and proceedings as the Legislature could have provided for participation in the system. Validation of contracts and amendments

SEC. 3. Section 20560 of said code is amended to read:

20560. If the contract was approved by an ordinance or resolution adopted by the governing body of the contracting agency, the governing body may terminate it by the adoption Action of governing body

of a resolution giving notice of intention to terminate, and by the adoption, not less than one year thereafter by the affirmative vote of two-thirds of the members of the governing body, of an ordinance or resolution terminating the contract.

Local safety member

SEC. 4. Section 20606 of said code is amended to read:

20606. For each local safety member, the normal rates of contribution shall be based on his age at his entrance into the retirement system as such a member and, if he is entitled to credit for prior service, his age when he entered fire, police, or county peace officer service, both ages being taken to the preceding completed quarter year. The age at entrance into fire, police, or county peace officer service shall be determined by deducting the amount of such service for which credit for prior service is granted from his age at his entrance into the retirement system.

Repeals

SEC. 5. Sections 20606.1 and 20608.1 of said code are repealed.

Credit for prior service

SEC. 6. Section 20834 of said code is amended to read:

20834. Credit for prior service shall be granted to each person who was employed by a contracting agency at the time of becoming a member and who became a member on the effective date of the agency's contract or within three years after last rendering prior service.

Same: Effect after election

SEC. 7. Section 20933.5 is added to said code, to read:

20933.5. Any election under this article shall be ineffective with respect to any service which subsequent thereto becomes creditable to the member under this part as prior service rendered a contracting agency or under another retirement system supported wholly or in part by public funds, and any contributions made with respect to such service pursuant to such election shall be refunded to the member.

Operative date

SEC. 8. This act shall become operative on October 1, 1959.

CHAPTER 780

An act to add Section 7056.5 to the Public Resources Code, relating to the production of oil and gas or other minerals.

In effect September 18, 1959

[Approved by Governor June 3, 1959. Filed with Secretary of State June 3, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 7056.5 is added to the Public Resources Code, to read:

7056.5. The provisions of Sections 7051 to 7056, inclusive, shall apply to operating agreements and all other types of agreements entered into by the agencies mentioned in Section 7056 for the purposes described in Section 7051.

This section does not constitute a change in, but is declaratory of, the pre-existing law.

CHAPTER 781

An act to amend Section 3052 of the Civil Code, relating to possessory liens.

[Approved by Governor June 3, 1959. Filed with Secretary of State June 3, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 3052 of the Civil Code is amended to read:

3052. If the person entitled to the lien provided in Section 3051 of this code be not paid the amount due, and for which said lien is given, within ten (10) days after the same shall have become due, then such lien holder may proceed to sell said property, or so much thereof as may be necessary to satisfy said lien and costs of sale at public auction, and by giving at least ten (10) but not more than twenty (20) days' previous notice of such sale by advertising in some newspaper published in the county in which said property is situated; or if there be no newspaper printed in such county, then by posting notice of sale in three (3) of the most public places in the town or place where such property is to be sold, for ten (10) days previous to the date of the sale; provided, however, that prior to the sale of any automobile or trailer to satisfy any such lien, twenty (20) days' notice by registered mail shall be given to the legal owner and to the registered owner of such vehicle, if registered in this State as the same appear in the registration certificate, and also to the Division of Motor Vehicles by registered letter; and the Division of Motor Vehicles shall in like manner immediately notify said legal owner and said registered owner of said proposed sale, but failure on the part of said division to give such notice shall not affect the validity of any such sale; and provided, further, that within twenty (20) days after said sale, the legal owner may redeem any such automobile or trailer so sold to satisfy said lien upon the payment of the amount thereof, all costs and expenses of said sale, together with interest on said sum at the rate of 12 percent per annum from the due date thereof or the date when the same were advanced until the repayment. The proceeds of the sale must be applied to the discharge of the lien and the cost of keeping and selling the property; the remainder, if any, must be paid over to the legal owner thereof.

CHAPTER 782

An act to amend Section 20009.1 of the Government Code, relating to employees' retirement system.

In effect September 18, 1959

[Approved by Governor June 3, 1959. Filed with Secretary of State June 3, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 20009.1 of the Government Code is amended to read:

20009.1. "Public agency" includes the following:

(a) The office of county superintendent of schools with respect to its employees whose compensation is not paid from county funds and with respect to employees of school districts within the jurisdiction of the superintendent which are not contracting agencies.

(b) The Commandant, Veterans Home of California, with respect to employees of the post exchange and other post fund activities whose compensation is paid from the post fund of the Veterans Home of California.

(c) Any foundation or trust established for the purpose of providing essential activities related to but not normally included as a part of the regular instructional program of a state or junior college.

(d) Any student body or nonprofit organization composed exclusively of students of a state or junior college or of members of the faculty of a state or junior college, or both, and established for the purpose of providing essential activities related to but not normally included as a part of the regular instructional program of the state or junior college.

CHAPTER 783

An act to amend Section 4361 of the Agricultural Code, relating to fluid milk and fluid cream.

In effect September 18, 1959

[Approved by Governor June 3, 1959. Filed with Secretary of State June 3, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 4361 of the Agricultural Code is amended to read:

4361. No distributor shall sell to any retail store, restaurant, confectionery or other place for consumption on or off the premises, or to any consumer, and no retail store, restaurant, confectionery or other place for consumption on or off the premises, shall purchase from any distributor or sell to any consumer, any fluid milk or fluid cream, or either of them, at less than the prices as established by the director under the provisions of this article. The use or attempted use of any

method, device or transaction whereby any distributor sells or offers or agrees to sell to any retail store, restaurant, confectionery or other place for consumption on or off the premises, or to any consumer, or any retail store, restaurant, confectionery or other place for consumption on or off the premises buys or offers or agrees to buy from any distributor, or sells or offers or agrees to sell to any consumer, fluid milk or fluid cream, or either, at a price less than that established by the director under the provisions of this article, is prohibited whether such method, device or transaction applies directly to fluid milk, fluid cream or either or applies to or is used in connection with the sale or handling of any commodity, product or article. Prohibited methods, devices or transactions shall include, but not be limited to, any one or more of the following: discounts, rebates, free services, advertising allowances, leases of refrigeration or other equipment, gifts, or payments, allowances or credits made or given for, or in connection with, the return of containers or other property, unless such payment, allowance or credit is a repayment of a deposit or charge, in excess of the price established by the director under the provisions of this article, paid by a wholesale customer, or by a consumer, for the return of such containers or other property.

A distributor, or retail store, restaurant, confectionery or other place for consumption on or off the premises shall be considered to have violated the provisions of this section if it engages in such violation directly or through an agent, employee, or subsidiary or affiliated company or corporation. For purposes of this section subsidiary or affiliated company or corporation includes, but is not limited to, companies or corporations controlled by the distributor, or retail store, restaurant, confectionery or other place for consumption on or off the premises, directly or indirectly through ownership of issued capital stock or otherwise.

CHAPTER 784

An act to amend Section 2220.5 of the Welfare and Institutions Code, relating to the termination of old age assistance.

[Approved by Governor June 3, 1959. Filed with Secretary of State June 3, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 2220.5 of the Welfare and Institutions Code is amended to read:

2220.5. If the board of supervisors, in accordance with Section 2220, cancels, suspends, or revokes aid, the recipient shall be immediately notified in writing of the county's action, the date thereof, and of the reason therefor and the recipient's right to appeal therefrom.

CHAPTER 785

An act to add Section 21804.1 to the Education Code as enacted at the 1959 Regular Session, relating to school district bonding capacity.

In effect September 18, 1959

[Approved by Governor June 3, 1959. Filed with Secretary of State June 3, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 21804.1 is added to the Education Code as enacted at the 1959 Regular Session, to read:

21804.1. Where an elementary school district and a high school district with a combined average daily attendance of 300,000 or more are governed by the same governing board, and the students in grades seven and eight in the districts are in attendance at high schools maintained by the high school district, the governing board, by resolution filed with the county auditor, may provide that the bond issuance limitations determined under Section 21801 shall be adjusted by reducing the bond issuance limitation of the elementary school district by 1 percent of its total and by augmenting the bond issuance limitation for the high school district by the amount by which that of the elementary district was reduced.

CHAPTER 786

An act to add Section 14804.1 to the Financial Code, relating to credit unions.

In effect September 18, 1959

[Approved by Governor June 3, 1959. Filed with Secretary of State June 3, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 14804.1 is added to the Financial Code, to read:

14804.1. Subject to the limitations of Sections 14804, 14805 and 14806 any credit union or credit unions may purchase, acquire and hold outstanding shares of a corporation engaged exclusively in holding property of the character described in Section 14804 and which property is or is to be used for the purposes set forth in Section 14804. The purchase or acquisition of stock of any such corporation shall be approved by two-thirds of all the directors of such credit union or credit unions.

CHAPTER 787

An act to add Section 14699 to the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to district retirement salary plans.

[Approved by Governor June 3, 1959. Filed with Secretary of State June 3, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 14699 is added to the Education Code, to read:

14699. (a) The contract executed under the provisions of either Section 14690 or Section 14696 of this code, and making persons other than teachers and other persons employed in a status requisite for membership in the State Teachers' Retirement System, who are active or retired members of a district retirement salary plan established under Sections 14651 to 14698, inclusive, members and beneficiaries of the State Employees' Retirement System, shall be amended to include as members or beneficiaries, teachers and other persons who were employed in a status requisite for membership in the State Teachers' Retirement System, who ceased to be members of such plan if it was discontinued, or if such plan was not discontinued, who resign instead of retiring and are refunded their accumulated contributions under that plan, or who retire or have retired under such district plan and relinquish or have relinquished their right to allowances from such plan, as permitted by Section 14697, with credit for service rendered in a status in which they would have been eligible for membership in the State Employees' Retirement System, if such district or districts by which they were employed had been participating in that system under Part 3, of Division 5 of Title 2 of the Government Code, but only if such service qualified for credit under such plan and is not credited under any other retirement system.

(b) Such service of a person who so ceased to be a member, or resigns or has resigned instead of retiring, or who relinquishes or has relinquished, as the case may be, shall be administered under such contract in exactly the same manner as that applied to service of persons who were retired under the local retirement system at the effective date of such contract, and were made beneficiaries, or who were not retired and were made members of such system on that date. The retirement allowances being received by such relinquishing persons, on account of service which would have been credited under the State Employees' Retirement System as stated, shall be adjusted in the same manner that allowances were adjusted under paragraph (6) of subdivision (b) of Section 14696. Any member who is credited with service in accordance with this section, shall pay to the State Employees' Retirement System, at times and in the manner fixed by the board

of administration of that system, an amount equal to contributions with interest, which such member received as a refund from such plan, and which were based on service so credited, plus interest from the date of refund to the date of such payment, at the interest rate in effect under such system at such date of payment. Contributions required of such district or districts shall be determined by proper valuation, and the contributions set forth in said contract shall be adjusted accordingly.

(c) A retirement allowance based on such credited service shall be payable and retirement shall become effective, under the State Employees' Retirement System beginning on the first day of the month next following the effective date of this section, in the case of a person who then is retired under the State Teachers' Retirement System, or otherwise on the later effective date of the member's retirement under such teachers' system. The allowance shall be based on the person's age when the allowance begins, and on the same average salary as that upon which his allowance under the State Teachers' Retirement System, is based.

CHAPTER 788

An act to create the Yuba County Water Agency, to develop and promote the beneficial use and regulation of the water resources of Yuba County, prescribing the agency's powers and duties, providing for its organization, operation and management and authorizing the acquisition of property and works to carry out the purposes of the agency, authorizing the incurrence of indebtedness, providing for the issuance of bonds payable solely from revenues, providing for the levy and collection of taxes for the payment of general agency expenses, and for co-operation and contracts with any entity.

In effect September 18, 1959

[Approved by Governor June 3, 1959. Filed with Secretary of State June 3, 1959.]

The people of the State of California do enact as follows:

SECTION 1. A district hereinafter called an agency is hereby created for the purpose of accomplishing a function of statewide importance. Said agency shall be known as the Yuba County Water Agency and shall include all territory lying within the exterior boundaries of the County of Yuba, and shall also include territory contiguous to but outside said boundaries which becomes or is included within a member unit as hereinafter defined.

SEC. 2. As used in this act, the following words shall have the following respective meanings unless the context indicates otherwise:

(a) "Agency" is the Yuba County Water Agency.

(b) "County" or "principal county" is the County of Yuba of the State of California.

(c) "United States" is the United States of America including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the United States of America.

(d) "State" means the State of California including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the State of California.

(e) "Work" or "works" includes dams and dam sites, reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion and transmission of water; power generation and transmission facilities, and all land, property, franchises, easements, rights-of-way and privileges necessary or useful to operate or maintain any of the foregoing.

(f) "District" as used hereafter means any of the following lying within or partially within, or contiguous to the agency: irrigation districts, county water districts, water conservation districts, water districts, soil conservation districts, municipalities, towns, flood control districts, levee districts, and any other districts or political subdivisions of the State empowered by law to appropriate water and deliver water to water users.

(g) "Member unit" means any district which enters into a contract with the agency for (i) the repayment in whole or in part to the agency or any other person, corporation, public district, State of California or any political subdivision thereof, or the United States, of any or all the construction costs of any works constructed by or on behalf of the agency or such district, or for (ii) the underwriting in whole or in part of any or all of such construction costs, or for (iii) the repayment in whole or in part to the agency or any other person, corporation, public district, State of California or any political subdivision thereof, or the United States, of any or all of the cost of furnishing water or a water supply to the agency or such district or the underwriting in whole or in part of such cost, or for (iv) the payment in whole or in part for water to be furnished or sold to such district by the agency or the United States.

(h) "Elector" means a resident of the agency who is qualified under the laws of the State of California to vote at a general election.

(i) "May" is permissive and "shall" is mandatory.

(j) "Board" means the board of directors of the agency.

SEC. 3. The Yuba County Water Agency is hereby declared to be and is a body politic and corporate, and as such shall have, among others, the powers enumerated in this act and such other powers as the law may provide. The powers of the agency shall, except as otherwise provided, be exercised by the board of directors thereof.

SEC. 3.1. The agency shall have perpetual succession.

SEC. 3.2. The agency shall have the power to adopt a seal and alter it at its pleasure.

SEC. 3.3. The agency shall have the power to sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts, commissions, boards and tribunals of competent jurisdiction.

SEC. 3.4. The agency shall have the power of eminent domain to acquire within or without the agency by condemnation in the manner and to the extent prescribed in Section 14 of Article I of the Constitution of the State of California and Title 7, commencing at Section 1237, of Part 3 of the Code of Civil Procedure all property or interests therein necessary for carrying out the powers and purposes of the agency, except that the agency shall not have the power to acquire by condemnation publicly owned property, nor property owned by private irrigation companies, held or used for the development, storage or distribution of water for public use, unless provision is made to furnish substitute facilities for the use of such public agency or private irrigation company; and it is hereby declared that the use of the property which may be condemned, taken or appropriated under the provisions of this act, is a public use, subject to regulation and control of the State of California in the manner prescribed by law. Notwithstanding any other provisions of this act or any other law, no property shall be taken except upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it already has been appropriated.

In lieu of compensation and damages for the taking or damaging of any public utility facility which must be replaced by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the agency shall pay to the public utility owning such facility its actual cost incurred to replace in kind the facility so taken or damaged, less proper deductions for depreciation together with its actual cost incurred to rearrange or rehabilitate the facilities of such public utility not taken or damaged but required to be rearranged or rehabilitated by reason of such taking or damaging.

The power of eminent domain vested in the agency shall include the power to condemn in the name of the agency either the fee simple or any lesser estate or interest in any property which the board by resolution shall determine is necessary for carrying out the purposes of the agency. Such resolution shall be prima facie evidence that the taking of such private property, to the extent stated in said resolution, is necessary for carrying out the purposes of the agency. No action in eminent domain to acquire property or interests therein outside the boundaries of the County of Yuba shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

SEC. 3.5. The agency shall have the power to take absolutely or on condition, by grant, purchase, gift, devise, lease,

or otherwise, with or without the privilege of purchasing, real and personal property of any kind, or any interest in real or personal property, within or without the agency, necessary to the full exercise of its powers, and to hold, use, enjoy, and to lease or dispose of the same subject to the limitations set forth in Section 11.

SEC. 3.6. The agency shall have the power to make contracts, employ labor and to do all acts necessary for the full exercise of its purposes and powers. The board may cause construction or other work to be performed or carried out by contracts or by the agency under its own superintendence as hereinafter provided.

SEC. 3.7. The agency shall have power to enter into contracts with any private company formed and existing exclusively to provide water service within Yuba County whenever such contract appears to the board to be in the public interest.

SEC. 3.8. The agency shall have power to borrow money, incur indebtedness and issue bonds or other evidence of such indebtedness in the manner provided herein; also to refund or retire any indebtedness or lien that may exist against the agency or property thereof.

SEC. 4. The agency shall have the power as limited in this act to do any and every lawful act necessary in order that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the agency, including, but not limited to irrigation, domestic, fire protection, municipal, commercial, industrial, recreational, and all other beneficial uses and purposes.

SEC. 4.1. The agency shall have the power to develop hydroelectric power to the extent that such power can be developed in connection with the construction and operation of its projects, and to enter into contracts for the sale thereof for a term not to exceed 50 years, and to pledge the revenue therefrom for the payment of principal and interest on revenue bonds. Such power may be marketed at the bus bar and at wholesale rates to any public or private agency, or both, engaged in the sale of electric power at retail.

SEC. 4.2. The agency shall have the power to control the flood and storm waters of the agency and the flood and storm waters of streams that have their sources outside of the agency, which streams and floodwaters flow into the agency, and to conserve such waters for beneficial and useful purposes of said agency by spreading, storing, retaining and causing to percolate into the soil within or without said agency, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways life and property in said agency, and the watercourses outside of the agency of streams flowing into the agency.

SEC. 4.3. The agency shall have the power to store water in surface or underground reservoirs within or outside of the agency for the common benefit of the agency; to conserve and

reclaim water for present and future use within the agency; to appropriate and acquire water and water rights, and import water into the agency and to conserve and utilize, within or outside of the agency, water for any purpose useful to the agency; to commence, maintain, intervene in, defend or compromise, in the name of the agency in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of water or water rights, within or without the agency, used or useful for any purpose of the agency or of common benefit to any land situate therein or involving the wasteful use of water therein, or to prevent the interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the agency or of common benefit to the lands within the agency or to its inhabitants, or to prevent unlawful exportation of water from said agency, or to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said agency, and to commence, maintain and defend actions and proceedings to prevent any such interference with such waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the agency; except that the agency shall have no power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the agency.

SEC. 4.4. The agency shall have the power within or outside the agency to construct purchase, lease, or otherwise acquire works and to purchase, lease, appropriate or otherwise acquire water and water rights useful or necessary to make use of water for any purposes authorized by this act.

SEC. 4.5. The agency shall have the power to operate, repair, improve, maintain, renew, replace and extend all works and property of the agency.

SEC. 4.6. The agency shall have the power to carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said agency relating to watercourses or streams flowing in or into said agency.

SEC. 4.7. The agency shall have the power to construct its pipes, pipelines, flumes and tunnels and other conduits, including facilities for the transmission of electric energy to the works of the agency, along, under or across any public road, street, alley, avenue, highway or sidewalk, or across any stream of water, watercourse, railway, canal, ditch, or flume which the route of said pipes, pipelines, canals, flumes, tunnels, or other conduits may intersect or cross, except that such works shall be constructed in compliance with any applicable laws and in such manner as to afford security for life and

property and the agency shall restore at its own expense any such crossings and intersections to their former state as nearly as may be or to an extent which does not unnecessarily impair their usefulness. Every company, municipality, or district whose right-of-way shall be intersected or crossed by said pipes, pipelines, canals, flumes, tunnels or other conduits shall unite with the agency in forming said intersections and crossings and grant the rights therefor.

SEC. 4.9. (a) If by any judgment in condemnation or agreement the agency is required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board may acquire in the name of the agency, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with such agreement or judgment of condemnation and thereafter to make such conveyance of the relocated street, road, highway, railroad, canal, or other property as may be proper to comply with the agreement or judgment. All agreements for the exchange of property and all judgments requiring relocation of other public uses, as specified in this section and in Section 3.4 of this act, shall provide that in making the exchange the property condemned and exchanged shall be limited to public use by the party with whom such exchange is made.

(b) In the event the agency and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the agency, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission.

(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the manner prescribed in Chapter 6 (commencing at Section 1201) of Part 1 of Division 1 of the Public Utilities Code.

SEC. 4.10. The agency may reimburse the county for any funds expended by the county in investigations, elections, or other acts incidental to the establishment and purposes of the agency.

SEC. 4.11. In connection with the construction and operation of the works of the agency, the agency shall have the power to contract for a term not to exceed 50 years, for the sale of the right to use falling water for power purposes with any public or private entity, engaged in the sale of electric power at retail.

SEC. 4.12. Nothing contained in this act shall deprive a county in which water originates of any water necessary for the development of such county.

SEC. 5. Any water or rights to the use of the works of the agency for the conservation, control or transportation of water may be sold, leased or otherwise transferred by the agency to member units, and the agency may fix and collect rates and

charges for such purposes. The agency may transfer such water or the use of agency works to other than member units for use in or outside the agency upon a temporary or short-term basis, upon a finding by the board that such water or works exceed the needs of member units. Each contract for or sale of surplus water or the use of such water facilities shall expressly state that the sale or disposition is subject to the prior right to the use of such water or facilities by or for member units.

SEC. 5.1. The agency may enter into contracts with any member unit or with any district which becomes a member unit of the agency for any of the following purposes:

(a) The lease, purchase, or other acquisition by the agency of any of the works of such member unit or district.

(b) The construction of works by the agency for the conservation, regulation or transmission of water for the benefit of such member unit or district; or for the furnishing or sale by the agency or the State of California or the United States to such member unit or by such member unit to the agency of water or a water supply for any purpose.

(c) The sale, lease, or other disposition of water, water rights, and water storage facilities or interests therein, by the agency or by such member unit.

(d) The operation of works and the delivery of water by the agency or by such member unit, except that:

(1) The works shall be operated in conformity with the vested rights and appropriations of each of its member units having an interest therein.

(2) There shall be delivered to each member unit all water to which such member unit is entitled under the contract entered into by the agency and such member unit.

(3) There shall not be delivered to any member unit more water than the amount to which such member unit is entitled under the contract entered into by the agency and such member unit, except that the release of water from any reservoir in the amount required to satisfy any vested right shall not constitute a delivery of water, and any amount of water assigned under Section 5.6 by one member unit to another member unit shall be delivered to the latter.

SEC. 5.2. Before the board shall have authority to enter into a contract with a district or districts lying partly or entirely outside of the boundaries of the County of Yuba, it shall adopt a resolution specifying its intention to enter into such contract with such district or districts, and further specifying that by such contract said district or districts shall become member units of the Yuba County Water Agency and subject to the provisions of this act. The resolution shall fix the time and place for a public hearing thereon. Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to such hearing, the last publication of which notice must be at least seven days before said hearing, in a newspaper of general circulation to be designated by the board circulated in such district or districts. Said notice must desig-

nate a public place within such district or districts where a copy of the proposed contract may be seen by any interested persons.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed contract. Upon the conclusion of the hearing the board may abandon the proposed contract, or proceed with the same unless prior to the conclusion of said hearing written protests against the proposed contract signed by a majority in number of the registered voters residing within each district affected be filed with the board, in which event further proceedings relating to the contract with such protesting district or districts must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned in the discretion of the board.

SEC. 5.3. The agency in its discretion may suspend delivery of water conserved by the agency or obtained by or on behalf of the agency or a member unit to any member unit during the period which said member unit is delinquent in its payment for or obligations due in respect to such water under any contract entered into by it with the agency.

SEC. 5.4. The liability of each member unit, as distinguished from the liability of its taxpayers and property therein for taxes levied by the agency for agency purposes, shall be limited to that portion of the total cost for water or water supply or to that portion of the total cost of construction and the operation and maintenance cost of the works acquired or constructed by or on behalf of the agency or member unit which such member unit agrees to bear.

The liability of each member unit shall be set forth fully in a written contract which shall be legally approved by the member unit in accordance with the laws governing such member unit. No contract shall be altered or modified without the consent of the agency and the legal approval of the member unit.

Each contract may provide, among other things:

(a) The total capital obligation which the member unit agrees to bear.

(b) The minimum annual payments which the member unit shall make in amortization of its capital obligation.

(c) The amount or pro rata portion of water which shall be delivered to or held in storage for the member unit.

(d) The basis of allocation of operation and maintenance costs to be borne by the member unit.

(e) The amount or other measure of water supply or water agreed to be acquired by or furnished or sold to such member unit and the cost thereof to such member unit.

Such contracts shall be executed in accordance with the laws governing such districts.

SEC. 5.5. (a) In the event of any reduction in the principal of any debt of the agency underwritten by one or more member units, other than by payment thereof, the amounts to be paid

to the agency by each member unit in amortization of its remaining portion of such debt shall be reduced proportionately so that the relative obligations of each such member unit shall be unchanged.

(b) In the event of any reduction in the rate of interest being paid on any part of a debt of the agency for which one or more member units are responsible, the amounts to be paid the agency by each such member unit shall be reduced proportionately so that the relative obligation of each such member unit remains unchanged in respect to its obligation to pay any remaining interest.

(c) In determining the amounts which member units shall pay for water due consideration shall be given to revenues to be derived from the sale of electric energy. All main water conduits to member districts' boundaries shall be included in the feasibility report and considered as part of the agency project.

SEC. 5.6. Any member unit may reduce its obligations under its contract with the agency by assignment to and acceptance by another member unit of any part of its right to receive water under its contract except that the assignment shall be legally approved, in accordance with the laws governing such member unit, by each member unit which is a party to the assignment. The total of all payments to be made by such member units to the agency shall not be reduced by virtue of the assignment and the assignor member unit may be required by the agency to guarantee the payments assumed by the assignee member unit.

SEC. 5.7. If any capital asset of the agency is sold or otherwise disposed of, the net proceeds therefrom shall be distributed to the member units, or applied against any liability of the member units to the agency in proportion to the amount contributed by each member unit to the cost of the capital asset. However, if any liability on the part of the agency or its member units for the original cost or any subsequent improvement or refinancing of such capital asset is not completely extinguished at or before the time of the sale or disposal thereof, the agency may apply as much of the proceeds of the sale as are necessary to extinguish the liability. In extinguishing such liability, the proceeds of the sale shall be applied only as the interests and liabilities of the agency and its member units shall appear.

SEC. 6. The agency shall have the power to co-operate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof and supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting co-operation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation and maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for

carrying out any of the purposes of the agency, and for said purposes the agency shall have, in addition to the powers set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 (commencing at Section 23175) of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

SEC. 6.1. All money collected in pursuance of contract with the United States shall be paid into the county treasury to the credit of the agency and shall be held in a fund to be known as the "United States contract fund" to be used for payments due to the United States under contract.

SEC. 6.2. The agency may co-operate and act in conjunction and contract with the United States, State of California, any municipality, district, public or private corporation, or any person, in the purchase and sale of water, in the acquisition of water or a water supply, in the construction of any works for the controlling of flood or storm waters in the agency, or for the protection of property, watersheds, watercourses, highways and life, or for the purpose of conserving and transporting said waters for beneficial uses and purposes, including recreational uses and the generation of electric energy, and for the use, operation and management and ownership of such works. The agency also may make and perform any agreement with the United States, the State, any county, municipality, district, public or private corporation, or any person for the joint acquisition, disposition, operation or management of any property, works, water or water supply of a kind which might be acquired, disposed of, or operated by the agency.

Any irrigation district, California water district, public utility district, municipal utility district, soil conservation district, county water district, water conservation district, municipality, flood control district, mutual water company and any other district or political subdivision of the State empowered by law to appropriate water and deliver water to users may:

(a) Co-operate, act in conjunction with and enter into contracts with the agency for all the purposes for which the agency is empowered to act.

(b) Carry out the terms of such contracts.

SEC. 7. (a) The board of supervisors of the county shall be ex officio the board of directors of the agency, and shall be entitled to receive from the agency the sum of twenty dollars ($20) for each meeting attended, plus actual, necessary and reasonable traveling expenses. The basis for compensation of the directors, and the amount thereof, can be altered only by a four-fifths vote of the directors and the approval of a majority of the advisory council. The board of directors may adopt reasonable rules and regulations to carry out its powers and duties. The board of directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their records, select one of their number to act as temporary chairman. Any member of the board may

administer oaths when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, but no act of the board shall be valid or binding unless a majority of all members concur therein.

(b) There shall be created an advisory council to advise the board of directors. Said council shall consist of one member to be appointed by each of the member units and one member by each district within the County of Yuba which is not a member unit, to serve at the pleasure of such member unit or district; two members to be appointed by the council of the City of Marysville, to serve at the pleasure of said council; and one member to be appointed by the council of the Town of Wheatland, to serve at the pleasure of said council.

SEC. 7.1. No director of the agency shall be interested in any manner, directly or indirectly, in any contract awarded or to be awarded by the board of directors, or in the profits to be derived therefrom. A violation of this section is a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment, and such conviction shall by operation of law work a forfeiture of office. This section shall not apply to a contract made with a corporation of which a director is a minority stockholder if the contract is for the general benefit of the corporation.

SEC. 7.2. No director shall be liable for any act or omission of any appointee or employee appointed or employed by him in his official capacity, whether such employment or appointment was made singly or in conjunction with other members of the board, and no officer, agent or employee of the agency shall be liable for any act or omission of any agent or employee appointed or employed by him except when the director, officer or agent making such appointment or employment knew or had actual notice that the person appointed or employed was inefficient or incompetent to perform or render the services for which he was appointed or employed, or retained such inefficient or incompetent person after knowledge or notice of such inefficiency or incompetency.

SEC. 7.3. Nothing contained in Section 7.2 shall be considered as creating any liability or responsibility unless the same would have existed without the enactment of said section, nor shall the provisions of said section be deemed to amend, modify or repeal the provisions of Chapter 6 (commencing at Section 1950) of Division 4 of Title 1 of the Government Code.

SEC. 7.4. If a judgment is entered against a director, officer, agent, or employee of the agency for any act or omission in his official capacity, except in case of actual fraud or malice, the agency shall pay the judgment without obligation for repayment by the director, officer, agent, or employee.

SEC. 8. All officers of the county, and their assistants, deputies, clerks, and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of the agency, and shall perform, unless otherwise provided by the board, the same duties for the agency as performed for the county; except that if the county surveyor is a registered civil engineer and is employed to supervise the engineering work of the agency, the board may provide compensation for his services in addition to his salary as county surveyor which shall be payable from the funds of the agency.

SEC. 8.1. The board may employ agents, superintendents, engineers, attorneys, and employees necessary to carry out the provisions of this act.

The board may appoint a secretary and such other officers, agents and employees for the board or agency as in its judgment may be deemed necessary, prescribe their duties and fix their compensation. Such officers, agents and employees so appointed shall hold their respective offices or positions during the pleasure of the board.

SEC. 9. All ordinances, resolutions and other legislative acts of the agency shall be adopted by the board, and certified to, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts of the county.

The initiative and referendum powers are hereby granted to the electors of the agency to be exercised in relation to the enactment or rejection of agency ordinances in accordance with the procedure established by the laws of this State for the exercise of such powers in relation to counties.

SEC. 10. Claims against the agency whether arising out of contract, tort, or the taking or damaging of property without compensation must be made in writing and filed with the board within six months after the cause of action arises. Claims shall be presented in the general form and manner prescribed by law for the making and filing of claims against counties. Such claims may be amended within six months to correct defects in form or statement of facts. No action against the agency shall be commenced or maintained unless a claim has been filed as provided in this section and a complaint has been filed within one year after the cause of action arose.

SEC. 11. The legal title to all property acquired under the provisions of this act shall be in the agency and shall be held for the uses and purposes of this act. The board may hold, use, acquire, manage, occupy and possess such property and, after declaring by resolution entered in the minutes that any real or personal property held by the agency is no longer necessary, may sell or otherwise dispose of such property, or lease the same, in the manner provided by law for the disposition and sale of property by counties.

SEC. 12. All contracts for any improvement or unit of work, when the cost according to the estimate of the engineer will exceed five thousand dollars ($5,000), shall be let to the

lowest responsible bidder or bidders as provided in this section. The board shall first determine whether the contract shall be let as a single unit for the whole of the work, or divided into severable convenient parts. The board shall advertise for bids by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in the agency, inviting sealed proposals for the construction or performance of the improvement or work. The call for bids shall state whether the work shall be performed in one unit or divided into parts. The work may be let under a single contract or several contracts, as stated in such call. The board shall require the successful bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material. The bonds shall comply with Chapter 3 (commencing at Section 4200) of Division 5 of Title 1 of the Government Code. The board may reject any and all bids. In the event all proposals are rejected or no proposals are received, or the estimated cost of the work does not exceed five thousand dollars ($5,000), or the work consists of channel protection, maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board may have the work done by force account without advertising for bids. The board may purchase in the open market without advertising for bids, materials and supplies for use in any work, either under contract or by force account. In awarding any contract or authorizing any work, the board shall comply with the provisions of Article 2 (commencing at Section 1770) of Chapter 1, Part 7, Division 2 of the Labor Code.

SEC. 13. The agency shall not incur any indebtedness or liability exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable. This section shall have no application to debts or liabilities incurred for feasibility reports nor to indebtedness incurred pursuant to the provisions of this act authorizing the issuance of bonds, the execution of contracts with the United States, nor the incurring of any indebtedness or liability authorized by a vote of the electors of the agency at an election held for such purpose.

SEC. 13.1. The agency shall have no power to incur any bonded indebtedness except as provided in Section 16.

SEC. 14. If from any cause, the revenues of the agency shall be, or in the judgment of the board are likely to be, inadequate to pay the expenses, costs, liabilities and indebtedness of the agency, the board shall have the power in any year to levy an ad valorem tax upon all taxable property in the agency to pay the costs and expenses of the agency to carry out the provisions of this act, except that the aggregate taxes levied for any one fiscal year shall not exceed ten cents ($0.10) on

each one hundred dollars ($100) of the assessed valuation of the taxable property in the agency.

SEC. 14.1. The board shall avail itself of the assessments made by the assessors of the counties within which the agency or any parts thereof are situated, and of the assessments made by the State Board of Equalization for those counties, and shall take such assessments as a basis for agency taxation and have its taxes collected by the county officials if the board declares its election so to do by resolution or ordinance and files a certified copy of the resolution or ordinance on or before the first day of August with the auditors of the counties in which the agency or any parts thereof are situated. Thereafter, each year and until otherwise provided by the board, all assessments shall be made for the agency by the State Board of Equalization and the county assessors, and all taxes shall be collected for the agency by the tax collectors of the counties in which the agency or any part thereof is situated.

SEC. 14.2. The county auditor shall on or before the third Monday in August of each year, transmit to the board a statement in writing showing the total value of all property within the agency, ascertained from the assessments referred to in Section 14.1 as equalized.

SEC. 14.3. The board shall on or before the first weekday in September, or if such weekday falls upon a holiday, then on the first business day thereafter, subject to the provisions of Section 14, fix the rate of taxes, designating the number of cents upon each hundred dollars, using as a basis the value of property transmitted to the board by the county auditors, which rate of taxation, subject to the limitations of Section 14, shall be sufficient to raise the amount previously fixed by the board. These acts by the board shall constitute a valid assessment of the property and a valid levy of the taxes so fixed.

SEC. 14.4. The board shall immediately after fixing the rate of taxes as above provided transmit to the county auditors of the counties in which the agency or any portion thereof is situated a statement of the rate of taxes fixed by the board.

SEC. 14.5. The agency's taxes so levied shall be collected at the same time and in the same manner as county taxes. When collected, the net amount, ascertained as provided in this act, shall be paid to the treasurer of the principal county under the general requirements and penalties provided by law for the settlement of other taxes.

SEC. 14.6. Whenever any real property situated in the agency has been sold for taxes due to the agency and has been redeemed, the money paid for redemption shall be apportioned and paid to the agency by the county auditor receiving it in accordance with the provisions of Chapter 1c (commencing at Section 4656) of Part 8 of Division 1 of the Revenue and Taxation Code.

SEC. 14.7. All taxes levied under this act are a lien on the property on which they are levied. Unless the board has by ordinance otherwise provided, the enforcement of the collec-

tion of such taxes shall be in the same manner and by the same means provided by law for the enforcement for county taxes, all the provisions of law relating to the enforcement of the latter being made a part of this act so far as applicable.

SEC. 15. (a) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work of improvement for the benefit of any member unit, as determined in an agreement between the agency and the member unit, it may determine and declare by resolution the amount of bonds necessary to be issued in each member unit affected for such work of improvement. The board shall cause a copy of the resolution duly certified by the clerk to be filed with the governing board of such member unit.

(b) After such resolution is filed, the governing board of such member unit may call a special bond election to be held and conducted in the member unit in accordance with the laws applicable to the holding of such elections in such member units; but the adoption or filing of such resolution shall not be a condition precedent to the calling of special bond elections by member units.

(c) No member unit nor the property therein nor other land within the agency shall be liable for the share of bonded indebtedness of any other member unit for which bonds are issued under this act, nor shall any moneys derived from taxation or assessment in any of the several member units be used in payment of principal or interest or otherwise of the share of bonded indebtedness chargeable to any other member unit.

SEC. 16. If the board by resolution determines that a bonded indebtedness to pay for the acquisition or construction of any works for any purposes of the agency or for refunding any outstanding bonds should be incurred and can be repaid and liquidated as to both principal and interest from revenues designated by the board, the agency is authorized and shall have the power to define such works as an "enterprise" and to issue revenue bonds all in the manner and as provided in the Revenue Bond Law of 1941 as amended, and for such purpose the agency shall be considered a "local agency," as defined by Section 54307 of the Government Code; provided, however, that notwithstanding the provisions of Section 54310 of the Government Code, the board shall have the power, subject to the limitations of Section 4.1 hereof, to borrow money and issue revenue bonds for, and to define "enterprise" to include systems, plants, works or undertakings for the generation, production, transmission and sale of hydroelectric energy as authorized in this act.

SEC. 17. All revenue bonds issued by the agency may be certified as legal investments pursuant to the Districts Securities Commission Law (Chapter 1 (commencing at Section 20000) of Division 10 of the Water Code), in the manner and to the extent provided in Sections 54433 and 54434 of the Government Code; provided, however, that Sections 20003 and 20004 of the Water Code shall not be applicable to the agency.

SEC. 18. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and maps theretofore adopted unless the doing of any of such work described in said report shall be prohibited by law, or be rendered contrary to the best interest of the agency by some change of conditions in relation thereto, in which event the board may order necessary changes made in such proposed work of improvement, and may cause any plans and specifications to be made and adopted therefor.

Whenever bonds have been authorized and the proceeds of the sale thereof have been expended as authorized in this act, and the board shall by resolution determine that additional bonds shall be issued for carrying out any of the purposes of this act, the board may again proceed as provided in this act, and submit to the qualified voters the question of issuing additional bonds in the same manner and with like procedures as provided in this act, and the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

Should a proposition for issuing bonds submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness the board shall not call or order, within six months after such election, another election for incurring indebtedness and issuing bonds under this act for the same purpose.

The repeal or amendment of this act shall not in any way affect or release any of the property in the agency or any member unit thereof from the obligations of any outstanding bonds or indebtedness until all such bonds and outstanding indebtedness have been fully paid and discharged.

SEC. 19. After all of the revenue bonds shall have been fully paid and discharged, or provision for their payment and discharge irrevocably made, any surplus moneys in the construction fund shall, subject to the limitations and restrictions in any indenture providing for the issuance of the revenue bonds, become and be the property of the agency, and be used by the agency for any lawful purpose.

SEC. 20. If the interest and principal of the revenue bonds and all charges to protect or secure them are paid when due, an amount for the necessary and reasonable maintenance and operation costs of the enterprise, which costs include the reasonable expenses of management, repair and other expenses necessary to maintain and preserve the enterprise in good repair and working order, may be apportioned from the revenues, and subject to any limiting covenants in the resolution providing for the issuance of bonds, the remaining surplus may be used for any lawful purpose of the agency, which without limiting the generality of the foregoing shall include the right and authority to expend any or all of such surplus

as contributions in aid of necessary extensions of water storage and distribution facilities of the agency and the purchase or obtaining of additional water supplies.

SEC. 21. The agency at any time after the authorization of bonds or after the execution of any contract may bring an action in the Superior Court of the State of California in and for the County of Yuba to determine the validity of the bonds or of the contract. The action is in rem. Jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in a newspaper of general circulation published in the agency and designated by the court in which the proceedings are pending. Jurisdiction is complete ten (10) days after the completion of the publication of the summons. Before the expiration of the 30 days after jurisdiction is acquired any person interested may appear and contest the validity of the bonds or the contract.

If no proceedings have been brought by the agency pursuant to this section, any agency assessee or taxpayer may at any time within thirty (30) days after the authorization of any bonds or execution of such contract bring an action in the superior court to determine the validity of the bonds or contract. The agency shall be a defendant. If more than one action is pending at the same time concerning similar contests provided for in this section, they shall be consolidated and tried together. The rules of pleading and practice in the Code of Civil Procedure not inconsistent with the provisions of this section are applicable to all actions or proceedings provided for by this section. In a contest provided for by this section, the court shall disregard any irregularity or omission which does not affect the substantial rights of the parties. The judgment shall declare the bonds or contract either valid or invalid. The costs of any hearing or contest may be allowed and apportioned between the parties or taxed to the losing party in the discretion of the court. Any party may appeal at any time within thirty (30) days after the entry of the judgment. No contest of any act or proceeding authorized under this act shall be made other than in the time and manner provided in this section. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six (6) months after the finding or conclusion was made.

SEC. 22. Neither the establishment of the agency nor any provision of this act shall affect, restrict nor supersede the existence, property, right, or power of any municipality, public district, or public agency now or hereafter established in or partially within the limits of the agency for the purpose of flood control, reclamation, conservation, storage, distribution, sale, use, or development of water. The Legislature, because of conditions special to the county, hereby expressly declares its intent to permit within the limits of the Yuba County Water Agency, the existence of more than one district, municipality or combination thereof, having similar powers over

similar territory in regard to flood control, reclamation and water conservation, storage, distribution, sale, use or development.

SEC. 23. Neither the formation of the agency nor this act shall impair the vested right of any person, association, corporation, municipality or district in or to any water or the use thereof.

SEC. 24. The agency, in order to determine the legality of its existence, may institute a proceeding therefor in the Superior Court of this State, in and for the County of Yuba, by filing with the clerk of said county a complaint setting forth the name of the agency, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal agency formed under this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four weeks in a newspaper of general circulation published in the county. The State of California shall be a defendant in such action, and consent therefor is given. Service of summons therein shall be made on the Attorney General. The Attorney General shall appear in such action on behalf of the State in the same manner as with appearances in civil actions. Within thirty (30) days after proof of publication of said summons the State, any property owner or resident in said agency, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the agency and shall be served upon the district attorney before being filed in such proceeding. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever, including the agency and the State of California.

SEC. 25. The agency may be dissolved in the manner provided for the dissolution of districts by Chapter 4 (commencing at Section 58950) of Division 1 of Title 6 of the Government Code, and the agency shall be considered a district within the meaning of all of the provisions of said chapter; provided, however, that if within 90 days after the effective date of this act, a petition is filed with the Board of Supervisors of Yuba County, the agency may be dissolved in the following manner. Upon the filing of the petition with the board signed by qualified electors of Yuba County equal in number to 10 percent of all the votes cast in the county for all candidates for Governor at the last preceding general election at which a Governor was elected, the board shall submit the question of dissolution of the agency to the agency electors. The question of dissolution shall be submitted at a special election held for that purpose not later than the ninetieth day after filing of the petition with the secretary of the board.

If a majority of the votes favor dissolution, the board shall by resolution dissolve the agency. The board shall file a certified copy of the resolution with the Secretary of State and for

record in the office of the county recorder. Thereupon the agency is dissolved for all purposes.

SEC. 26. The Legislature hereby finds that water problems in the County of Yuba require countywide water conservation, flood control and development of water resources; that all land within the county will be benefited thereby; that the solution of these problems lies within and is peculiar to the area to be included in the Yuba County Water Agency; that the county for many years has made investigations and engineering surveys of the county's water resources by private, public and United States engineers; that county water districts, municipalities, irrigation districts and reclamation districts now exist within portions of the county, have acquired property and works, developed a limited water supply, and have incurred indebtedness, but have been and are unable alone to economically develop an adequate water supply and control the floods of said county, and for such reason it is necessary to have a political entity at least coextensive with the geographical limits of the entire county. It is therefore hereby declared that a general law cannot be made applicable to said county, and that the enactment of this special law is necessary for the conservation, development, control and use of said water for the public good and for the protection of life and property therein.

SEC. 27. If any provision of this act is declared unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

SEC. 28. This act may be designated and referred to as "The Yuba County Water Agency Act," and any reference thereto by such designation shall be sufficient for all purposes.

CHAPTER 789

An act to add Section 2378.5 to the Business and Professions Code, and Chapter 7 (commencing at Section 1700), Division 2, to the Health and Safety Code, relating to the creation of a Cancer Advisory Council, and the regulation and control of the diagnosis, treatment, and cure of cancer.

In effect September 18, 1959

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 2378.5 is added to the Business and Professions Code, to read:

Unprofessional conduct

2378.5. The violation of any provision of Chapter 7 (commencing at Section 1700) of Division 2 of the Health and Safety Code, or any violation of an injunction issued under Chapter 7 of Division 2 of the Health and Safety Code, con-

stitutes unprofessional conduct within the meaning of this chapter.

SEC. 2. Chapter 7 (commencing with Section 1700) is added to Division 2 of the Health and Safety Code, to read:

CHAPTER 7. CANCER

Legislative declaration

1700. The effective diagnosis, care, treatment or cure of persons suffering from cancer is of paramount public importance. Vital statistics indicate that approximately 16 percent of the total deaths in the United States annually result from one or another of the forms of cancer. It is established that accurate and early diagnosis of many forms of cancer, followed by prompt application of methods of treatment which are scientifically proven, either materially reduces the likelihood of death from cancer or may materially prolong the useful life of individuals suffering therefrom.

Despite intensive campaigns of public education, there is a lack of adequate and accurate information among the public with respect to presently proven methods for the diagnosis, treatment, and cure of cancer. Various persons in this State have represented and continue to represent themselves as possessing medicines, methods, techniques, skills, or devices for the effective diagnosis, treatment, or cure of cancer, which representations are misleading to the public, with the result that large numbers of the public, relying on such representations, needlessly die of cancer, and substantial amounts of the savings of individuals and families relying on such representations are needlessly wasted.

It is, therefore, in the public interest that the public be afforded full and accurate knowledge as to the facilities and methods for the diagnosis, treatment, and cure of cancer available in this State and that to that end there be provided means for testing and investigating the value or lack thereof of alleged cancer remedies, devices, drugs, or compounds, and informing the public of the facts found, and protecting the public from misrepresentation in such matters.

The importance of continuing scientific research to determine the cause or cure of cancer is recognized, and the department shall administer this chapter with due regard for the importance of bona fide scientific research and the clinical testing in hospitals, clinics, or similar institutions of new drugs or compounds.

Cancer Advisory Council

1701. There is in the State Department of Public Health a Cancer Advisory Council composed of nine physicians and surgeons licensed to practice medicine in, and residing in, this State, three persons who are not physicians and surgeons, two persons representing nonprofit cancer research institutes recognized by the National Cancer Institute, and the director of the department, who shall be an ex officio member. The members of the council shall be appointed by the Governor to serve

for terms of four years. The Governor shall make the first appointments hereunder for terms expiring, respectively, on the fifteenth day of January, as follows: three in the year 1960, three in the year 1961, four in the year 1962, and four in the year 1963. The Governor, in appointing the first members, shall appoint at least one member from the faculty of each of the schools teaching medicine and surgery and located in this State that are approved by the State Board of Medical Examiners and the State Board of Osteopathic Examiners, or either of them. The Governor shall endeavor to maintain one member from the faculty of each school in making subsequent appointments.

Compensation

1702. The members of the council, other than the director of the department, shall receive no compensation for their services, but shall be allowed their actual necessary traveling expenses incurred in the discharge of their duties.

Election of chairman

1703. The council shall annually elect one of its members to serve as chairman. The council shall meet at least twice each year, and as often in addition as necessary, for the purpose of carrying out its duties.

Powers and duties

1704. The department shall:

(a) Prescribe reasonable rules and regulations with respect to the administration of this chapter.

(b) Investigate violations of the provisions of this chapter, and report such violations to the appropriate enforcement authority.

(c) Secure the investigation and testing of the content, method of preparation, efficacy, or use of drugs, medicines, compounds, or devices proposed to be used, or used, by any individual, person, firm, association, or other entity in the State for the diagnosis, treatment, or cure of cancer, prescribe reasonable regulations with respect to such investigation and testing, and make findings of fact and recommendations upon completion of any such investigation and testing.

(d) Hold hearings in respect of those matters involving compliance with the provisions of this chapter and subpoena witnesses and documents. Any or all such hearings may be held before the Cancer Advisory Council. Any administrative action to be taken by the department as a result of such hearings shall be taken only after receipt of the recommendations of the council. Prior to issuance of a cease and desist order under Section 1711, a hearing shall be held. The person furnishing a sample under Section 1707 shall be given due notice of such hearing and an opportunity to be heard.

(e) Contract with independent scientific consultants for specialized services and advice.

In the exercise of the powers granted by this section, the department shall consult with the Cancer Advisory Council.

"Cancer"

1705. For the purposes of this chapter "cancer" means all malignant neoplasms regardless of the tissue of origin, including malignant lymphoma and leukemia.

1706. No person may undertake to treat or alleviate cancer by use of drugs, surgery, or radiation unless such person holds a license issued under a law of this State expressly authorizing the diagnosis and treatment of disease by use of drugs, surgery, or radiation. License required

1707. On written request by the department, delivered personally or by mail, any individual, person, firm, association, or other entity engaged, or representing himself, or itself, as engaged, in the diagnosis, treatment, alleviation, or cure of cancer shall furnish the department with such sample as the department may deem necessary for adequate testing of any drug, medicine, compound, or device used or prescribed by such individual, person, firm, association, or other entity in the diagnosis, treatment, alleviation, or cure of cancer, and shall specify the formula of any drug or compound and name all ingredients by their common or usual names, and shall, upon like request by the department, furnish such further necessary information as it may request as to the composition and method of preparation of and the use to which any such drug, compound, or device is being put by such individual, person, firm, association, or other entity. This section shall apply to any individual, person, firm, association, or other entity that renders health care or services to individuals who have or believe they have cancer. This section also applies to any individual, person, firm, association, or other entity that by implication causes individuals to believe they have cancer. Furnishing sample of drug, etc

The failure to either provide the sample, disclose the formula, or name the ingredients as required by this section shall be conclusively presumed that the drug, medicine, compound or device which is the subject of the department's request has no value in the diagnosis, treatment, alleviation, or cure of cancer.

1708. This chapter shall not apply to the use of any drug, medicine, compound, or device intended solely for legitimate and bona fide investigational purposes by experts qualified by scientific training and experience to investigate the safety and therapeutic value thereof unless the department shall find that such drug, medicine, compound, or device is being used in diagnosis or treatment for compensation and profit. Investigational purposes

1709. The failure of any individual, person, firm, association, or other entity representing himself, or itself, as engaged in the diagnosis, treatment, alleviation, or cure of cancer to comply with any of the provisions of this chapter, or with any order of the department validly issued under this chapter, is a misdemeanor. Penalty

The provisions of this chapter shall not apply to any person who depends exclusively upon prayer for healing in accordance with the teachings of a bona fide religious sect, denomination, or organization, nor practitioner thereof.

1710. The investigation or testing of any product shall not be deemed to imply or indicate any endorsement of the qualifications or value of any such product. No person shall make Representations based on testing

any representation that investigation or testing hereunder constitutes any approval or endorsement of his, or its, activities by the Cancer Advisory Council or the department. The investigation or testing of any product shall not be deemed to imply or indicate that such product is useless or harmful and during testing no person shall make any representation, except to the department or Cancer Advisory Council, that the product under test is discredited or that it has been found useless or harmful.

Cease and desist order

1711. Following an investigation or testing of the content or composition of any drug, medicine, compound, or device used by any individual, person, firm, association, or other entity in the diagnosis, treatment, alleviation, or cure of cancer, and after hearing as provided in Section 1704, the department, upon recommendation of the Cancer Advisory Council, may direct that any such individual, person, firm, association, or other entity shall cease and desist any further prescribing, recommending, or use of any such drug, medicine, compound, or device, or any substantially similar drug, medicine, compound, or device, in the diagnosis or treatment of cancer.

In the investigation or testing required by this chapter to determine the value or lack thereof of any drug, medicine, compound or device in the diagnosis, treatment, or cure of cancer, the department shall, as it deems necessary or advisable, utilize the facilities and findings of its own laboratories or other appropriate laboratories, clinics, hospitals, and nonprofit cancer research institutes recognized by the National Cancer Institute, within this State or the facilities and findings of the Federal Government, including the National Cancer Institute. Upon a recommendation by the Cancer Advisory Council, the department shall arrange, by contract, for investigation by and submission to it of findings, conclusions, or opinions of trained scientists in the appropriate departments of universities, medical schools, clinics, hospitals, and nonprofit cancer research institutes recognized by the National Cancer Institute, and the submission to it of findings, conclusions, or opinions of other qualified scientists. Prior to the issuance of a cease and desist order under this section, the Cancer Advisory Council, by the affirmative vote of at least 11 of its members, at least one of whom shall not be a physician and surgeon, shall make a written finding of fact based on such investigation that the drug, medicine, compound, or device so investigated has been found to be either definitely harmful or of no value in the diagnosis, treatment, alleviation, or cure of cancer and the department must be satisfied beyond a reasonable doubt that the written findings of the fact are true.

Restraining order or injunction

1712. If an individual, person, firm, association, or other entity, after service upon him or it, of a cease and desist order issued by the department under Section 1711, persists in prescribing, recommending, or using the drug, medicine,

compound, or device described in said cease and desist order, or a substantially similar drug, medicine, compound, or device, the superior court in any county, on application of the department, and when satisfied by a preponderance of the evidence that the written findings of fact required of the Cancer Advisory Council by Section 1711 are true, may issue an order to show cause why there should not be issued an injunction or other appropriate order restraining such individual, person, firm, association, or other entity from prescribing, recommending, or using such drug, medicine, compound, or device, or any substantially similar drug, medicine, compound, or device. After a hearing on such order to show cause, an injunction or other appropriate restraining order may be issued.

Proceedings under this section shall be governed by Chapter 3 (commencing at Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, excepting that no undertaking shall be required in any action commenced by the department under this section.

Restrictions on persons enjoined

1713. Any person against whom an injunction has been issued, under Section 1712, may not undertake to use in the diagnosis, treatment, or cure of cancer any new, experimental, untested, or secret drug, medicine, compound, or device without first submitting it to the department for investigation and testing.

Penalty

1714 It is a misdemeanor for any person willfully and falsely to represent a device, substance or treatment as effective to arrest or cure cancer. Nothing in this section shall abridge the existent rights of the press.

Same Third violation

1715. A third violation, and subsequent violations, of this chapter is a felony.

Investigation of violations

1716. The director shall investigate possible violations of this chapter and report violations to the appropriate enforcement authority.

Enforcement officials

1717. County health officers, district attorneys and the Attorney General shall co-operate with the director in the enforcement of this chapter.

Published reports

1718. The department, upon recommendation of the Cancer Advisory Council, may from time to time publish reports based on its investigation or testing of any drug, medicine, compound, or device prescribed, recommended, or used by any individual, person, firm, association, or other entity, and when, in the opinion of a majority of the members of the Cancer Advisory Council, the use of any drug, medicine, compound, or device in the diagnosis, treatment or cure of cancer constitutes an imminent danger to health or a gross deception of the public, the department may take appropriate steps to publicize the same.

Report of activities

1719. The department shall submit to the Governor, for submission to the Legislature in January of each year, a

report of its activities under this chapter during the preceding 12 months.

Hearings

1720. All hearings authorized by this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code.

Expiration date

1721. The provisions of this chapter shall expire on December 31, 1965.

CHAPTER 790

An act to amend Sections 8991 and 8994 of the Revenue and Taxation Code, relating to liens under the Use Fuel Tax.

In effect September 18 1959

[Approved by Governor June 5, 1959 Filed with Secretary of State June 5, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 8991 of the Revenue and Taxation Code is amended to read:

Excise tax: Lien upon vehicle

8991. The excise tax, interest, and penalties are a lien upon and have the effect of an execution duly levied against any motor vehicle in which fuel taxable under this part is used and against any personal property of the user.

SEC. 2. Section 8994 of said code is amended to read:

Paramount lien

8994. The lien as to the tax and interest, but exclusive of penalties, upon personal property is paramount to all private liens or encumbrances of whatever character, and to the rights of any conditional vendor or any other holder of the legal title, in or to any motor vehicle which is operated in this State through the use of fuel taxable under this part.

CHAPTER 791

An act to add Sections 9561 and 9562 to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session and to add Sections 10857 and 10858 to the Revenue and Taxation Code, relating to vehicle registration and license penalty fees.

In effect September 18, 1959

[Approved by Governor June 5, 1959 Filed with Secretary of State June 5, 1959]

The people of the State of California do enact as follows:

SECTION 1. Section 9561 is added to the Vehicle Code as enacted at the 1959 Regular Session, to read:

Penalty fee Subsequent repossession

9561. No penalty fee shall be assessed for the delinquent payment of a vehicle registration fee when subsequent to the

date on which the fee became due the vehicle is repossessed on behalf of any legal owner if the vehicle registration fee is paid within 30 days of taking possession and if a transfer of registration to a new owner is applied for during that time.

SEC. 2. Section 9562 is added to the Vehicle Code as enacted at the 1959 Regular Session, to read:

Waiver of registration penalties

9562. When a transferee of a vehicle applies for transfer of registration as is provided for in Section 5902 and it is determined by the department that registration penalties accrued prior to the purchase of the vehicle, and that the transferee was not cognizant of the nonpayment of registration fees for the current or prior years, and the transferor or registered owner of record whereabouts is unknown, the department may waive the registration penalties upon payment of the registration fee due.

SEC. 3. Section 10857 is added to the Revenue and Taxation Code, to read:

Penalty fee Subsequent repossession

10857. No penalty fee shall be assessed for the delinquent payment of a vehicle license fee, when subsequent to the date on which the fee became due, the vehicle is repossessed on behalf of any legal owner, if the license fee is paid within 30 days of taking possession and if a transfer of registration to a new owner is applied for during that time.

SEC. 4. Section 10858 is added to the Revenue and Taxation Code, to read:

Waiver of registration penalties

10858. When a transferee of a vehicle applies for transfer of registration as is provided for in Section 5902 of the Vehicle Code, and it is determined by the department that vehicle license fee penalties accrued prior to the purchase of the vehicle, and that the transferee was not cognizant of the nonpayment of the vehicle license fee for the current or prior years, and the transferor or registered owner of record whereabouts is unknown, the Department of Motor Vehicles may waive the vehicle license fee penalties upon payment of the vehicle license fees due.

CHAPTER 792

An act to amend Section 410 of the Code of Civil Procedure, relating to service of process.

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 410 of the Code of Civil Procedure is amended to read:

410. The summons may be served by the sheriff, a constable, or marshal, of the county where the defendant is found,

or any other person over the age of 18, not a party to the action. A copy of the complaint must be served, with the summons, upon each of the defendants. When the service is against a corporation, or against associates conducting business under a common name, in the manner authorized by Section 388, there shall appear on the copy of the summons that is served a notice stating in substance: "To the person served: You are hereby served in the within action (or proceeding) on behalf of (here state the name of the corporation or the common name under which business is conducted by the associates) as a person upon whom the summons and a copy of the complaint must be served to effect service against said party under the provisions of (here state appropriate provisions of Section 388 or 411) of this code." When service is intended to be made upon said person as an individual as well as a person upon whom service must be made on behalf of said corporation or said associates, said notice shall also indicate that service is had upon said person as an individual as well as on behalf of said corporation or said associates. In a case in which the foregoing provisions of the section require that notice of the capacity in which a person is served must appear on the copy of the summons that is served, the certificate or affidavit of service must recite that such notice appeared on such copy of the summons, if, in fact, it did appear. When service is against a corporation, or against associates conducting a business under a common name, in the manner authorized by Section 388, and notice of that fact does not appear on the copy of the summons or a recital of such notification does not appear on the certificate or affidavit of service of process as required by this section, no default may be taken against such corporation or such associates. When service is made upon the person served as an individual as well as on behalf of the corporation or associates conducting a business under a common name, and the notice of that fact does not appear on the copy of the summons or a recital of such notification does not appear in the certificate or affidavit of service of process as required by this section, no default may be taken against such person.

When the summons is served by the sheriff, a constable or marshal, it must be returned, with his certificate of its service, and of the service of a copy of the complaint, to plaintiff if he is acting as his own attorney, otherwise to plaintiff's attorney. When it is served by any other person, it must be returned to the same place, with the affidavit of such person of its service, and of the service of a copy of the complaint.

If the summons is lost subsequent to service and before it is returned, an affidavit of the official or other person making service, showing the facts of service of the summons, may be returned in lieu of the summons and with the same effect as if the summons were itself returned.

SEC. 2. This act shall become operative on January 1, 1960.

CHAPTER 793

An act to add Section 106.4 to the Agricultural Code, relating to importation of meat.

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 106.4 is added to the Agricultural Code, to read:

106.4. Plant quarantine officers at plant quarantine inspection stations may ascertain the origin, quantity, and kinds of meat and meat products transported into this State through such stations.

CHAPTER 794

An act to amend Section 4501 of, and to add Section 4501.5 to, the Penal Code, relating to assaults by state prison inmates.

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 4501 of the Penal Code is amended to read:

Penalty: Assault with deadly weapon while in prison

4501. Every person undergoing a sentence of less than life in a state prison of this State who commits an assault upon the person of another with a deadly weapon or instrument, or by any means of force likely to produce great bodily injury, shall be guilty of a felony and shall be imprisoned in the state prison not less than one year.

SEC. 2. Section 4501.5 is added to said code, to read:

Same: Battery

4501.5. Every person undergoing a sentence of less than life in a state prison of this State who commits a battery upon the person of any individual who is not himself a prisoner shall be guilty of a felony and shall be imprisoned in the state prison not less than one year nor more than three years.

CHAPTER 795

An act to add Section 35010 to the Government Code, and to amend Section 731a of the Code of Civil Procedure, relating to county zoning for airport purposes.

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 35010 is added to the Government Code, to read:

Zoning: Airport

35010. Any territory which is zoned and restricted for airport purposes exclusively pursuant to a master plan for land use in any county which is subsequently annexed to a

city pursuant to Article 2 or 5 of this chapter shall continue to be subject to such use restriction, notwithstanding any city zoning ordinances, unless consent to a change in use is granted by the landowner of the territory.

SEC. 2. Section 731a of the Code of Civil Procedure is amended to read:

Same Manufacturing, commercial, or airport uses

731a. Whenever any city, city and county, or county shall have established zones or districts under authority of law wherein certain manufacturing or commercial or airport uses are expressly permitted, except in an action to abate a public nuisance brought in the name of the people of the State of California, no person or persons, firm or corporation shall be enjoined or restrained by the injunctive process from the reasonable and necessary operation in any such industrial or commercial zone or airport of any use expressly permitted therein, nor shall such use be deemed a nuisance without evidence of the employment of unnecessary and injurious methods of operation. Nothing in this act shall be deemed to apply to the regulation and working hours of canneries, fertilizing plants, refineries and other similar establishments whose operation produce offensive odors.

CHAPTER 796

An act to amend Section 24051 of the Government Code, relating to inventories of county property.

In effect September 18, 1959

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 24051 of the Government Code is amended to read:

24051. On or before July 10th in each year, each county officer or person in charge of any office, department, service, or institution of the county, each officer of a judicial district, each judge, or the clerk, secretary, or other administrative officer of each court of record, and the executive head of each special district whose affairs and funds are under the supervision and control of the board of supervisors or for which the board is ex officio the governing body shall file with the county clerk, or with the county auditor, according to the procedure prescribed by the board, an inventory under oath, showing in detail all county property in his possession or in his charge at the close of business on the preceding June 30th. By ordinance the board of supervisors may prescribe an annual period other than the fiscal year for preparation of the inventory and a correspondingly different date for its filing, and may prescribe the manner and form in which the inventory shall be compiled. The inventories shall be kept of record by the county clerk or auditor for at least five years. Any inventory which has been

on file for five years or more may be destroyed on order of the board of supervisors. A true copy of the inventory shall be delivered by the person who made it to his successor in office, who shall receipt for it. The receipt shall be filed with the county clerk or county auditor.

CHAPTER 797

An act to amend Sections 31470.6 and 31558.5 of the Government Code, relating to the retirement of county employees.

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 31470.6 of the Government Code is amended to read:

Active law enforcement employee

31470.6. A permanent employee of a county having a population in excess of 500,000 whose principal duties consist of active protection, rescue, and rendition of aid or assistance to persons injured or imperiled in water areas at beaches and lakes, streams, dams, reservoirs, or other bodies of open water (not including swimming pools) or in small craft or airplanes at sea near the shore line and the recovery from such water areas of submerged objects and bodies of persons drowned or believed to have drowned in such areas, or the immediate supervision thereof, including persons employed to perform the duties now performed under the titles of aquatics director, chief lifeguard, captain lifeguards, skipper rescue boat, lieutenant lifeguards, deck hand rescue boat, beach lifeguard, but who performs additional duties, some of which (including the maintenance of peace and order and the apprehension of law violators) are customarily performed by police or peace officers, and whose other duties (such as resuscitation work involving the use of special equipment in cases having no connection with their principal duties) which in other areas are customarily performed by firemen, and other and further duties (such as the rescue of persons from disabled aircraft and small boats in inshore or inland waters and the removal of dangerous obstructions from such waters) which do not come directly within any of the aforesaid classifications but are essential to the safety and security of the public, excluding those whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise clearly do not fall within the scope of active lifeguarding or lifesaving service, even though such a person is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active lifeguarding or lifesaving service, shall be considered and is hereby classified as an employee whose principal duties consist in "active law enforcement."

SEC. 2. Section 31558.5 of the Government Code is amended to read:

Safety members

31558.5. All members employed by a county having a population in excess of 2,000,000 who are employed on and prior to January 1, 1958, whose duties are described in Section 31470.6 and who prior to that date file with the board a written election to become safety members, shall become safety members on January 1, 1958.

All members employed by a county having a population of 2,000,000 or less and in excess of 500,000, who are employed on and prior to January 1, 1960, whose duties are described in Section 31470.6 and who prior to that date file with the board a written election to become safety members, shall become safety members on January 1, 1960.

After January 1, 1958, each person not over 35 years of age when employed by a county having a population in excess of 2,000,000 in a position the principal duties of which are described in Section 31470.6, shall become a safety member on the first day of the calendar month following his entrance into the service.

After January 1, 1960, each person not over 35 years of age when employed by a county having a population of 2,000,000 or less and in excess of 500,000 in a position the principal duties of which are described in Section 31470.6, shall become a safety member on the first day of the calendar month following his entrance into the service.

CHAPTER 798

An act to amend Sections 10851, 10852 and the heading of Article 8 (commencing with Section 10851) of Chapter 1 of Division 9, and to add a new Section 10851 and Section 10853 to the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to hazing.

In effect September 18, 1959

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 8 (commencing with Section 10851) of Chapter 1 of Division 9 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

Article 8. Hazing

SEC. 2. Section 10851 of said code is amended and renumbered to read:

Compliance with rules by pupils

10609. All pupils shall comply with the regulations, pursue the required course of study, and submit to the authority of the teachers of the schools.

SEC. 3. A new Section 10851 is added to said code, to read:

10851. As used in this article, "hazing" includes any method of initiation into a student organization or any pastime or amusement engaged in with respect to such an organization which causes, or is likely to cause, bodily danger or physical harm to any student or other person attending any school, college, university or other educational institution in this State; but the term "hazing" does not include customary athletic events or other similar contests or competitions. "Hazing"

SEC. 4. Section 10852 of said code is amended to read:

10852. No student, or other person in attendance at any public, private, parochial, or military school, college, or other educational institution, shall conspire to engage in hazing, participate in hazing, or commit any act that injures, degrades, or disgraces, or tends to injure, degrade, or disgrace any fellow student or person attending the institution. Unlawful acts

The violation of this section is a misdemeanor, punishable by a fine of not less than fifty dollars ($50), nor more than five hundred dollars ($500), or imprisonment in the county jail for not more than six months, or both.

SEC. 5. Section 10853 is added to said code, to read:

10853. Any person who participates in the hazing of another, or any corporation or association which knowingly permits hazing to be conducted by its members or by others subject to its direction or control, shall forfeit any entitlement to public funds, scholarships or awards which are enjoyed by him or by it and shall be deprived of any sanction or approval granted by any public educational institution or agency. Forfeiture of public funds, etc

The governing board of any public school, public college, public university or other public educational institution or agency may adopt rules and regulations to implement this section.

If he has reason to believe that a forfeiture should be declared under this section, the Attorney General or the district attorney of any county or city and county may institute a special proceeding in the superior court to establish such forfeiture. Any funds so forfeited shall be deposited in the State Treasury and credited to the State School Fund.

CHAPTER 799

An act to amend Section 986.7 of the Military and Veterans Code, relating to farm and home purchases.

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 986.7 of the Military and Veterans Code is amended to read:

986.7. Before the purchase of any property by the department there shall be filed with the department an appraisement

of the market value of the property by an employee or an authorized agent of the department, and in addition there may be filed with the department an appraisement of the market value of the property by an authorized appraiser of a banking corporation formed under the laws of this State or of a national banking association having a place of business in this State. Each appraisement shall be certified by the maker thereof. The certification shall state that it is made in good faith, and that the valuation is honestly determined and represents the bona fide opinion of the maker.

CHAPTER 800

An act to add Section 25537 to the Government Code, relating to county government.

In effect September 18, 1959

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 25537 is added to the Government Code, to read:

25537. In any county the board of supervisors may prescribe by ordinance a procedure alternative to that required by Sections 25526 to 25535 of this article for the leasing of any real property belonging to such county. Any alternative procedure so prescribed shall require that the board of supervisors either accept the highest proposal for the proposed lease submitted in response to a call for bids posted in at least three public places for not less than 15 days and published for not less than two weeks in a newspaper of general circulation, if any such newspaper is published in such county, or reject all bids, except that leases of a duration not exceeding one year and having an estimated monthly rental of not exceeding one hundred dollars ($100) may be excluded from such bidding procedure. If a lease is excluded from the bidding procedure the actual monthly rental in the executed lease shall not exceed one hundred fifty dollars ($150), the term of the executed lease shall not exceed one year, and the lease is not renewable.

CHAPTER 801

An act to repeal Section 4786.5 of, and to add Section 4786.5 to, the Health and Safety Code, relating to county sanitation districts.

In effect September 18, 1959

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 4786.5 of the Health and Safety Code is repealed.

SEC. 2. Section 4786.5 is added to the Health and Safety Code, to read:

4786.5. Notwithstanding Section 4786, if prior to the adoption of the resolution calling the election, the acquisition of the property and the doing of the work set forth in the engineer's report are recommended in writing by the health officer of the county in which the district is situated as necessary as an urgency health measure to avert an emergency threat to the public health and safety, the fact of such recommendation and a finding that such a threat to the public health and safety exists is stated in such resolution, and such resolution is adopted by a four-fifths vote of the board of directors of the district, then bonds of the district for the amount stated in such resolution may be issued and sold if a majority of the votes cast at the election are in favor of incurring the bonded indebtedness as proposed.

Orange County emergency measures

This section shall remain in effect until March 1, 1961.

This section shall be applicable only to districts located within the County of Orange.

The Legislature finds and declares that special problems of sanitation exist in the County of Orange due to the extremely rapid growth in population and the rapid opening of large new tracts of land to residential development and further finds and declares that in areas of Orange County serious difficulties involving sewage overflow and other related problems have arisen which threaten the health of Orange County residents.

These problems are not, however, common to all areas of the State in which county sanitation districts are located. It is therefore, hereby declared that a general law cannot be made applicable and that the enactment of this section as a special law is necessary to effectuate the solution of problems which threaten the health of the residents of Orange County.

CHAPTER 802

An act to add Section 14108.6 to the Health and Safety Code, relating to local fire districts.

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 14108.6 is added to the Health and Safety Code, to read:

14108.6. The district board may provide by ordinance for the issuance of citations by the chief of the fire department of the district, or his duly authorized agent, for violations of district ordinances in the same manner as a county, city, or city and county is authorized to so provide by Chapter 5b (commencing with Section 853.1) of Title 3 of Part 2 of the Penal Code.

CHAPTER 803

An act to amend Section 23789 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 18, 1959

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 23789 of the Business and Professions Code is amended to read:

23789. The department is specifically authorized to refuse the issuance, other than renewal or ownership transfer, of on-sale retail licenses for premises located within the immediate vicinity of churches and hospitals.

The department is further specifically authorized to refuse the issuance, other than renewal or ownership transfer, of on-sale retail licenses for premises located within at least 600 feet of schools and public playgrounds. This distance shall be measured pursuant to rules of the department.

CHAPTER 804

An act to add Section 6537.1 to the Business and Professions Code, relating to barbering.

In effect September 18, 1959

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 6537.1 is added to the Business and Professions Code, to read:

6537.1. A college may admit a registered apprentice or registered barber in this State to a postgraduate course. The college shall notify the board of the name and the file number of the license of each person so admitted. This course consists of instruction in the styling of haircuts, bleaching and coloring of hair, barber science, and waving of hair except permanent waving. A person admitted to this course shall not perform any act of barbering in the college for hire or reward. The postgraduate course may be offered to a registered apprentice or a registered barber only after 6 p.m. on any workday.

CHAPTER 805

An act to amend Section 11005 of, and to add Section 11005.6 to, the Revenue and Taxation Code, relating to allocations to counties from the Motor Vehicle License Fee Fund.

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 11005 of the Revenue and Taxation Code is amended to read as follows:

Motor Vehicle License Fee Fund disbursement

11005. The balance of all motor vehicle license fees and any other money deposited, in accordance with law, in the Motor Vehicle License Fee Fund and remaining unexpended therein at the close of business on the last day of the calendar month immediately preceding the month in which such balance is required to be disbursed under the provisions of this section, after payment of refunds therefrom and after making the deductions authorized by Sections 11003 and 11004 shall, on order of the Controller, be disbursed during the months of December and June of each fiscal year as follows:

(a) Fifty percent thereof shall be paid to the cities and cities and counties of this State in the proportion that the population of each city or city and county bears to the total population of all cities and cities and counties in this State, as determined by the Controller. For the purpose of this subdivision the population of each city or city and county is that determined by the last federal census. In the case of a city incorporated subsequent to the last census, or in the case of an inhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the city or the annexed territory by multiplying the number of registered electors therein by three. In the case of uninhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the annexed territory, by multiplying the number of registered electors therein by three two years after the completion of annexation proceedings or at such earlier time as the legislative body may request. In the case of the consolidation of one city with another subsequent to the last census the population of the consolidated city for the purpose of this subdivision is the aggregate population of the respective cities as determined by the last federal census.

The money so paid shall be expended by the cities and cities and counties for law enforcement, the regulation and control and fire protection of highway traffic, and any other state purpose.

(b) Fifty percent thereof shall be paid to the counties and cities and counties of the State in the proportion that the population of each county or city and county bears to the total population of all the counties and cities and counties of the State, as determined by the Controller. For the purpose of this subdivision the population of each county or city and county is that determined by the last federal census, or as determined by Section 11005.6.

(c) The Controller, during the month of April, may advance 75 percent of such balance he estimates shall be disbursed to each city, county, and city and county during the month of June of each fiscal year pursuant to this section.

SEC. 2. Section 11005.6 is added to said code, to read:

Population Increase

11005.6. During the year beginning January 1, 1965, and every fifth year following the year of the last federal decennial census, any county or city and county whose population has been increased substantially since the last federal census may apply to the Department of Finance to estimate the increase in population. The department may make the estimate if in the opinion of the department there is available adequate information upon which to base the estimate. Upon completion of the estimate, the Department of Finance shall file a certified copy thereof with the department and the Controller.

All payments under Section 11005 of the Revenue and Taxation Code for any allocation subsequent to the filing of the estimate shall be based upon the population so estimated if the increase in population is 5 percent or more of the population as determined by the last federal census. The respective departments, in making the computations required by these sections, shall add to the total population of all counties and cities and counties all increases of population shown by the estimate.

If, in any year during which any county or city and county may apply to the Department of Finance to estimate the increase in population under this section, the total population of the cities within a county, as determined by actual census, exceeds the Department of Finance estimate of the population of the county, the total population of the cities shall be deemed the population of the county for purposes of this section, and upon receipt of satisfactory evidence of the population figures of said cities as determined by said census, the Department of Finance shall file a certified copy thereof with the department and the Controller.

The Department of Finance may assess a reasonable charge, not to exceed the actual cost thereof, for the preparation of population estimates pursuant to this section, which is a proper charge against the county or city and county applying therefor. The amount received shall be deposited in the State Treasury as a reimbursement to be credited to the appropriation from which the expenditure is made.

CHAPTER 806

An act to add Section 234 to the Water Code, relating to archaeological investigations.

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 234 is added to the Water Code, to read:

234. The department, either independently or in co-operation with or through any person or any county, state, federal or other agency, is authorized to investigate, excavate, and preserve any historic or prehistoric ruin or monument, or any object of antiquity, situated in areas to be used for state water development purposes.

CHAPTER 807

An act to amend Section 172 of, and to add Section 172.1 to, the Penal Code, relating to alcoholic beverages.

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 172 of the Penal Code is amended to read:

172. 1. Every person who, within one-half mile of the land belonging to this State upon which any state prison, or within 1,900 feet of the land belonging to this State upon which any reformatory, is situated, or within one mile of the grounds belonging to the University of California, at Berkeley, or within one and one-half miles of the exterior limits of the land on which is located the Veterans' Home at Yountville, Napa County, California, or within three miles of the University Farm at Davis, or within one and one-half miles of any building actually occupied as a home, retreat, or asylum for ex-soldiers, sailors, and marines of the Army and Navy of the United States, established or to be established by this State, or by the United States within this State, or within the State Capitol, or within the limits of the grounds adjacent and belonging thereto, sells, gives away, or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100), or by imprisonment for not less than 50 days or by both such fine and imprisonment, in the discretion of the court. Zone of unlawful sale

2. The possession by a person, within the distances mentioned in paragraph 1 of this section of any state prison, reformatory, grounds belonging to the University of California at Berkeley, University Farm at Davis, or of the land on which is located the Veterans' Home at Yountville, Napa County, California, or any building actually used as a home, retreat or asylum for ex-soldiers or sailors, and marines of the Army and Navy of the United States, within the State Capitol, or within the grounds adjacent and belonging thereto, of a license for the sale of intoxicating liquor issued under and by the authority of the Government of the United States shall, in any prosecution under paragraph 1 of this section, be deemed to be prima facie evidence of the violation of the provisions of paragraph 1 of this section.

3. Except within the State Capitol or the limits of the grounds adjacent and belonging thereto, as mentioned in subdivision 1 of this section, the provisions of this section shall not apply to the sale, gift, or exposing or offering for sale of ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale, gift, or exposing or offering for sale of beer.

4. Distances provided in this section shall be measured not by air line but by following the shortest road or roads connecting the points in question. In measuring distances from the Folsom State Prison, the measurement shall start at the entrance gate of the prison.

SEC. 2. Section 172.1 is added to said code, to read:

Lawful possession

172.1. No provision of law shall prevent the possession or use of wine on any state university, state college or junior college premises solely for use in experimentation in or instruction of viticulture, enology, domestic science or home economics.

CHAPTER 808

An act to add Section 3947 to the Elections Code, relating to the direct primary election ballot.

In effect September 18, 1959

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 3947 is added to the Elections Code, to read:

3947. If the election board of a county determines that due to the number of candidates and measures that must be printed on the direct primary ballot, the ballot will be larger than may be conveniently handled, the board may provide that a non-

partisan ballot shall be given to each partisan voter, together with his partisan ballot, and that the material appearing under the heading "Nonpartisan Offices" on partisan ballots, as well as the heading itself, be omitted therefrom. In the event that the board so provides, the procedure prescribed for the handling and canvassing of ballots shall be modified to the extent necessary to permit the use of two ballots by partisan voters.

CHAPTER 809

An act to add Section 25265 to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to the display of lights on sanitation district vehicles.

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 25265 is added to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, to read:

25265. Repair vehicles of county sanitation districts necessarily parked other than adjacent to the curb in a highway for purposes of repairing sanitation district facilities, may be equipped with amber lights displayed to the front, sides and rear, but these lights shall not be lighted when headlamps are lighted.

CHAPTER 810

An act to add Section 5906.5 to the Elections Code, relating to absent voters.

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 5906.5 is added to the Elections Code, to read:

5906.5. In the event an absent voter's ballot is lost in transmission to the voter, the county clerk shall send a second ballot to the voter upon receipt, before the day of election and a sufficient time after the transmission of the first ballot to justify the assumption that such ballot was lost, of a notarized statement from the voter that he has not received a ballot. The envelope in which the second ballot is enclosed shall have plainly stamped or printed thereon a warning that voting twice constitutes a felony.

In the event that the voter attempts to vote more than one absent voter's ballot, both ballots shall be void.

CHAPTER 811

An act to add Section 2509.1 to the Revenue and Taxation Code, relating to the collection of property taxes.

In effect September 18, 1959

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 2509.1 is added to the Revenue and Taxation Code, to read:

2509.1. If any negotiable paper is not paid on due presentment for any reason, resulting in the cancellation provided in Section 2509, the costs of the cancellation shall be a charge against the person from whom the negotiable paper was accepted. If such unpaid negotiable paper was accepted in payment of a tax or assessment, the costs of cancellation shall be a lien against the property for the payment of which the negotiable paper was accepted.

Amounts collected as costs of cancellation shall be distributed to the county salary fund.

CHAPTER 812

An act to amend Section 4149 of the Revenue and Taxation Code, relating to redemption of any parcel of tax-sold or tax-deeded property.

In effect September 18, 1959

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 4149 of the Revenue and Taxation Code is amended to read:

4149. The amount necessary to redeem the parcel is the sum of the following:

(a) The amount of sold taxes on the parcel.

(b) Delinquent penalties and costs computed on the amount of sold taxes on the parcel for each year.

(c) Redemption penalties computed on the amount of sold taxes on the parcel.

(d) A redemption fee of one dollar and fifty cents ($1.50) on each separately valued parcel sold to the State subsequent to June 13, 1947.

CHAPTER 813

An act to amend Section 4102 of the Revenue and Taxation Code, relating to redemption of tax-sold and tax-deeded property.

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 4102 of the Revenue and Taxation Code is amended to read:

4102. The amount necessary to redeem shall be paid in lawful money of the United States and is the sum of the following:

(a) The amount of sold taxes.

(b) Delinquent penalties and costs.

(c) Redemption penalties.

(d) A redemption fee of one dollar and fifty cents ($1.50) on each separately valued parcel sold to the State subsequent to June 13, 1947.

CHAPTER 814

An act to add Section 27206 to the Government Code, relating to federal tax liens.

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 27206 is added to the Government Code, to read:

27206. The county recorder may destroy federal tax liens together with any release of said liens eight years after the lien was filed in his office; provided, a microfilm copy of each unreleased tax lien has been made and certified in the manner provided for in Section 1920b of the Code of Civil Procedure. All film used in the microphotography process shall comply with the minimum standards of quality approved by the United States Bureau of Standards. The original copy of the microfilm shall be kept in a safe and separate place for security purposes. A true copy of such film shall be arranged in a suitable place in the office of the recorder for public inspection.

CHAPTER 815

An act to amend Sections 1, 2, 3.2, 3.4, 4.1, 4.11, 5, 5.1, 7.1, 10, 13, 14, 14.1, 15, 16, and 17 of, to amend and renumber Sections 5.3, 14.3, 30, 32, 33, 34, 35, 36, 37, and 38 of, to add Sections 4.12 and 4.13 to, and to repeal Sections 5.4,

5.5, 5.6, 5.7, 13.1, 14.2, 15.1, 15.2, 15.3, 15.4, 18, 19, 19.1, 19.2, 19.3, 19.4, 19.5, 19.6, 19.7, 19.8, 19.9, 19.10, 19.11, 19.13, 19.14, 19.15, 19.16, 19.17, 19.18, 19.19, 19.20, 19.21, 20, 20.1, 20.2, 20.3, 20.4, 20.5, 20.6, 20.7, 20.8, 21, 21.1, 22, 23, 24, 25, 26, 27, 28 and 29 of the Placer County Water Agency Act (Chapter 1234, Statutes of 1957), relating to the Placer County Water Agency, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the Placer County Water Agency Act is amended to read:

Section 1. A county water agency is hereby created to be known as the Placer County Water Agency. Said agency shall consist of all the territory lying within the exterior boundaries of the County of Placer. Said agency shall be a "local agency" as defined by Section 54307 of the Government Code.

SEC. 2. Section 2 of said act is amended to read:

Sec. 2. As used in this act, the following words shall have the following respective meanings unless the context indicates otherwise:

(a) "Agency" is the Placer County Water Agency.

(b) "County" is the County of Placer of the State of California.

(c) "United States" is the United States of America including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the United States of America.

(d) "State" means the State of California including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the State of California.

(e) "Work" or "works" includes dams and dam sites, reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion and transmission of water; power generation and transmission facilities; any replacement, renovation or improvement of the foregoing; and all land, property, franchises, easements, rights-of-way and privileges necessary or useful to operate or maintain any of the foregoing.

(f) "District" means any of the following: irrigation districts, county water districts, water conservation districts, water districts, soil conservation districts, municipalities, towns, flood control districts, and any other districts or political subdivisions of the State empowered by law to appropriate water and deliver water to water users.

(g) "Public agency" means the United States, the State or any district.

(h) "Elector" or "qualified elector" or "voter" or "qualified voter" means any elector of the county qualified under the

laws of the State of California to vote in the county at general elections.

(i) "May" is permissive and "shall" is mandatory.

(j) "Board" means the board of directors of the agency.

SEC. 3. Section 3.2 of said act is amended to read:

Sec. 3.2. The agency shall have the power to adopt a seal and alter it at its pleasure.

SEC. 4. Section 3.4 of said act is amended to read:

Sec. 3.4. The agency shall have the power of eminent domain to acquire within or without the agency by condemnation in the manner and to the extent prescribed in Article I, Section 14 of the Constitution of the State of California and Title 7, commencing at Section 1237, of Part 3 of the Code of Civil Procedure all property or interest therein necessary for carrying out the powers and purposes of the agency, except that the agency shall not have the power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use; and it is hereby declared that the use of the property which may be condemned, taken or appropriated under the provisions of this act, is a public use, subject to regulation and control of the State of California in the manner prescribed by law. Notwithstanding any other provisions of this act or any other law, no property shall be taken except upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it already has been appropriated.

In lieu of compensation and damages for the taking or damaging of any public utility facility which must be replaced by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the agency shall pay to the public utility owning such facility its actual cost incurred to replace in kind the facility so taken or damaged, less proper deductions for depreciation, together with its actual cost incurred to rearrange or rehabilitate the facilities of such public utility not taken or damaged but required to be rearranged or rehabilitated by reason of such taking or damaging.

The power of eminent domain vested in the agency shall include the power to condemn in the name of the agency either the fee simple or any lesser estate or interest in any property which the board by resolution shall determine is necessary for carrying out the purposes of the agency. Such resolution shall be prima facie evidence that the taking of such private property, to the extent stated in said resolution, is necessary for carrying out the purposes of the agency.

No action in eminent domain to acquire property or interests therein outside the boundaries of the County of Placer shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

SEC. 5. Section 4.1 of said act is amended to read:

Sec. 4.1. The agency shall have the power to construct, operate and maintain works to develop hydroelectric energy as a means of assisting in financing the construction, operation and maintenance of its projects for the control, conservation, diversion and transmission of water and to enter into contracts for the sale of such energy for a term not to exceed 50 years. Such energy may be marketed only at wholesale rates to any public agency or private entity engaged in the sale of electric energy at retail, or the Federal or State Government.

SEC. 6. Section 4.11 of said act is amended to read:

Sec 4.11. In connection with the construction and operation of the works of the agency, the agency shall have the power to contract for the sale of the right to use falling water for electric energy purposes with any public agency or private entity engaged in the retail distribution of electric energy, for a term not to exceed 50 years.

SEC. 7. Section 4.12 is added to said act, to read:

Sec. 4.12. The agency shall have power to enter into contracts with any private water company formed and existing exclusively to provide water service within the agency whenever such contract appears to the board to be in the public interest.

SEC. 8. Section 4.13 is added to said act, to read:

Sec. 4.13. The agency shall have power to borrow money, incur indebtedness and issue bonds or other evidence of such indebtedness in the manner provided herein.

SEC. 8.5. Section 4.14 is added to said act, to read:

Sec. 4.14. When authorized by the board the agency shall have the power to borrow money with repayment to commence at a future date from revenues of the agency.

SEC. 9. Section 5 of said act is amended to read:

Sec. 5. Any water or rights to the use of the works of the agency for the conservation, control or transportation of water may be sold, leased or otherwise transferred by the agency to any district, and the agency may fix and collect rates and charges for such purposes; provided, however, that no such sale, lease or transfer shall be made for use outside the agency unless the board determines that the water or works involved will not be needed for use within the agency.

SEC. 10. Section 5.1 of said act is amended to read:

Sec. 5.1. The agency may enter into contracts with any district for any of the following purposes:

(a) The lease, purchase, or other acquisition by the agency of any of the works of such district.

(b) The construction of works by the agency for the conservation, regulation or transmission of water for the benefit of such district or the furnishing or sale by the agency to such district or by such district to the agency of water or a water supply for any purpose.

(c) The sale, lease, or other disposition of water, a water supply, water rights, or water storage facilities or any inter-

ests in any thereof for any purpose by the agency to any district or by any district to the agency.

(d) The operation of works and the delivery of water by the agency to any district or by any district to the agency.

Such contracts shall be executed in accordance with the laws governing such districts.

SEC. 11. Section 5.3 of said act is amended and renumbered to read:

Sec. 5.2. The agency in its discretion may suspend delivery of water conserved by the agency or obtained by or on behalf of the agency to any district during the period in which said district is delinquent in its payment for or obligations due in respect to such water under any contract entered into by it with the agency.

SEC. 12. Section 7.1 of said act is amended to read:

Sec. 7.1. No director of the agency shall be interested in any manner, directly or indirectly, in any contract awarded or to be awarded by the board of directors, or in the profits to be derived therefrom. A violation of this section is a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail of the County of Placer for not exceeding six months, or by both such fine and imprisonment, and such conviction shall by operation of law work a forfeiture of office. This section shall not apply to a contract made with a corporation of which a director of the agency is a minority stockholder if the contract is for the general benefit of the corporation.

SEC. 13. Section 10 of said act is amended to read:

Sec. 10. Claims against the agency whether arising out of contract, tort, or the taking or damaging of property without compensation must be made in writing and filed with the board within six months after the cause of action arises. Claims shall be presented in the general form and manner prescribed by law for the making and filing of claims against counties. Such claims may be amended within six months to correct defects in form or statement of facts. No action against the agency shall be commenced or maintained unless a claim has been filed as provided in this section and a complaint has been filed within one year after the cause of action arose.

SEC. 14. Section 13 of said act is amended to read:

Sec. 13. The agency shall not incur any indebtedness or liability exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable. This section shall have no application to debts or liabilities incurred pursuant to the provisions of this act authorizing the issuance of revenue bonds pursuant to Section 16, the execution of contracts with the United States and the State, nor the incurring of any indebtedness or liability au-

thorized by a vote of the electors of any zone of the agency at an election held for such purpose pursuant to Section 15.

SEC. 15. Section 14 of said act is amended to read:

Sec. 14. The agency may levy taxes to accomplish the purposes of this act, but only to the extent specifically authorized by this act.

SEC. 16. Section 14.1 of said act is amended to read:

Sec. 14.1. If from any cause, the revenues of the agency shall be, or in the judgment of the board are likely to be, inadequate for any lawful purpose of the agency, the board shall have the power in any year to levy an ad valorem tax upon all taxable property in the agency for such purposes, except that the aggregate taxes or assessments levied for any one fiscal year shall not exceed ten cents ($0.10) on each one hundred dollars ($100) of the assessed valuation of the taxable property in the agency exclusive of any tax levied in any zone or participating zone pursuant to Section 15.

Such taxes shall be levied and collected with and not separately from taxes for county purposes, and the revenue derived from said agency taxes shall be paid into the county treasury to the credit of the agency, and the board shall have the power to control and order the expenditure thereof for said lawful purposes of the agency.

SEC. 17. Section 14.3 of said act is amended and renumbered to read:

Sec. 14.2. The provisions of law of this State, prescribing the priority, time, and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are hereby adopted for the agency and made a part hereof, so far as they are applicable and not in conflict with this act. Such officers shall be liable upon their official bond for the faithful discharge of the duties imposed upon them by this act.

SEC. 18. Section 15 of said act is amended to read:

Sec. 15. (a) The board by resolution shall establish such zones within the agency as in the judgment of said board are necessary to equitably apportion the benefits of the agency to the lands within the respective zones Such zones may be established within the agency without reference to the boundaries of other zones, by setting forth the descriptions thereof by metes and bounds and by entitling each of such zones by a zone number. The lands comprising a zone need not be contiguous. All zones shall be established only with respect to projects for the benefit of such zones and proceedings for the establishment of such zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in the manner prescribed in this section.

(b) The board may institute projects for the financing, constructing, maintaining, operating, extending, repairing or

otherwise improving any work of benefit to single zones or two or more zones. In cases of projects for the benefit of two or more zones, such zones shall become, and shall be referred to as, participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zone or participating zones and fixing a time and place for public hearing of said resolution. The resolution shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation designated by the board, circulated in such zone or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in two public places designated by the board, in such zone or in each of said participating zones. Publication shall be completed at least seven days before the date of the hearing. Said notice must designate a public place in such zone or in each of said participating zones where a copy or copies of the resolution and the map or maps of the proposed project may be seen by any interested person; said resolution and map or maps must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

(c) At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, or a portion thereof, unless prior to the conclusion of said hearing written protests against the proposed project signed by owners of real property within the zone or participating zone the assessed value of which, as shown by the last equalized assessment roll, constitutes more than one-half of the total assessed value of the real property of such zone, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned at the discretion of the board.

(d) The board shall have power, in any year:

(1) To levy taxes upon all taxable property in each or any of said zones according to benefits derived or to be derived therein to pay the cost and expenses of carrying out any of the objects or purposes of this act of benefit to such zones, including the administering, constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zones. Said taxes shall be based upon the assessment rolls used by the county for general tax pur-

poses and shall not exceed fifty cents ($0.50) on each one hundred dollars ($100) of assessed valuation, exclusive of any tax levied pursuant to subdivision (f), hereof.

(2) Said taxes shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said agency taxes shall be paid into the county treasury to the credit of the agency and the respective zones thereof, and the board shall have the power to control and order the expenditure thereof; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes levied under the provisions of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works located in any other zone, except in the case of projects for the benefit of participating zones or for projects authorized or established outside such zone or zones, but for the benefit thereof.

(e) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work in any zone or participating zones, the board may by resolution determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Placer County within five (5) days after its adoption. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(f) After the filing for record of the resolution specified in subdivision (e) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes levied upon the lands situated within the zone or participating zones, and all such lands shall be and remain liable to be taxed for such payments as provided in this act.

(g) The board shall call such special bond election by resolution and submit to the qualified electors of said zone or participating zones the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in the resolution referred to in subdivision (e) of this section. The resolution calling the bond election shall recite the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of the resolution referred to in subdivision (e) of this section. The resolution calling such special bond election shall also state the esti-

mated cost of the proposed work, the amount of the principal of the indebtedness to be incurred and the maximum rate of interest to be paid on said indebtedness. Said resolution shall also fix the date on which such special election shall be held and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed six percent (6%) per annum. For the purposes of said election said board shall in said resolution calling said bond election establish a special bond election precinct or precincts within the boundaries of each zone and participating zones and may form election precincts by consolidating the precincts established for general elections in the agency to a number not exceeding six general precincts for each such special bond election precinct. Said resolution shall also designate polling places and appoint at least one inspector, one judge and one clerk for each of such special bond election precincts.

(h) In all particulars not recited in said resolution calling said bond election, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the State.

(i) The board shall cause a map to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed work and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

(j) Said resolution calling for such special bond election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in each zone and participating zone affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation. The last publication of such resolution must be at least fourteen (14) days before said election, and if there be no such newspaper, then such resolution shall be posted in two public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

(k) Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. If at such election two-thirds of the votes cast in the zone or in each of the participating zones are in favor of incurring such bonded indebtedness, then bonds for such zone or participating zones for the amount stated in such proceedings may be issued and sold as in this act provided.

(*l*) The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zones affected, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually, at the dis-

cretion of the board, each and every year on a day and date and at a place to be fixed by said board and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

(m) The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different dates from those of any other series. The maturity dates of each series shall comply with this section. The board may fix a date not more than two (2) years from the date of issuance for the earliest maturity of each issue or series of bonds. The final maturity date of each issue or series shall not exceed forty (40) years from the time of incurring the indebtedness evidenced by such issue or series.

(n) The bonds shall be issued in such denomination as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of six percent (6%) per annum, and shall be made payable annually or semiannually, and the bonds of each issue or series shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of the agency, and the seal of the agency shall be affixed thereto by the clerk of the board. One of such signatures may be printed, engraved or lithographed The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his printed, engraved or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officers had remained in office until the delivery of the bonds.

(o) Before selling the bonds, or any part thereof, the board shall give notice not less than 10 days prior to the date of sale by publication in a newspaper of general circulation circulating in the agency inviting sealed bids in such manner as the board shall prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

(p) Any bonds issued under the provisions of this section, and the interest thereon, shall be paid by revenues derived from an annual tax upon all taxable property in the zone or participating zones sufficient to pay the interest and such

portion of the principal of said bonds as is due or to become due before the time for making the next general tax levy. No zone nor the property therein shall be liable for the share of bonded indebtedness of any other zone, nor shall any moneys derived from taxation in any of the several zones be used in payment of principal or interest or otherwise of the share of the bonded indebtedness chargeable to any other zone. Such taxes shall be levied and collected in the respective zones or participating zones, together with and not separately from taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury of said Placer County to the credit of the zone of payment, and be used for the payment of the principal and interest on said bonds, and for no other purpose. It is hereby declared that for the purposes of any tax levied pursuant to this subdivision (p), the property so taxed within a given zone is equally benefited.

SEC. 19. Section 16 of said act is amended to read:

Sec. 16 If the board by resolution determines that a bonded indebtedness to pay the acquisition or construction of any works for any purposes of the agency or for refunding any outstanding bonds should be incurred and can be repaid and liquidated as to both principal and interest from revenues designated by the board, the agency is authorized and shall have the power to define such works as an "enterprise" and to issue revenue bonds, all in the manner and as provided in the Revenue Bond Law of 1941; provided, however, that, notwithstanding the provisions of Government Code Section 54310, the board shall have the power, subject to the limitations of Section 4 1 hereof, to borrow money and issue revenue bonds for, and to define "enterprise" to include, systems, plants, works or undertakings for the generation, production, transmission and sale of hydroelectric energy.

If the interest and principal of the revenue bonds and all charges to protect or secure them have been paid when due, an amount for the necessary and reasonable maintenance and operation costs of the enterprise, which costs include the reasonable expenses of management, repair and other expenses necessary to maintain and preserve the enterprise in good repair and working order, may be apportioned from the revenues, and, subject to any limiting covenants in the resolution providing for the issuance of bonds, the remaining surplus may be used for any lawful purpose of the agency, which, without limiting the generality of the foregoing, shall include the right and authority to expend any or all of such surplus as contributions in aid of necessary extensions of water storage and distribution facilities of the agency, payment of in lieu taxes to the County of Placer upon works of the agency situate within the County of Placer, and the purchase or obtaining of additional water supplies.

SEC. 20. Section 17 of said act is amended to read:

Sec. 17. All revenue bonds issued by the agency may be certified as legal investments, pursuant to the District Securi-

ties Commission Law, Division 10, of the Water Code, in the manner and to the extent provided in Sections 54433 and 54434 of the Government Code.

SEC. 21. Section 30 of said act is amended and renumbered to read:

Sec. 18. The agency at any time after the authorization of bonds or the levy of any special assessment or after the execution of any contract may bring an action in the Superior Court of the State of California in and for the County of Placer to determine the validity of the bonds or of the levy or of the contract. The action is in rem jurisdiction of all parties interested and may be had by publication of summons for at least once a week for three weeks in a newspaper of general circulation published in the agency and designated by the court in which the proceedings are pending. Jurisdiction is complete ten (10) days after the completion of the publication of the summons. Before the expiration of the 30 days after jurisdiction is acquired any person interested may appear and contest the validity of the bonds or assessment or the contract.

If no proceedings have been brought by the agency pursuant to this section, any agency assessee or taxpayer may at any time within thirty (30) days after the levy of any assessment or authorization of any bonds or execution of such contract bring an action in the superior court to determine the validity of the assessment or bonds or contract. The agency shall be a defendant. If more than one action is pending at the same time concerning similar contests provided for in this section, they shall be consolidated and tried together. The rules of pleading and practice in the Code of Civil Procedure not inconsistent with the provisions of this section are applicable to all actions or proceedings provided for by this section. In a contest provided for by this section, the court shall disregard any irregularity or omission which does not affect the substantial rights of the parties. The judgment shall declare the bonds or levy or contract either valid or invalid. The costs of any hearing or contest may be allowed and apportioned between the parties or taxed to the losing party in the discretion of the court. Any party may appeal at any time within thirty (30) days after the entry of the judgment. No contest of any act or proceeding authorized under this act shall be made other than in the time and manner provided in this section. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six (6) months after the finding or conclusion was made.

SEC. 22. Section 32 of said act is amended and renumbered to read:

Sec. 19. Neither the establishment of the agency nor any provision of this act shall affect, restrict nor supersede the

existence, property, right, or power of any district, now or hereafter established in or partially within the limits of the agency for the purpose of flood control, reclamation, conservation, storage, distribution, sale, use, or development of water. The Legislature, because of conditions special to the county, hereby expressly declares its intent to permit within the limits of the Placer County Water Agency, the existence of more than one district, having similar powers over similar territory in regard to flood control, reclamation and water conservation, storage, distribution, sale, use or development.

SEC. 23. Section 33 of said act is amended and renumbered to read:

Sec. 20. Neither the formation of the agency nor this act shall impair the vested right of any person, association, corporation or district in or to any water or the use thereof.

SEC. 24. Section 34 of said act is amended and renumbered to read:

Sec. 21. The agency, in order to determine the legality of its existence, may institute a proceeding therefor in the Superior Court of this State, in and for the County of Placer, by filing with the clerk of said county a complaint setting forth the name of the agency, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal agency formed under this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four weeks in a newspaper of general circulation published in the county. The State of California shall be a defendant in such action, and consent therefor is given. Service of summons therein shall be made on the Attorney General. The Attorney General shall appear in such action on behalf of the State in the same manner as with appearances in civil actions. Within thirty (30) days after proof of publication of said summons the State, any property owner or resident in said agency, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the agency and shall be served upon the district attorney before being filed in such proceeding. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever, including the agency and the State of California.

SEC. 25. Section 35 of said act is amended and renumbered to read:

Sec. 22. The agency may be dissolved in the manner provided for the dissolution of districts by Chapter 4, commencing at Section 58950, of Division 1 of Title 6 of the Government Code, and the agency shall be considered a district within the meaning of all of the provisions of said chapter.

SEC. 26. Section 36 of said act is amended and renumbered to read:

Sec. 23. The Legislature hereby finds that water problems in the county require countywide water conservation, flood control and development of water resources; that all land within the county will be benefited thereby; that the solution of these problems lies within and is peculiar to the area to be included in the agency; that these problems are not general or statewide; that the county for many years has made investigations and engineering surveys of the county's water resources by private, public and United States engineers; that county water districts, municipalities, and water conservation districts now exist within portions of the county, have acquired property and works, developed a limited water supply, and have incurred indebtedness, but have been and are unable alone to economically develop an adequate water supply and control the floods of said county and for such reason it is necessary to have a political entity coextensive with the geographical limits of the entire county; that the county cannot be supplied with water from a common source or by a common system of works; that investigation having shown conditions in said county to be peculiar to it. It is, therefore, hereby declared that a general law cannot be made applicable to said county and that the enactment of this special law is necessary for the conservation, development, control and use of said water for the public good and for the protection of life and property therein.

SEC. 27. Section 37 of said act is amended and renumbered to read:

Sec. 24. If any provision of this act is declared unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

SEC. 28. Section 38 of said act is amended and renumbered to read:

Sec. 25. This act may be designated and referred to as "the Placer County Water Agency Act," and any reference thereto by such designation shall be sufficient for all purposes.

SEC. 29. Sections 5.4, 5.5, 5 6, 5.7, 13.1, 14.2, 15.1, 15.2, 15.3, 15.4, 18, 19, 19.1, 19.2, 19.3, 19.4, 19.5, 19.6, 19.7, 19.8, 19.9, 19.10, 19.11, 19.13, 19.14, 19.15, 19 16, 19.17, 19.18, 19 19, 19.20, 19 21, 20, 20.1, 20.2, 20 3, 20.4, 20.5, 20.6, 20.7, 20.8, 21, 21.1, 22, 23, 24, 25, 26, 27, 28 and 29 of said act are repealed.

SEC. 30. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act will provide the necessary revisions to enable the agency to proceed with a proposed project for flood control and water conservation which is necessary at earliest possible time to protect the public health and safety.

CHAPTER 816

An act to amend Section 35407 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to water well drilling and servicing equipment on vehicles.

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 35407 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

35407. Section 35406 does not apply to the booms or masts of shovels, cranes or water well drilling and servicing equipment carried upon a motor vehicle if the following conditions are met:

(a) The booms or masts shall not extend more than two-thirds of the wheelbase beyond the front tires of such vehicle.

(b) The projecting structure or attachments thereto shall be securely held in place to prevent dropping or swaying.

(c) No part of the structure which extends beyond the front tires shall be less than seven feet from the roadway.

(d) The driver's vision shall not be impaired by the projecting or supporting structure.

CHAPTER 817

An act to add Section 11580.2 to the Insurance Code, relating to uninsured motorist coverage.

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 11580.2 is added to the Insurance Code, to read:

11580.2. (a) No policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle, shall be issued or delivered in this State to the owner or operator of a motor vehicle, or shall be issued or delivered by any insurer licensed in this State upon any motor vehicle then principally used or principally garaged in this State, unless the policy contains, or has added to it by endorsement, a provision insuring the named insured and any other person legally responsible for the use of or using the motor vehicle with the consent, express or implied, of the named insured, for all sums which he shall be legally entitled to recover as damages for bodily injury from the owner or operator of an uninsured motor vehicle, with

coverage limits at least equal to the financial responsibility requirements specified in Sections 16059 and 16451 of the Vehicle Code; provided, however, that the insurer and the insured may by supplemental agreement waive application of the provision covering damage caused by an uninsured motor vehicle.

(b) As used in (a) above, "bodily injury" shall include sickness or disease, including death, resulting therefrom; the term "insured" means the named insured and the spouse of the named insured and relatives of either while residents of the same household while occupants of a motor vehicle or otherwise, and any other person while in or upon or entering into or alighting from an insured motor vehicle; provided, the motor vehicle is used by the named insured or with his permission or consent, express or implied; the term "uninsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance or use of which there is no bodily injury liability insurance or bond applicable at the time of the accident or a motor vehicle used without the permission of the owner thereof if there is no bodily injury liability insurance or bond applicable at the time of the accident with respect to the operator thereof, or there is such applicable insurance or bond but the company writing the same denies coverage thereunder, or the owner or operator thereof be unknown. The term "uninsured motor vehicle" shall not include an automobile owned by the named insured or any resident of his household or self-insured within the meaning of the safety responsibility law of the state in which the motor vehicle is registered or which is owned by the United States or Dominion of Canada, or any state or province or any agency or political subdivision of any of them, or a land motor vehicle or trailer operated on rails or crawler-treads or while located for use as a residence or premises and not as a vehicle.

(c) The insurance coverage provided for in this section does not apply:

(1) To property damage sustained by the insured.

(2) To bodily injury of the insured sustained while in or upon or while entering into or alighting from an automobile other than the described automobile if the owner thereof has insurance similar to that provided in this section.

(3) To bodily injury of the insured with respect to which such insured or his representative shall, without the written consent of the insurer, make any settlement with or prosecute to judgment any action against any person who may be legally liable therefor.

(4) In any instance where it would inure directly or indirectly to the benefit of any workmen's compensation carrier or to any person qualified as a self-insurer under any workmen's compensation law.

(d) The policy or an endorsement added thereto shall provide that the determination as to whether the insured shall be legally entitled to recover damages, and if so entitled, the amount thereof, shall be made by agreement between the insured and the insurer or, in the event of disagreement, by arbitration. As used in (a) above, "limits" shall mean for purposes of this section a liability limit, on account of bodily injury sustained by one insured as a result of any one accident, or sustained by two or more persons in any one accident, consistent with the limits of liability referred to in the provisions concerning financial responsibility and security following accidents found in Division 7 (commencing with Section 16000) of the Vehicle Code.

(e) An insurer paying a claim under an uninsured motorist endorsement or coverage shall be entitled to be subrogated to the rights of the insured to whom such claim was paid against the person causing such injury or death to the extent that payment was made.

(f) An insured entitled to recovery under the uninsured motorist endorsement or coverage shall be reimbursed within the conditions stated herein without being required to sign any release or waiver of rights to which he may be entitled under any other insurance coverage applicable, nor shall payment under this section to such insured be delayed or made contingent upon the decisions as to liability or distribution of loss costs under other bodily injury liability insurance or any bond applicable to the accident.

CHAPTER 818

An act to amend Section 8395 of the Fish and Game Code, relating to sale or purchase of surf perch.

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 8395 of the Fish and Game Code is amended to read:

8395. Surf perch of the family Embiotocidae may not be sold or purchased between May 1st and July 15th. South of a line drawn east and west through Point Arguello, barred surfperch, redtail surfperch, and calico surfperch may not be taken for commercial purposes. Surfperch of these three species which have been taken north of the line during the open season and shipped south of the line may be sold or purchased under such regulations as the commission may prescribe.

CHAPTER 819

An act to amend Section 23104 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 18, 1959

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 23104 of the Business and Professions Code is amended to read:

23104. Any insurer may, or any common carrier acting as an insurer for losses to persons shipping alcoholic beverages may, after permission has been granted by the department, take possession of and sell any alcoholic beverages the containers of which have been damaged by fire or otherwise to licensees who are authorized to sell the alcoholic beverages. Any licensee so qualified may purchase and accept delivery of the alcoholic beverages from the insurer or common carrier so authorized to sell. This permission extends only to alcoholic beverages owned by a licensee and insured against loss or damage by the insurer or common carrier applying for the permission. Alcoholic beverages so sold shall be labeled or otherwise identified, prior to and at the time of sale, as distress merchandise, salvaged from fire, wreck, or similar catastrophe, and such label or other identification shall be affixed over the regular label of the merchandise, and shall provide thereon that it was not affixed by the manufacturer.

CHAPTER 820

An act to amend Sections 8571 and 8701 of, and to add Sections 8571.5 and 8701.5 to the Elections Code, relating to election contests, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 8571 of the Elections Code is amended to read:

Annulment of certificate

8571. If the clerk has issued any certificate for the same office to any other person than the one declared elected by the court, or if the court finds a tie vote in a contest brought under this chapter, such certificate is annulled by the judgment.

SEC. 2. Section 8571.5 is added to said code, to read:

Tie vote

8571.5. If the court finds a tie vote, the governing body of the county or city, within 15 days after receipt of a verified

petition by either candidate, shall call a special election to determine which candidate shall be elected. The special election shall be held within 30 days after its call and shall be conducted in the same manner as prescribed for other special elections in such county or city, except that only the names of the candidates involved shall be printed on the ballot.

This section shall cease to be operative on May 1, 1960.

SEC. 3. Section 8701 of the Elections Code is amended to read:

Same

8701. If at any election, except that for Governor or Lieutenant Governor, two or more persons receive an equal and the highest number of votes for an office to be voted for in more than one county, the Secretary of State shall forthwith summon the candidates who have received the tie votes, whether upon the canvass of the returns by the Secretary of State, or upon recount by a court, to appear before him at his office at the State Capitol at a time to be designated by him. The Secretary of State shall at that time and place determine the tie by lot. In the same manner, at a time and place designated by it, the election board shall determine a tie vote, whether upon canvass of the returns by the election board or upon a recount by court, for candidates voted for wholly within one county.

SEC. 4. Section 8701.5 is added to said code, to read:

Certificate of election

8701.5. If the tie vote has been determined pursuant to Section 8701, the person declared elected by the Secretary of State or the election board is entitled to a certificate of election. The Secretary of State or the county clerk, whichever the case may be, shall immediately make out and deliver to that person a certificate of election.

Urgency

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Under existing law there is no procedure prescribed for determining an election contest involving the election of a member of a board of supervisors where the court determines that the candidates have received an equal number of votes. Due to the fact that there are now cases pending involving such a situation, it is essential that such a procedure be established at the earliest possible time. Since this act would establish the necessary procedure, it is essential that it go into immediate effect.

CHAPTER 821

An act to amend Sections 8620, 8650, 8681, 10500, 10506, 10600.5 and 10607 of the Streets and Highways Code, relating to improvements.

In effect September 18, 1959

[Approved by Governor June 5, 1959. Filed with Secretary of State June 5, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 8620 of the Streets and Highways Code is amended to read:

Unpaid assessments list

8620. After confirmation of the assessment by the legislative body and after the filing of the statement of payments received upon the assessment by the contractor as provided by law pursuant to which the work was done, or after 30 days from the date of the first publication of the notice of recording the assessment, if the work was done under the Street Opening Act of 1903, or after 30 days from the date of recording the assessment in the office of the superintendent of streets or district engineer, if the work was done under the Municipal Improvement Act of 1913, the street superintendent shall make and file with the treasurer a complete list of all unpaid assessments, upon the assessment.

SEC. 2. Section 8650 of said code is amended to read:

Bonds

8650. The bonds shall be issued in series and an even annual proportion of the aggregate principal sum thereof shall be payable on the second day of July every year succeeding the first 10 months after their date, until the whole is paid. The bonds shall bear interest at a rate not in excess of 6 percent per annum from the thirty-first day after recording the assessment, or from their date if the work was done under the Municipal Improvement Act of 1913, on all sums unpaid, until the whole of the principal sum and interest are paid. However, bonds issued in place of bonds issued prior to August 27, 1937, may bear interest at a rate not exceeding 8 percent per annum on all sums unpaid.

Interest shall be payable semiannually by coupon, on the second day of January and July, respectively, of each year. The first payment of interest shall not become due until six months before the maturity of the first series of bonds.

SEC. 3. Section 8681 of said code is amended to read:

Interest

8681. Interest on all unpaid assessments shall begin to run from the date of filing of the contractor's statement, or as otherwise provided in the law pursuant to which the work was done or from 30 days after the first publication of notice of recording the assessment, if the work was done under the Street Opening Act of 1903, or from the date of the bonds if the work was done under the Municipal Improvement Act of 1913, and shall be computed at the rate specified in the bonds secured by such assessments. Such interest shall for each year be computed and collected up to the next second

day of July succeeding, no deduction being made by reason of any installment of such assessment being due or paid prior thereto in such year.

SEC. 4. Section 10500 of said code is amended to read:

Contracts and acquisitions

10500. At any time after the preliminary approval of the report provided for in Section 10300, the legislative body may let the contract or contracts for all or any part of the improvement and authorize such acts and proceedings as are necessary to acquire works or appliances already installed, or other property, as authorized by this division.

SEC. 5. Section 10506 of said code is amended to read:

Improvements

10506. At any time after the preliminary approval of the report provided for in Section 10300, by resolution adopted by a vote of two-thirds of all its members and without calling for bids, the legislative body may order that the municipality itself execute any or all of the improvement in accordance with the specifications and plans adopted for the work.

SEC. 6. Section 10600.5 of said code is amended to read:

Bond date

10600.5. When the resolution of intention provides that bonds shall be issued under the Improvement Act of 1911 or the Improvement Bond Act of 1915, said bonds may be dated at any time after the expiration of the cash payment period.

SEC. 7. Section 10607 of said code is amended to read:

Improvement Bond Act of 1915

10607. The list of unpaid assessments shall be filed, the bonds ordered issued, interest shall accrue from the date, and assessments thereafter paid before maturity, bonds called, premium paid, and illegal assessments and bonds reassessed, all as provided in the Improvement Bond Act of 1915.

CHAPTER 822

An act to amend Section 8352 of the Revenue and Taxation Code, relating to the Motor Vehicle Fuel Fund and making an appropriation thereof.

[Approved by Governor June 4, 1959. Filed with Secretary of State June 8, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 8352 of the Revenue and Taxation Code is amended to read:

8352. The money in the Motor Vehicle Fuel Fund is hereby appropriated, subject to the provisions of any budget bill heretofore or hereafter enacted and Section 11006 of the Government Code, as follows:

(a) To pay the refunds authorized in this part, including refunds due on account of judgments for the return of license taxes illegally collected.

(b) To the Controller, to carry out any duties imposed upon him by this part.

(c) To the board, to carry out any duties imposed upon it by this part.

(d) To the Highway Users Tax Fund, as provided in this chapter.

(e) To pay the pro rata share of the overhead and general administrative expense of the Controller and the board attributable to duties imposed by this part. The pro rata share is payable upon presentation of a claim against any appropriation from the Motor Vehicle Fuel Fund for the support of the Controller or the board, as the case may be.

(f) To the counties, as provided in this chapter, the sum of three hundred fifty thousand dollars ($350,000) per annum, this sum representing the amount of money in the Motor Vehicle Fuel Fund attributable to taxes imposed by this part on distributions of motor vehicle fuel used or usable in propelling aircraft of a type heavier than air. Payments pursuant to this subdivision shall be made prior to payments pursuant to subdivision (d).

(g) To the Small Craft Harbor Revolving Fund for expenditure in accordance with the provisions of Division 5.7 (commencing at Section 5801) of the Public Resources Code, the sum of seven hundred fifty thousand dollars ($750,000) per annum, commencing with the 1959-1960 Fiscal Year, this sum representing the amount of money in the Motor Vehicle Fuel Fund attributable to taxes imposed on distributions of motor vehicle fuel used or usable in propelling vessels. Payments pursuant to this subdivision shall be made prior to payments pursuant to subdivision (d).

CHAPTER 823

An act to add Section 17531.1 to the Business and Professions Code, relating to packaging of unassembled toys.

In effect September 18, 1959

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 17531.1 is added to the Business and Professions Code, to read:

17531.1. Every manufacturer, wholesaler, jobber, distributor, or other person, who packages children's toys for sale to any retailer, shall clearly state on the outside of the package that the toy is unassembled if such is the case. If children's toys are packaged outside this State, the first wholesaler, jobber, distributor, or other person who has possession or control of the toys in this State in the course of distribution or marketing of such toys for sale to any retailer shall not further distribute or market such toys if they are unassembled unless and until the outside of each package which contains any such toys clearly states that the toys are unassembled.

CHAPTER 824

An act to amend Section 227 of the Labor Code, relating to employer payments.

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 227 of the Labor Code is amended to read:

227. Whenever an employer has agreed with any employee to make payments to a health or welfare fund, pension fund or vacation plan, or other such plan for the benefit of the employees, or has entered into a collective bargaining agreement providing for such payments, it shall be unlawful for such an employer willfully or with intent to defraud to fail to make the payments required by the terms of any such agreement. A violation of any provision of this section is a misdemeanor.

CHAPTER 825

An act to amend Sections 5024, 6440, 6441, 6442, 6443, 6446, 6447, 6460, 6461, 6462, 6463 and 6500 of the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 5024 of the Streets and Highways Code is amended to read:

5024. "Incidental expense" includes:

"Incidental expense"

(a) The compensation of the engineer for work done by him, and attorney's fees for services in proceedings pursuant to this division;

(b) The cost of printing and advertising provided for in this division, including the treasurer's estimated cost of printing, servicing and collecting any bonds to be issued to represent or be secured by unpaid assessments;

(c) The compensation of the person appointed by the superintendent of streets to take charge of and superintend any of the work;

(d) The expenses of making the assessment, and of the collection of assessments by the superintendent of streets when directed by ordinance to receive payments pursuant to Section 5396 of this division, and of preparing and typing the resolutions, notices and other papers and proceedings for any work authorized by this division;

(e) The expenses of making any analysis and tests to determine that the work and any materials or appliances incorporated therein comply with the specifications;

(f) All costs and expenses incurred in carrying out the investigations and making the reports required by the provisions of the "Special Assessment Investigation, Limitation and Majority Protest Act of 1931";

(g) The cost of title searching, description writing, salaries of right of way agent, appraisal fees, partial reconveyance fees, surveys and sketches incident to securing rights of way for any work authorized by this division; and

(h) Any other expenses incidental to the construction, completion, and inspection of the work in the manner provided for in this division.

(i) In the event that the construction of sewers or appurtenances incident thereto shall have been ordered, any charge that shall have been established by the city as a condition to the providing of sewer service to properties in the assessment district.

All demands for incidental expenses shall be presented to the street superintendent, by an itemized bill, duly verified by the demandant.

SEC. 1.5. Section 6440 of said code is amended to read:

Principal due

6440. After the street superintendent files his list of unpaid assessments with the treasurer, the principal of each unpaid assessment shall thereafter become due and payable to the treasurer in equal annual payments on each October 15th succeeding the September 1st following the date of the bonds until fully paid. The number of annual payments shall correspond to the number of serial payments to be made on the principal of the bonds issued to represent the unpaid assessment.

SEC. 2. Section 6441 of said code is amended to read:

Interest payments

6441. The first interest payment on the unpaid assessment shall be payable to the treasurer on the April 15th next succeeding the March 1st or the October 15th next succeeding the September 1st, as the case may be, next following the date of the bonds. The following interest payments shall each be for six months interest and shall be payable to the treasurer on each fifteenth day of April and October, the last interest payment coming due the October 15th immediately preceding the last annual payment of the principal of the bonds issued to represent the unpaid assessment.

SEC. 3. Section 6442 of said code is amended to read:

Penalty re delinquent payment

6442. If any installment of the principal of the unpaid assessment or of interest thereon is not paid to the treasurer on or before the due date, to wit, the June 1st or December 1st, as the case may be, next preceding the date upon which the coupons representing it are payable to the bondholder, the treasurer shall after the close of business on said due date add to the principal or interest so delinquent a penalty of 1 percent of the total amount of such delinquency, and at

the beginning of the business on the first day of each succeeding month until such delinquent payment and all penalties thereon are fully paid, he shall add an additional penalty of 1 percent of the amount of such delinquency. The treasurer shall collect such penalties with and as a part of the delinquent payment.

SEC. 4. Section 6443 of said code is amended to read:

Notice of amount due

6443. At least 15 days before each respective fifteenth day of April and October, until the assessment is paid in full, the treasurer shall mail, postage prepaid, to each owner of property described in the assessment, at his last known address, as appears upon the tax rolls a postal card notifying him of the amount due and the date when payment is due from him on the assessment and stating that the payment is subject to penalty if not paid on or prior to the due date. The failure of the treasurer to mail the card or the failure of the property owner to receive it shall not affect the validity of any penalty or invalidate any act or proceeding.

SEC. 5. Section 6446 of said code is amended to read:

Lien priority

6446. The assessment shall be a lien upon the property affected thereby, with priority as fixed in Section 5373, until the bond issued to represent the assessment and which it is hereby declared does represent the assessment, and the accrued interest thereon and the penalties, if any, shall be fully paid according to the terms thereof, but which lien shall in no event continue beyond four years after the date of the last principal coupon attached thereto, and for the purposes of Section 330 of the Code of Civil Procedure and Section 2911 of the Civil Code said date shall be deemed the "due date" of the last principal coupon attached to said bonds.

SEC. 6. Section 6447 of said code is amended to read:

Discharge of land re lien

6447. The owner of or any person interested in any lot or parcel of land upon which a bond has been issued under the terms of this division may at any time before commencement of proceedings for sale pay off the bond and discharge the land described in the bond from the lien of the assessment. The discharge may be had by paying to the treasurer, for the holder of the bond, the amount then unpaid on the principal sum thereof, with interest thereon calculated up to the date of the next maturing interest coupon at the rate named in the bond, and all penalties accrued and unpaid, together with the premium, if any, required by Section 6464. For the purpose of this section, a bond shall be deemed to be issued on the thirty-first day after the recordation of the warrant upon any unpaid assessment for which the legislative body has provided for the issuance of a bond to represent said unpaid assessment.

SEC. 7. Section 6460 of said code is amended to read:

Form of bond

6460. Form of Bond. The bond shall be substantially in the following form:

STREET IMPROVEMENT BOND

Series (designating it), in the City (or County) of (naming it).

$_____ No. _____

Under and by virtue of the Improvement Act of 1911 (Part 5 of Division 7 of the Streets and Highways Code), I, out of the fund for the above designated street improvement bonds, series _____, will pay to _____ or order, the sum of _____ dollars ($_____) with interest at the rate of _____ percent per annum, all as is hereinafter specified, and at the Office of the Treasurer of the _____ of _____, State of California.

This bond is issued to represent the cost of certain street work upon _____, in the _____ of _____, as the same is more fully described in assessment number _____ issued by the street superintendent of said _____, after the acceptance of said work, and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number _____, and which now remains unpaid, and constitutes a lien upon the property affected thereby, as the same is described herein and in said recorded assessment with its diagram, to wit: The lot or parcel of land in said _____ of _____, County of _____, State of California.

This bond is payable exclusively from said fund, and neither the (here insert city or county) nor any officer thereof is to be holden for payment otherwise of its principal or interest. The term of this bond is _____ years from the second day of January next succeeding the next September 1st following its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year, following the next September 1st after its date, an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest at the rate of _____ per centum per annum.

The interest is payable semiannually, to wit: On the second days of January and of July in each year hereafter, upon presentation of the coupons therefor, hereto attached, the first of which is for the interest to the next first day of _____, and thereafter the interest coupons are for semiannual interest.

This bond may be redeemed by the owner or any person interested in any lot or parcel of land described herein, in the manner provided in said code, at any time before maturity, and before commencement of proceedings for sale, upon payment to the treasurer, for the holder of this bond, of the amount then unpaid on the principal sum thereof, with interest thereon calculated up to the due date of the next maturing interest coupon, and all penalties accrued and unpaid.

Should default be made in the annual payment upon the principal, or in any payment of interest from the owner of said lot or parcel of land, or any one in his behalf, the holder of this bond is entitled on or after the second day of January or July, as the case may be, following such default to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law; provided, however, that any bond may be reinstated after such default in the manner provided in said code. In case of such default there shall be immediately added to such defaulted amount, 1 percent of the amount thereof, and on the first day of each month following such default there shall be added a further penalty of 1 percent of such defaulted amount. The 1 percent penalty first imposed and all subsequent penalties shall be paid to the holder of the bond along with and as a part of such defaulted payment.

At said _____ of _____, this _____ day of _____, in the year one thousand nine hundred and _____.

Treasurer of the _____ of _____.

SEC. 8. Section 6461 of said code is amended to read:

Bond's characterisics

6461. The bonds shall:

(a) Be payable to the party to whom they issue, or to order.

(b) Be serial bonds.

(c) Bear interest at the rate specified in the resolution of intention to do the work.

(d) Have annual principal coupons attached to them, payable in annual order, on the second day of January of every year after the next September 1st following the date of the bond, until all are paid. Each principal coupon shall be for an even annual proportion of the principal of the bond.

(e) Have semiannual interest coupons attached to them.

SEC. 9. Section 6462 of said code is amended to read:

Period

6462. The bonds shall extend over a period not exceeding 24 years from the second day of January next succeeding the next September 1st following their date.

SEC. 10. Section 6463 of said code is amended to read:

Interest

6463. The interest shall be payable semiannually, by coupon, on the second days of January and July, respectively, of each year after the date of the bonds. The bonds shall bear the date of the thirty-first day after the date of recordation of the warrant, whether or not said date falls on a Sunday or holiday. The first interest coupon shall be for interest from the date of the bonds and shall be payable to the holder thereof on the January 2d next succeeding the September 1st or the July 2d next succeeding the March 1st, as the case may be, next following the date of the bond. The rate of interest shall not exceed 6 percent per annum on all sums unpaid.

SEC. 11. Section 6500 of said code is amended to read:

Demand re sale of land

6500. Whenever payment upon either the principal or the interest of any bond is not made to the bondholder when the coupon therefor is due, and the holder of the bond demands in writing that the treasurer proceed to advertise and sell the lot or parcel of land described in the bond as being that upon which the assessment represented by the bond was levied, the treasurer shall proceed to advertise and sell the lot or parcel of land as provided in this chapter.

Applicability

SEC. 12. This act shall apply only to proceedings where the resolution of intention shall have been adopted on or after the effective date of this act.

CHAPTER 826

An act to amend Sections 14522, 14524.1 and 14601, Education Code, and Sections 14152, 14156, and 14301 of the Education Code as proposed by Senate Bill No. 2, relating to the State Teachers' Retirement System.

In effect September 18, 1959

[Approved by Governor June 8, 1959 Filed with Secretary of State June 8, 1959]

The people of the State of California do enact as follows:

SECTION 1. Section 14522 of the Education Code is amended to read:

Refunds

14522. Refunds to a member pursuant to Section 14521 shall be made upon request of the member, or may be made without such request if it appears to the Retirement Board that the member's employment is permanently terminated and the member does not have enough service under the system to qualify for receipt of a retirement benefit.

SEC. 2. Section 14524.1 of said code is amended to read:

Re-entry

14524.1. If a person upon re-entering the system after his contributions have been returned to him, does not elect to redeposit withdrawn contributions as provided in Section 14524, or, having so elected, subsequently does not make such redeposit, he re-enters as a new member without credit for any service except service credited to him as rendered before July 1, 1935, for which no contributions were refunded, and his rate of contribution shall be the rate applicable to persons of his age on the date of re-entry.

SEC. 3. Section 14601 of said code is amended to read:

Retirement for service

14601. Any member who comes within any of the following descriptions may be retired for service at his option upon written application therefor to the Retirement Board.

(a) Who is credited with at least five years of service, all of which have been served in this State immediately preceding retirement, and has attained the age of 55 years or more.

(b) Who is credited with service rendered in this State, and which is not used as a basis for benefits under any other

public retirement system, except a local system; provided, he has retired since June 30, 1953, and retires concurrently under the State Employees' Retirement System as a state member of that system, or as an employee of a local school district or of a county superintendent of schools, or under the retirement system of the University of California. In the calculation of allowances of members who qualify for retirement under this subdivision, and who are not qualified for retirement under subdivision (a) of this section, there shall be excluded any service rendered in other states of the United States, its territories and possessions or in the Dominion of Canada. Application for retirement under this subdivision may be made at any time, but applicants shall not otherwise be subject to the provisions of Section 14606.

SEC. 4. Section 14152 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

Refunds

14152. Refunds to a member pursuant to Section 14151 shall be made upon request of the member, or may be made without such request if it appears to the Retirement Board that the member's employment is permanently terminated and the member does not have enough service under the system to qualify for receipt of a retirement benefit.

SEC. 5. Section 14156 of said proposed code is amended to read:

Re-entry

14156. If a person upon re-entering the system after his contributions have been returned to him, does not elect to redeposit withdrawn contributions as provided in Section 14155, or, having so elected, subsequently does not make such redeposit, he re-enters as a new member without credit for any service except service credited to him as rendered before July 1, 1935, for which no contributions were refunded, and his rate of contribution shall be the rate applicable to persons of his age on the date of re-entry.

SEC. 6. Section 14301 of said proposed code is amended to read:

Retirement for service

14301. Any member who comes within any of the following descriptions may be retired for service at his option upon written application therefor to the Retirement Board.

(a) Who is credited with at least five years of service, all of which have been served in this State immediately preceding retirement, and has attained the age of 55 years or more.

(b) Who is credited with service rendered in this State, and which is not used as a basis for benefits under any other public retirement system, except a local system; provided, he has retired since June 30, 1953, and retires concurrently under the State Employees' Retirement System as a state member of that system, or as an employee of a local school district or of a county superintendent of schools, or under the retirement system of the University of California. In the calculation of allowances of members who qualify for retirement under this subdivision, and who are not qualified for retirement under subdivision (a) of this section, there shall be excluded any

service rendered in other states of the United States, its territories and possessions or in the Dominion of Canada. Application for retirement under this subdivision may be made at any time, but applicants shall not otherwise be subject to the provisions of Section 14306.

Effect Stats. 1959, Ch 2

SEC 7. Sections 4 to 6, inclusive, of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Sections 14522, 14524.1, and 14601 of the Education Code as amended by Sections 1 to 3, inclusive, of this act are repealed.

CHAPTER 827

An act to amend Sections 14251, 14365, and 14366 of, and to repeal Section 14252 of, the Education Code as enacted at the 1959 Regular Session, relating to State Teachers' Retirement System.

In effect September 18, 1959

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 14251 of the Education Code as enacted at the 1959 Regular Session is amended to read:

Payment to beneficiary upon member's death

14251. Except as provided in Sections 14364, 14365, or 14366, upon receipt of proof of a member's death which occurred before the effective date of his retirement or after said date but before the date upon which the warrant for his first retirement allowance is mailed and within four months after the termination of the member's employment in a status requisite for membership in this retirement system, or while the member was physically or mentally incapacitated for performance of his duty, if such incapacity had been continuous from said termination, there shall be paid to such beneficiary as he has nominated by written designation duly filed with the Retirement Board:

(a) The Permanent Fund contributions, without interest, standing to the credit of his individual account, as having been made after July 1, 1935.

(b) The accumulated annuity contributions standing to the credit of his individual account in the Retirement Annuity Fund.

(c) Any moneys standing to the credit of his individual account in the Annuity Deposit Fund pursuant to Section 13906, together with the interest accumulated thereon.

(d) An amount, provided from contributions by the State, and payable from the Retirement Annuity Fund, for each completed year of service as a member, not to exceed six and excluding those years of service with respect to which con-

tributions have been refunded and the member had not elected to redeposit pursuant to Section 14155, equal to one-twelfth of the salary which would have been earned by the member at the rate of salary at which he was last employed preceding death, assuming engagement in duties for the number of school days during the school year in which said employment existed. From the amount determined under the sentence next preceding, there shall be deducted an amount equal to that portion of the benefit payable on account of said death by a local retirement system, which is provided from contributions of the district operating said system, and is in addition to the portion of the benefit payable by said local system which is made up of the accumulated contributions of the member.

Repeal

SEC. 2. Section 14252 of said code is repealed.

SEC. 3. Section 14365 of said code is amended to read:

Election

14365. Any member who has qualified for service retirement under Section 14301, may elect, as provided in Section 14363, and without right of revocation or change after approval of the election by the retirement board, to receive the actuarial equivalent as of the date of his retirement, of the retirement allowance payable to him when and if he retires for service or disability in a reduced retirement allowance according to the provisions of either Option 2 or Option 3 as stated in Section 14363. If such a member at the time of making the election has a living spouse who would qualify for an allowance under Section 14366, the election under this Section 14365 shall be invalid and of no effect unless and until the consent of such spouse to it, is filed at the office of the Retirement System in Sacramento, California If the death of such member occurs within 30 days after the date upon which the election is received in the office of the Retirement System in Sacramento, California, then the election shall be void and of no effect and he shall be considered as an active member at the time of death.

Upon such member's death at least 30 days after the date upon which the election is received in the office of the Retirement System in Sacramento, California, and prior to the effective date of his retirement, the person who was nominated by him under the option he elected and who survives him, shall receive an allowance calculated under such option, upon the assumption that such member retired for service on the date of his death and died immediately thereafter. The payment of such allowance to such person shall be in lieu of both the death benefit provided by Section 14251 or Section 14151 and the allowance provided by Section 14366, and no such death benefit or such allowance shall be paid on account of such death to any person or beneficiary, regardless of whether the person nominated under the option elected, survives the member. Payment of the allowance under the option following such death, shall be in addition to the payment to any beneficiary, of any survivor allowance provided under this system.

If such member subsequently retires for service or disability, he shall receive, regardless of whether the person nominated by him under the option elected, is then living, a reduced allowance according to the provisions of Section 14363 and the option elected, and he shall be subject to Section 14364.

The amount of the allowance prior to optional modification, shall be calculated on the basis of the member's age at death before retirement, or at retirement, as the case may be, but the reduction of such allowance under the option elected, shall be based on the ages of such member and the person nominated by him under such option, at the effective date of such election.

SEC. 4. Section 14366 of said code is amended to read:

Payment to beneficiary upon member's death

14366. Upon the death before retirement of a member who is qualified for service retirement under subsection (a) of Section 14301, and on account of whose death the benefit provided by Section 14251 is otherwise payable, or who could have qualified for service retirement under subsection (b) of Section 14301 at the time of his death, a monthly allowance equal to one-half of the monthly retirement allowance prior to modification under options in Section 14363, which the member would have been entitled to receive if he had retired for service on the date of his death, shall be payable:

(a) To the member's widow, or to the member's widower who was receiving at least one-half of his support from the member at the time of the member's death, and with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death; provided, such widow or widower does not qualify for an allowance under Section 14365; or

(b) If there is no qualifying surviving spouse, or if such spouse dies or remarries, to unmarried children, including stepchildren, of the member, who are under 18 years of age.

The allowances payable under this section shall be in lieu of the death benefit provided by Section 14251 or by Section 14151, except for the accumulated annuity deposits included therein, but a person qualifying for the allowance or such person's guardian may elect, before the first payment on account of it, to receive such death benefit in lieu of the allowance. The member's accumulated annuity deposits shall be paid to the person qualifying for the allowance, and the remainder of the accumulated contributions of the member shall be applied toward providing the allowance, and the balance not so provided shall be payable from state contributions.

If the guardian of one or more children otherwise eligible to receive the allowance elects that such death benefit be paid in lieu thereof, there shall be paid to each such child an amount equal to what said child would have received as an allowance hereunder had the election not been made (disregarding interest and the probability of death or marriage), and under the assumption that each monthly allowance would have been divided equally among such unmarried children

then under age 18, said amounts to be reduced proportionally if their total would otherwise be in excess of the amount of such death benefit. Any balance of such death benefit remaining after such payments have been made shall be paid to the surviving spouse of the member, or if none, to the surviving children of the member, share and share alike.

CHAPTER 828

An act to add Article 13 (commencing with Section 255) to Chapter 1, Title 3, Part 1 of the Code of Civil Procedure, relating to the drawing of juries.

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Article 13 (commencing with Section 255) is added to Chapter 1, Title 3, Part 1 of the Code of Civil Procedure, to read:

Article 13. Selection and Drawing of Jurors by Mechanical Device

255. Mechanical, electric or electronic equipment, which in the opinion of a majority of the judges of the superior court is satisfactory therefor, may be used in the performance of any function specified by this chapter for the selection and drawing of jurors, provided that such selection and drawing shall be done by lot.

CHAPTER 829

An act to amend Section 539 of the Code of Civil Procedure, relating to attachments.

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 539 of the Code of Civil Procedure is amended to read:

539. Before issuing the writ, the plaintiff must file with the clerk or judge a written undertaking with two or more sufficient sureties, to the effect that if the defendant recovers judgment, the plaintiff will pay all costs that may be awarded to the defendant and all damages which he may sustain by reason of the attachment, not exceeding the sum specified in the undertaking, and that if the attachment is discharged on the ground that the plaintiff was not entitled thereto under

Section 537, the plaintiff will pay all damages which the defendant may have sustained by reason of the attachment, not exceeding the sum specified in the undertaking. The sum specified in the undertaking shall be one-half (½) of the principal for which the writ is to be issued, but not less than fifty dollars ($50). Nothing herein shall be construed to preclude the acceptance of an undertaking in which a larger sum is specified, if such undertaking be offered. The court on ex parte application of the plaintiff, may by written order, direct the issuance of the writ on the filing of an undertaking in a lesser sum, but not less than fifty dollars ($50).

At any time after the issuing of the attachment, but not later than five days after actual notice of the levy thereof, the defendant may except to the sufficiency of the sureties. If he fails to do so, he is deemed to have waived all objection to them. When excepted to, the plaintiff's sureties, within five days from service of written notice of exception, upon notice to the defendant of not less than two nor more than five days, must justify before the judge or clerk of the court in which the action is pending, in the same manner as upon bail on arrest; and upon failure to justify, or if others in their place fail to justify, at the time and place appointed, the writ of attachment must be vacated.

The court, at any time after issuance of the writ, on motion of the defendant, after notice to the plaintiff, may order the amount of the undertaking increased, but in no event to an amount exceeding the amount for which the writ has been issued.

CHAPTER 830

An act to amend Sections 17041, 17048, 17072, 17171, 17181, 17208, 17209, 17224, 17402, 17411, 17503, 17673, 17674, 17734, 17736, 17737, 17739, 17852, 17853, 18161, 18181, 18182, 18183, 18185, 18186, 18191, 18192, 18200, 18202, 18242, 18401 and 18402 of, and to add Sections 17211, 17211.5, 17212, 17213, 18151, 18152, 18162, 18187, 18188, 18189, 18190, 18190.1, 18190.2, 18204, 18205, 18206, 18207, 18208, 18209, and 18210 to, and to repeal Sections 18151 and 18152 of, the Revenue and Taxation Code, relating to personal income taxes, to take effect immediately.

In effect immediately

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 17041 of the Revenue and Taxation Code is amended to read:

Tax rates

17041. (a) There shall be levied, collected, and paid for each taxable year upon the entire taxable income of every resident of this State and upon the entire taxable income of

every nonresident which is derived from sources within this State, taxes in the following amounts and at the following rates upon the amount of taxable income:

Upon taxable incomes not in excess of two thousand five hundred dollars ($2,500), 1 percent of such taxable incomes.

Twenty-five dollars ($25) upon taxable incomes of two thousand five hundred dollars ($2,500); and upon taxable incomes in excess of two thousand five hundred dollars ($2,500), and not in excess of five thousand dollars ($5,000), 2 percent in addition of such excess.

Seventy-five dollars ($75) upon taxable incomes of five thousand dollars ($5,000); and upon taxable incomes in excess of five thousand dollars ($5,000), and not in excess of seven thousand five hundred dollars ($7,500), 3 percent in addition of such excess.

One hundred fifty dollars ($150) upon taxable incomes of seven thousand five hundred dollars ($7,500); and upon taxable incomes in excess of seven thousand five hundred dollars ($7,500), and not in excess of ten thousand dollars ($10,000), 4 percent in addition of such excess.

Two hundred fifty dollars ($250), upon taxable incomes of ten thousand dollars ($10,000); and upon incomes in excess of ten thousand dollars ($10,000), and not in excess of twelve thousand five hundred dollars ($12,500), 5 percent in addition of such excess.

Three hundred seventy-five dollars ($375) upon taxable incomes of twelve thousand five hundred dollars ($12,500); and upon taxable incomes in excess of twelve thousand five hundred dollars ($12,500), and not in excess of fifteen thousand dollars ($15,000), 6 percent in addition of such excess.

Five hundred twenty-five dollars ($525) upon taxable incomes of fifteen thousand dollars ($15,000); and upon taxable incomes in excess of fifteen thousand dollars ($15,000), 7 percent in addition of such excess.

(b) The tax imposed by this part is not a surtax.

SEC. 2. Section 17048 of said code is amended to read:

17048. (a) In lieu of the tax imposed under Section 17041 of this part, there shall be levied, collected and paid for each taxable year upon the taxable income of each individual whose adjusted gross income for such year is less than five thousand dollars ($5,000), or in the case of a married couple filing a joint return for such year whose adjusted gross income is less than ten thousand dollars ($10,000), and who has elected to pay the tax imposed by this section for such year, the tax shown in the following table: Same

If the adjusted gross income is over—	But not over—	The tax shall be— (1) Single person (not head of household), (2) married person making separate return, or (3) married couple making joint return (tax is on one-half the amount subject to tax)	Head of household
$0	$1,700	$0	$0
1,700	1,750	.53	0
1,750	1,800	.98	0
1,800	1,850	1.43	0
1,850	1,900	1.88	0
1,900	1,950	2.33	0
1,950	2,000	2.78	0
2,000	2,050	3.23	0
2,050	2,100	3.68	0
2,100	2,150	4.13	0
2,150	2,200	4.58	0
2,200	2,250	5.03	0
2,250	2,300	5.48	0
2,300	2,350	5.93	0
2,350	2,400	6.38	0
2,400	2,450	6.83	0
2,450	2,500	7.28	0
2,500	2,550	7.73	0
2,550	2,600	8.18	0
2,600	2,650	8.63	0
2,650	2,700	9.08	0
2,700	2,750	9.53	0
2,750	2,800	9.98	0
2,800	2,850	10.43	0
2,850	2,900	10.88	0
2,900	2,950	11.33	0
2,950	3,000	11.78	0
3,000	3,050	12.23	0
3,050	3,100	12.68	0
3,100	3,150	13.13	0
3,150	3,200	13.58	0
3,200	3,250	14.03	0
3,250	3,300	14.48	0
3,300	3,350	14.93	0
3,350	3,400	15.38	.38
3,400	3,450	15.83	.83
3,450	3,500	16.28	1.28
3,500	3,550	16.73	1.73
3,550	3,600	17.18	2.18
3,600	3,650	17.63	2.63
3,650	3,700	18.08	3.08

If the adjusted gross income is over—	But not over—	The tax shall be— (1) Single person (not head of household), (2) married person making separate return, or (3) married couple making joint return (tax is on one-half the amount subject to tax)	Head of household
$3,700	$3,750	$18.53	$3 53
3,750	3,800	18.98	3.98
3,800	3,850	19.43	4.43
3,850	3,900	19.88	4.88
3,900	3,950	20.33	5.33
3,950	4,000	20.78	5.78
4,000	4,050	21.23	6.23
4,050	4,100	21.68	6.68
4,100	4,150	22.13	7.13
4,150	4,200	22.58	7.58
4,200	4,250	23.03	8.03
4,250	4,300	23.48	8.48
4,300	4,350	23.93	8.93
4,350	4,400	24.38	9.38
4,400	4,450	24.83	9.83
4,450	4,500	25.55	10.28
4,500	4,550	26.45	10.73
4,550	4,600	27.35	11.18
4,600	4,650	28.25	11.63
4,650	4,700	29.15	12.08
4,700	4,750	30.05	12.53
4,750	4,800	30.95	12.98
4,800	4,850	31.85	13.43
4,850	4,900	32.75	13.88
4,900	4,950	33.65	14.33
4,950	4,999.99	34.55	14.78

In applying the above schedule to determine the tax of a taxpayer with one or more dependents, there shall be subtracted from his adjusted gross income six hundred dollars ($600) for each such dependent.

(b) For the purpose of this section—

(1) "Married person" means a married person on the last day of the taxable year unless his spouse dies during the taxable year, in which case such determination shall be made as of the date of the spouse's death.

(2) "Dependent" means a person who is a dependent under Section 17182.

(3) An individual not a head of a household or a married person shall be treated as a single person.

SEC. 3. Section 17072 of said code is amended to read:

"Adjusted gross income"

17072. For purposes of this part, the term "adjusted gross income" means, in the case of an individual, gross income minus the following deductions:

(a) The deductions allowed by this part (other than by Article 7 of this chapter) which are attributable to a trade or business carried on by the taxpayer, if such trade or business does not consist of the performance of services by the taxpayer as an employee.

(b) (1) The deductions allowed by Article 6 (Section 17201 and following) which consist of expenses paid or incurred by the taxpayer, in connection with the performance by him of services as an employee, under a reimbursement or other expense allowance arrangement with his employer.

(2) The deductions allowed by Article 6 (Section 17201 and following) which consist of expenses of travel, meals, and lodging while away from home, paid or incurred by the taxpayer in connection with the performance by him of services as an employee.

(c) The deduction allowed by Section 18151.

(d) The deductions allowed by Article 6 (Section 17201 and following) as losses from the sale or exchange of property.

(e) The deductions allowed by Article 6 (Section 17201 and following), by Section 17252 (relating to expenses for production of income), and by Section 17681 (relating to depletion) which are attributable to property held for the production of rents or royalties.

(f) In the case of a life tenant of property, or an income beneficiary of property held in trust, or an heir, legatee, or devisee of an estate, the deduction for depreciation allowed by Section 17208 and the deduction allowed by Section 17681. Nothing in this section shall permit the same item to be deducted more than once.

SEC. 4. Section 17171 of said code is amended to read:

Standard deduction

17171. (a) A taxpayer, at his election, may take a standard deduction as follows:

(1) If his adjusted gross income is five thousand dollars ($5,000) or more, the standard deduction shall be five hundred dollars ($500);

(2) If his adjusted gross income is less than five thousand dollars ($5,000), the standard deduction shall be an amount equal to 10 percent of the adjusted gross income upon the basis of which the tax applicable to the adjusted gross income of the taxpayer is determined under the tax table provided in Section 17048;

(3) If the adjusted gross income of a married couple filing a joint return is less than ten thousand dollars ($10,000), the standard deduction shall be an amount equal to twice 10 percent of one-half of the total adjusted gross income of both taxpayers upon the basis of which the tax applicable to one-half of the adjusted gross income of the taxpayers is determined under the tax table provided in Section 17048;

(4) If the adjusted gross income of a married couple filing a joint return is ten thousand dollars ($10,000) or more, the standard deduction shall be one thousand dollars ($1,000).

(b) The standard deduction provided for in subsection (a) shall be in lieu of all deductions other than those which under Section 17072 are to be subtracted from gross income in computing adjusted gross income.

SEC. 5. Section 17181 of said code is amended to read:

Exemptions

17181. (a) In the case of an individual, the exemptions provided by this section shall be allowed as deductions in computing taxable income.

(b) In the case of a single individual a personal exemption of one thousand five hundred dollars ($1,500), or, in the case of a head of a household or a married individual, a personal exemption of three thousand dollars ($3,000). A husband and wife shall receive but one personal exemption of three thousand dollars ($3,000). If the husband and wife make separate returns, the personal exemption may be taken by either or divided between them.

(c) (1) An additional exemption of six hundred dollars ($600) for the taxpayer if he is blind at the close of his taxable year.

(2) An additional exemption of six hundred dollars ($600) for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(3) For the purposes of this section an individual is blind only if either: his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

(d) An exemption of six hundred dollars ($600) for each dependent (as defined in Section 17182).

SEC. 6. Section 17208 of said code is amended to read:

Depreciation allowance

17208. (a) There shall be allowed as a depreciation deduction a reasonable allowance for the exhaustion, wear and tear (including a reasonable allowance for obsolescence)—

(1) Of property used in the trade or business; or

(2) Of property held for the production of income.

(b) For taxable years beginning after December 31, 1958, the term "reasonable allowance" as used in subsection (a) shall include (but shall not be limited to) an allowance computed in accordance with regulations prescribed by the Franchise Tax Board, under any of the following methods:

(1) The straight line method;

(2) The declining balance method, using a rate not exceeding twice the rate which would have been used had the annual allowance been computed under the method described in paragraph (1);

(3) The sum of the years-digits method; and

(4) Any other consistent method productive of an annual allowance which, when added to all allowances for the period commencing with the taxpayer's use of the property and including the taxable year, does not, during the first two-thirds of the useful life of the property, exceed the total of such allowances which would have been used had such allowances been computed under the method described in paragraph (2).

Nothing in this subsection shall be construed to limit or reduce an allowance otherwise allowable under subsection (a).

(c) Paragraphs (2), (3), and (4) of subsection (b) shall apply only in the case of property (other than intangible property) described in subsection (a) with a useful life of three years or more—

(1) The construction, reconstruction, or erection of which is completed after December 31, 1958, and then only to that portion of the basis which is properly attributable to such construction, reconstruction, or erection after December 31, 1958; or

(2) Acquired after December 31, 1958, if the original use of such property commences with the taxpayer and commences after such date.

SEC. 7. Section 17209 of said code is amended to read:

Depreciation agreement

17209. (a) Where, under regulations prescribed by the Franchise Tax Board, the taxpayer and the Franchise Tax Board have, after the date of enactment of this section, entered into an agreement in writing specifically dealing with the useful life and rate of depreciation of any property, the rate so agreed upon shall be binding on both the taxpayer and the Franchise Tax Board in the absence of facts or circumstances not taken into consideration in the adoption of such agreement. The responsibility of establishing the existence of such facts and circumstances shall rest with the party initiating the modification. Any change in the agreed rate and useful life specified in the agreement shall not be effective for taxable years before the taxable year in which notice in writing by certified mail or registered mail is served by the party to the agreement initiating such change.

(b) In the absence of an agreement under subsection (a) containing a provision to the contrary, a taxpayer may at any time elect in accordance with regulations prescribed by the Franchise Tax Board to change from the method of depreciation described in Section 17208(b)(2) to the method described in Section 17208(b)(1).

SEC. 8. Section 17211 is added to said code, to read:

Basis

17211. The basis on which exhaustion, wear and tear, and obsolescence are to be allowed in respect of any property shall be the adjusted basis provided in Section 18041 for the purpose of determining the gain on the sale or other disposition of such property.

SEC. 9. Section 17211.5 is added to said code, to read:

Life tenant's deduction

17211.5. In the case of property held by one person for life with remainder to another person, the deduction shall be

computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant. In the case of property held in trust, the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income allocable to each. In the case of an estate, the allowable deduction shall be apportioned between the estate and the heirs, legatees, and devisees on the basis of the income of the estate allocable to each.

SEC. 10. Section 17212 is added to said code, to read:

Deduction re emergency, etc., facilities

17212. A taxpayer may elect to claim a deduction for amortization of emergency, grain, or atomic energy facilities, as defined in and to the extent provided by Sections 168 and 169 of the Internal Revenue Code of 1954, as amended by the Federal Technical Amendments Act of 1958, under regulations prescribed by the Franchise Tax Board.

SEC. 11. Section 17213 is added to said code, to read:

"Reasonable allowance"

17213. (a) In the case of Section 17213 property, the term "reasonable allowance" as used in Section 17208(a) may, at the election of the taxpayer, include an allowance, for the first taxable year for which a deduction is allowable under Sections 17208 through 17211.5 to the taxpayer with respect to such property, of 20 percent of the cost of such property.

Section 17213 property

(b) If in any one taxable year the cost of Section 17213 property with respect to which the taxpayer may elect an allowance under subsection (a) for such taxable year exceeds ten thousand dollars ($10,000), then subsection (a) shall apply with respect to those items selected by the taxpayer, but only to the extent of an aggregate cost of ten thousand dollars ($10,000). In the case of a husband and wife who file a joint return under Section 18402 for the taxable year, the limitation under the preceding sentence shall be twenty thousand dollars ($20,000) in lieu of ten thousand dollars ($10,000).

(c) The election under this section for any taxable year shall be made within the time prescribed by law (including extensions thereof) for filing the return for such taxable year. The election shall be made in such manner as the Franchise Tax Board may by regulations prescribe.

(d) (1) Any election made under this section may not be revoked except with the consent of the Franchise Tax Board.

For purposes of this section, the term "Section 17213 property" means tangible personal property—

(A) Of a character subject to the allowance for depreciation under Sections 17208 through 17211.5,

(B) Acquired by purchase after December 31, 1958, for use in a trade or business or for holding for production of income, and

(C) With a useful life (determined at the time of such acquisition) of six years or more.

(2) For purposes of paragraph (1), the term "purchase" means any acquisition of property, but only if—

(A) The property is not acquired from a person whose relationship to the person acquiring it would result in the disallowance of losses under Sections 17287 through 17290 or 17865 (but in applying Sections 17288 and 17289 for purposes of this section, paragraph (d) of Section 17289 shall be treated as providing that the family of an individual shall include only his spouse, ancestors, and lineal descendants),

(B) The basis of the property in the hands of the person acquiring it is not determined—

(i) In whole or in part by reference to the adjusted basis of such property in the hands of the person from whom acquired, or

(ii) Under Section 18044 (relating to property acquired from a decedent).

(3) For purposes of this section, the cost of property does not include so much of the basis of such property as is determined by reference to the basis of other property held at any time by the person acquiring such property.

(4) This section shall not apply to trusts.

(5) In the case of an estate, any amount apportioned to an heir, legatee, or devisee under Section 17211.5 shall not be taken into account in applying subsection (b) of this section to Section 17213 property of such heir, legatee, or devisee not held by such estate.

(6) In applying Section 17211, the adjustment under Section 18052(b) resulting by reason of an election made under this section with respect to any Section 17213 property shall be made before any deduction allowed by Section 17208(a) is computed.

(e) The Franchise Tax Board shall prescribe such regulations as may be necessary to carry out the purposes of this section.

SEC. 12. Section 17224 of said code is amended to read:

Farming deductions

17224. (a) In the case of a taxpayer engaged in the business of farming, expenditures made for the purpose of soil and water conservation and the prevention of erosion of land used in farming shall be allowed as deductions under Section 17202.

(b) For the purpose of subsection (a) the term "expenditures made for the purpose of soil and water conservation and the prevention of erosion" means expenditures for the treatment, moving, or cultivation of earth, including (but not limited to) leveling, grading and terracing, contour furrowing, the construction of diversion channels and drainage ditches, the control and protection of watercourses, outlets, and ponds, the planting and cultivation of cover and protective crops or windbreaks, the control of weeds and brush and other emergency cultivation and tillage; but such term does not include the purchase, construction, installation, or improvement of structures, appliances, and facilities made of masonry, concrete, tile, metal, or wood such as tanks, reservoirs, pipes, conduits, canals, dams, wells, and pumps, which are subject to the allow-

ance for depreciation provided in Sections 17208 to 17211.5, inclusive.

(c) For the purpose of subsection (a) the term "land used in farming" means land used (prior to the expenditure for conservation made by the taxpayer) by the taxpayer or his tenant or the predecessor owner or his tenant for the production of crops, fruits, and similar agricultural products or for the sustenance of livestock.

SEC. 13. Section 17402 of said code is amended to read:

17402. (a) In the case of property distributed in complete liquidation of a corporation, other than a collapsible corporation to which Section 17411 applies if— Complete liquidation

(1) The liquidation is made in pursuance of a plan of liquidation adopted on or after December 31, 1950; and

(2) The distribution is in complete cancellation or redemption of all the stock, and the transfer of all the property under the liquidation occurs within some one calendar month following the year 1950, then in the case of each qualified electing shareholder (as defined in subsection (c)) gain upon the shares owned by him at the time of the adoption of the plan of liquidation shall be recognized only to the extent provided in subsection (e).

(b) For purposes of this section, the term "excluded corporation" means a corporation which at any time between January 1, 1956, and the date of the adoption of the plan of liquidation, both dates inclusive, was the owner of stock possessing 50 percent or more of the total combined voting power of all classes of stock entitled to vote on the adoption of such plan.

(c) For purposes of this section, the term "qualified electing shareholder" means a shareholder (other than an excluded corporation) of any class of stock (whether or not entitled to vote on the adoption of the plan of liquidation) who is a shareholder at the time of the adoption of such plan, and whose written election to have the benefits of subsection (a) has been made and filed in accordance with subsection (d), but in the case of a shareholder other than a corporation, only if written elections have been so filed by shareholders (other than corporations) who at the time of the adoption of the plan of liquidation are owners of stock possessing at least 80 percent of the total combined voting power (exclusive of voting power possessed by stock owned by corporations) of all classes of stock entitled to vote on the adoption of such plan of liquidation.

(d) The written elections referred to in subsection (c) must be made and filed in such manner as to be not in contravention of regulations prescribed by the Franchise Tax Board. The filing must be within 30 days after the date of the adoption of the plan of liquidation or within one month after the effective date of this amended section whichever is later and may be made by the liquidating corporation or by its stockholders.

(e) In the case of a qualified electing shareholder—

(1) There shall be recognized and treated as a dividend, so much of the gain as is not in excess of his ratable share of the earnings and profits of the corporation accumulated after February 28, 1913, such earnings and profits to be determined as of the close of the month in which the transfer in liquidation occurred under subsection (a)(2), but without diminution by reason of distribution made during such month; but by including in the computation thereof all amounts accrued up to the date on which the transfer of all the property under the liquidation is completed; and

(2) There shall be recognized, and treated as a short-term or long-term capital gain, as the case may be, so much of the remainder of the gain as is not in excess of the amount by which the value of that portion of the assets received by him which consists of money, or of stock or securities acquired by the corporation after August 15, 1950, exceeds his ratable share of such earnings and profits.

SEC. 14. Section 17411 of said code is amended to read:

Gains

17411. Gain from—

(a) The sale or exchange of stock of a collapsible corporation;

(b) A distribution in partial or complete liquidation of a collapsible corporation, which distribution is treated under this part as in part or full payment in exchange for stock; and

(c) A distribution made by a collapsible corporation which, under Section 17323(c)(1),

is treated, to the extent it exceeds the basis of the stock, in the same manner as a gain from the sale or exchange of property, to the extent that it would be considered (but for the provisions of this article) as gain from the sale or exchange of a capital asset held for more than six months shall, except as provided in Section 17414, be considered as gain from the sale or exchange of property which is not a capital asset.

SEC. 15. Section 17503 of said code is amended to read:

Employees' trust distribution

17503. (a) Except as provided in subsection (b), the amount actually distributed or made available to any distributee by any employees' trust described in Section 17501 shall be taxable to him, in the year in which so distributed or made available, under Sections 17101 to 17108, inclusive. The amount actually distributed or made available to any distributee shall not include net unrealized appreciation in securities of the employer corporation attributable to the amount contributed by the employee. Such net unrealized appreciation and the resulting adjustments to basis of such securities shall be determined in accordance with regulations prescribed by the Franchise Tax Board.

(b) In the case of an employees' trust described in Section 17501, if the total distributions payable with respect to any employee are paid to the distributee within one taxable year of the distributee on account of the employee's death or other

separation from the service, or on account of the death of the employee after his separation from the service, the amount of such distribution, to the extent exceeding the amounts contributed by the employee, which employee contributions shall be reduced by any amounts theretofore distributed to him which were not includible in gross income, shall be considered a gain from the sale or exchange of a capital asset held for more than six months.

Where such total distributions include securities of the employer corporation, there shall be excluded from such excess the net unrealized appreciation attributable to that part of the total distributions which consists of the securities of the employer corporation so distributed. The amount of such net unrealized appreciation and the resulting adjustments to basis of the securities of the employer corporation so distributed shall be determined in accordance with regulations prescribed by the Franchise Tax Board.

(c) For purposes of this section—

(1) The term "securities" means only shares of stock and bonds or debentures issued by a corporation with interest coupons or in registered form.

(2) The term "securities of the employer corporation" includes securities of a parent or subsidiary corporation (as defined in Section 17535(a) and (b)) of the employer corporation.

(3) The term "total distributions payable" means the balance to the credit of an employee which becomes payable to a distributee on account of the employee's death or other separation from the service, or on account of his death after separation from the service.

SEC. 16. Section 17673 of said code is amended to read:

17673. (a) Each participant in the common trust fund in computing its taxable income shall include, whether or not distributed and whether or not distributable— Common trust fund

(1) As part of its gains and losses from sales or exchanges of capital assets held for not more than six months, its proportionate share of the gains and losses of the common trust fund from sales or exchanges of capital assets held for not more than six months;

(2) As part of its gains and losses from sales or exchanges of capital assets held for more than six months, its proportionate share of the gains and losses of the common trust fund from sales or exchanges of capital assets held for more than six months;

(3) Its proportionate share of the ordinary taxable income or the ordinary net loss of the common trust fund, computed as provided in Section 17674

(b) The appropriate or proportionate share of any participant in any income of a common trust fund which would not be taxable by this State or which this State would be prohibited from taxing by the Constitution of this State or of the United

States if received directly by the participants shall not be taxable to the recipients of such income.

SEC. 17. Section 17674 of said code is amended to read:

Same Taxable income

17674. The taxable income of a common trust fund shall be computed in the same manner and on the same basis as in the case of an individual, except that—

(a) There shall be segregated the gains and losses from sales or exchanges of capital assets;

(b) After excluding all items of gain and loss from sales or exchanges of capital assets, there shall be computed—

(1) An ordinary taxable income which shall consist of the excess of the gross income over deductions; or

(2) An ordinary net loss which shall consist of the excess of the deductions over the gross income;

(c) The deductions provided by Section 17214 (relating to charitable, etc., contributions and gifts) shall not be allowed; and

(d) The standard deduction provided in Section 17171 shall not be allowed.

SEC. 18. Section 17734 of said code is amended to read:

Deduction: Religious, etc., purposes

17734. In the case of an estate or trust (other than a trust meeting the specifications of Article 2) there shall be allowed as a deduction in computing its taxable income (in lieu of the deductions allowed by Sections 17214 and 17303, relating to deduction for charitable, etc., contributions and gifts) any amount of the gross income, without limitation, which pursuant to the terms of the governing instrument is, during the taxable year, paid or permanently set aside for a purpose specified in Sections 17214 and 17303, or is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or for the establishment, acquisition, maintenance or operation of a public cemetery not operated for profit.

For this purpose, to the extent that such amount consists of gain from the sale or exchange of capital assets held for more than six months, proper adjustment of the deduction otherwise allowable under this section shall be made for any deduction allowable to the estate or trust under Section 18151 (relating to deduction for excess of capital gains over capital losses).

In the case of a trust, the deduction allowed by this section shall be subject to Sections 17811 to 17818, inclusive (relating to unrelated business income and prohibited transaction).

SEC. 19. Section 17736 of said code is amended to read:

Same. Emergency facilities

17736. The benefit of the deductions for amortization of emergency facilities provided by Section 17212 shall be allowed to estates and trusts in the same manner as in the case of an individual. The allowable deduction shall be apportioned between the income beneficiaries and the fiduciary under regulations prescribed by the Franchise Tax Board.

SEC. 20. Section 17737 of said code is amended to read:

17737. If on the termination of an estate or trust, the estate or trust has— Same Estates and trusts

(a) A capital loss carryover under Section 18152(b), or

(b) For the last taxable year of the estate or trust deductions (other than the deductions allowed under Section 17733 or 17734) in excess of gross income for such year,

then such carryover or such excess shall be allowed as a deduction, in accordance with regulations prescribed by the Franchise Tax Board, to the beneficiaries succeeding to the property of the estate or trust.

SEC. 21. Section 17739 of said code is amended to read:

17739. For purposes of this chapter, the term "distributable net income" means, with respect to any taxable year, the taxable income of the estate or trust computed with the following modifications: "Distributable net income"

(a) No deduction shall be taken under Sections 17751 and 17761 (relating to additional deductions)

(b) No deduction shall be taken under Section 17733 (relating to deduction for personal exemptions).

(c) Gains from the sale or exchange of capital assets shall be excluded to the extent that such gains are allocated to corpus and are not (1) paid, credited, or required to be distributed to any beneficiary during the taxable year, or (2) paid, permanently set aside, or to be used for the purposes specified in Section 17734. Losses from the sale or exchange of capital assets shall be excluded, except to the extent such losses are taken into account in determining the amount of gains from the sale or exchange of capital assets which are paid, credited, or required to be distributed to any beneficiary during the taxable year. The deduction under Section 18151 (relating to deduction for excess of capital gains over capital losses) shall not be taken into account.

(d) For purposes only of Article 2 (relating to trusts which distribute current income only), there shall be excluded those items of gross income constituting extraordinary dividends or taxable stock dividends which the fiduciary, acting in good faith, does not pay or credit to any beneficiary by reason of his determination that such dividends are allocable to corpus under the terms of the governing instrument and applicable local law.

(e) There shall be included any tax-exempt interest to which Section 17137 applies, reduced by any amounts which would be deductible in respect of disbursements allocable to such interest but for the provisions of Section 17285 (relating to disallowance of certain deductions).

If the estate or trust is allowed a deduction under Section 17734, the amount of the modification specified in subsection (e) shall be reduced to the extent that the amount of income which is paid, permanently set aside, or to be used for the purposes specified in Section 17734 is deemed to consist of items specified in subsection (e). For this purpose, such amount shall (in the absence of specific provisions in the governing instru-

ment) be deemed to consist of the same proportion of each class of items of income of the estate or trust as the total of each class bears to the total of all classes.

SEC. 22. Section 17852 of said code is amended to read:

Partner's share

17852. In determining his income tax, each partner shall take into account separately his distributive share of the partnership's—

(a) Gains and losses from sales or exchanges of capital assets held for not more than six months;

(b) Gains and losses from sales or exchanges of capital assets held for more than six months;

(c) Gains and losses from sales or exchanges of property described in Section 18181 and 18182 (relating to certain property used in a trade or business and involuntary conversions);

(d) Charitable contributions (as defined in Section 17214);

(e) Taxes, described in Section 18006, paid to another state on such income;

(f) Other items of income, gain, loss, deduction, or credit, to the extent provided by regulations prescribed by the Franchise Tax Board; and

(g) Taxable income or loss, exclusive of items requiring separate computation under other subsections of this section.

SEC. 23. Section 17853 of said code is amended to read:

Character of partnership income, etc.

17853. (a) The character of any item of income, gain, loss, deduction, or credit included in a partner's distributive share under Section 17852(a) through (g) shall be determined as if such item were realized directly from the source from which realized by the partnership, or incurred in the same manner as incurred by the partnership.

(b) In any case where it is necessary to determine the gross income of a partner for purposes of this part, such amount shall include his distributive share of the gross income of the partnership.

Repeals

SEC. 24. Sections 18151 and 18152 of said code are repealed.

SEC. 25. Section 18151 is added to said code, to read:

Deduction Capital gains

18151. If for any taxable year the net long-term capital gain exceeds the net short-term capital loss, 50 percent of the amount of such excess shall be a deduction from gross income. In the case of an estate or trust, the deduction shall be computed by excluding the portion (if any), of the gains for the taxable year from sales or exchanges of capital assets, which, under Sections 17752 and 17762 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets.

SEC. 26. Section 18152 is added to said code, to read:

Same Losses from sales or exchanges

18152. (a) Losses from sales or exchanges of capital assets shall be allowed only to the extent of the gains from such sales or exchanges, plus the taxable income of the taxpayer or one thousand dollars ($1,000), whichever is smaller. For purposes of this subsection, taxable income shall be computed

without regard to gains or losses from sales or exchanges of capital assets and without regard to the deductions provided in Section 17181 (relating to personal exemptions) or any deduction in lieu thereof. If the taxpayer elects to pay the optional tax imposed by Section 17048, "taxable income" as used in this subsection shall be read as "adjusted gross income."

(b) If for any taxable year ending after the effective date of this section the taxpayer has a net capital loss, the amount thereof shall be a short-term capital loss in each of the five succeeding taxable years to the extent that such amount exceeds the total of any net capital gains of any taxable years intervening between the taxable year in which the net capital loss arose and such succeeding taxable year. For purposes of this subsection, a net capital gain shall be computed without regard to such net capital loss or to any net capital losses arising in any such intervening taxable years.

SEC. 27. Section 18161 of said code is amended to read:

18161. For purposes of this part, the term "capital asset" means property held by the taxpayer (whether or not connected with his trade or business), but does not include— "Capital asset"

(a) Stock in trade of the taxpayer or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business;

(b) Property, used in his trade or business, of a character which is subject to the allowance for depreciation provided in Sections 17208 to 17211.5, inclusive, or real property used in his trade or business;

(c) A copyright, a literary, musical, or artistic composition, or similar property, held by—

(1) A taxpayer whose personal efforts created such property, or

(2) A taxpayer in whose hands the basis of such property is determined, for the purpose of determining gain from a sale or exchange, in whole or in part by reference to the basis of such property in the hands of the person whose personal efforts created such property;

(d) Accounts or notes receivable acquired in the ordinary course of trade or business for services rendered or from the sale of property described in subsection (a).

SEC. 28. Section 18162 is added to said code, to read:

18162. For purposes of this part—

(a) The term "short-term capital gain" means gain from the sale or exchange of a capital asset held for not more than six months, if and to the extent such gain is taken into account in computing gross income Definitions

(b) The term "short-term capital loss" means loss from the sale or exchange of a capital asset held for not more than six months, if and to the extent that such loss is taken into account in computing taxable income.

(c) The term "long-term capital gain" means gain from the sale or exchange of a capital asset held for more than six months, if and to the extent such gain is taken into account in computing gross income.

(d) The term "long-term capital loss" means loss from the sale or exchange of a capital asset held for more than six months, if and to the extent that such loss is taken into account in computing taxable income.

(e) The term "net short-term capital gain" means the excess of short-term capital gains for the taxable year over the short-term capital losses for such year.

(f) The term "net short-term capital loss" means the excess of short-term capital losses for the taxable year over the short-term capital gains for such year.

(g) The term "net long-term capital gain" means the excess of long-term capital gains for the taxable year over the long-term capital losses for such year.

(h) The term "net long-term capital loss" means the excess of long-term capital losses for the taxable year over the long-term capital gains for such year.

(i) The term "net capital gain" means the excess of—

(i) The sum of the gains from sales or exchanges of capital assets, plus taxable income (computed without regard to the deductions provided by Section 17181, relating to personal exemptions or any deduction in lieu thereof) of the taxpayer or one thousand dollars ($1,000), whichever is smaller, over

(ii) The losses from such sales or exchanges.

For purposes of this subparagraph, taxable income shall be computed without regard to gains or losses from sales or exchanges of capital assets. If the taxpayer elects to pay the optional tax under Section 17048, the term "taxable income" as used in this subparagraph shall be read as "adjusted gross income."

(j) The term "net capital loss" means the excess of the losses from sales or exchanges of capital assets over the sum allowed under Section 18152(a). For the purpose of determining losses under this paragraph, amounts which are short-term capital losses under Section 18152(b) shall be excluded.

SEC. 29. Section 18181 of said code is amended to read:

Gains and losses

18181. (a) If during the taxable year, the recognized gains upon sales or exchanges of property used in the trade or business, plus the recognized gains from the compulsory or involuntary conversion (as a result of destruction in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation or the threat or imminence thereof) of property used in the trade or business and capital assets held for more than six months into other property or money, exceed the recognized losses from the sales, exchanges, and conversions, such gains and losses shall be considered as gains and losses from sales or exchanges of capital assets held for more than six months. If such gains do not exceed such losses,

such gains and losses shall not be considered as gains and losses from sales or exchanges of capital assets. For purposes of this section—

(b) In determining, for purposes of subsection (a), whether gains exceed losses, the gains described therein shall be included only if and to the extent taken into account in computing gross income and the losses described therein shall be included only if and to the extent taken into account in computing taxable income, except that Section 18152(a) shall not apply.

(c) For purposes of subsection (a), losses upon the destruction in whole or in part, theft or seizure, or requisition or condemnation of property used in the trade or business or capital assets held for more than six months shall be considered losses from a compulsory or involuntary conversion.

In the case of any property used in the trade or business and of any capital asset held for more than six months and held for the production of income, this subsection shall not apply to any loss, in respect of which the taxpayer is not compensated for by insurance in any amount, arising from fire, storm, shipwreck or other casualty, or from theft.

SEC. 30. Section 18182 of said code is amended to read:

"Property used in trade or business"

18182. (a) For the purposes of Section 18181, the term "property used in the trade or business" means property used in the trade or business, of a character which is subject to the allowance for depreciation provided in Sections 17208 to 17211.5, inclusive, held for more than six months, and real property used in the trade or business, held for more than six months, which is not:

(1) Property of a kind which would properly be includible in the inventory of the taxpayer if on hand at the close of the taxable year; or

(2) Property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business; or

(3) A copyright, a literary, musical or artistic composition, or similar property, held by a taxpayer described in Section 18161(c).

(b) Such term also includes timber with respect to which Sections 17711 and 17712 are applicable. Such term also includes livestock, regardless of age, held by the taxpayer for draft, breeding, or dairy purposes, and held by him for 12 months or more from the date of acquisition. It does not include poultry.

(c) In the case of an unharvested crop on land used in the trade or business and held for more than six months, if the crop and the land are sold or exchanged (or compulsorily or involuntarily converted as described in Section 18181) at the same time and to the same person, the crop shall be considered as "property used in the trade or business."

SEC. 31. Section 18183 of said code is amended to read:

Indebtedness

18183. For the purpose of this part, in the case of bonds, debentures, notes, or certificates or other evidences of indebt-

edness, which are capital assets in the hands of the taxpayer, and which are issued by any corporation, or government or political subdivision thereof—

(a) Amounts received by the holder on retirement of such bonds or other evidences of indebtedness shall be considered as amounts received in exchange therefor (except that in the case of bonds or other evidences of indebtedness issued before January 1, 1955, this paragraph shall apply only to those issued with interest coupons or in registered form, or to those in such form on December 31, 1954).

(b) (1) Except as provided in subsection (2), upon sale or exchange of bonds or other evidences of indebtedness issued after December 31, 1954, held by the taxpayer more than six months, any gain realized which does not exceed—

(i) An amount equal to the original issue discount (as defined in Section 18184) or

(ii) If at the time of original issue there was no intention to call the bond, or other evidence of indebtedness before maturity, an amount which bears the same ratio to the original issue discount (as defined in Section 18184) as the number of complete months that the bond or other evidences of indebtedness were held by the taxpayer bears to the number of complete months from the date of original issue to the date of maturity,

shall be considered as gain from the sale or exchange of property which is not a capital asset. Gain in excess of such amount shall be considered gain from the sale or exchange of a capital asset held more than six months.

(2) This subsection shall not apply to—

(A) Obligations the interest on which is not includible in gross income under Section 17137 (relating to certain governmental obligations); or

(B) Any holder who has purchased the bond or other evidence of indebtedness at a premium.

(3) In the case of obligations with respect to which the taxpayer has made an election provided by Section 17581 (relating to accounting rules for certain obligations issued at a discount), this section shall not require the inclusion of any amount previously includible in gross income.

SEC. 32. Section 18185 of said code is amended to read:

Same Purchased after Dec. 31, 1958

18185. If a bond or other evidence of indebtedness issued at any time with interest coupons is purchased after December 31, 1958, and the purchaser does not receive all the coupons which first became payable after the date of the purchase then the gain on the sale or other disposition of such evidence of indebtedness by such purchaser (or by a person whose basis is determined by reference to the basis in the hands of such purchaser) shall be considered as gain from the sale or exchange of property which is not a capital asset to the extent that the market value (determined as of the time of the purchase) of the evidence of indebtedness with coupons attached exceeds the purchase price. If this section and Section

18183(b)(1) apply with respect to gain realized on the sale or exchange of any evidence of indebtedness, then Section 18183(b)(1) shall apply with respect to that part of the gain to which this section does not apply.

SEC. 33. Section 18186 of said code is amended to read:

Short sales

18186. For purposes of this part, gain or loss from the short sale of property shall be considered as gain or loss from the sale or exchange of a capital asset to the extent that the property, including a commodity future, used to close the short sale constitutes a capital asset in the hands of the taxpayer.

SEC. 34. Section 18187 is added to said code, to read:

Same

18187. If gain or loss from a short sale is considered as gain or loss from the sale or exchange of a capital asset under Section 18186 and if on the date of such short sale substantially identical property has been held by the taxpayer for not more than six months (determined without regard to the effect, under paragraph (b) of this section, of such short sale on the holding period), or if substantially identical property is acquired by the taxpayer after such short sale and on or before the date of the closing thereof—

(a) Any gain on the closing of such short sale shall be considered as a gain on the sale or exchange of a capital asset held for not more than six months (notwithstanding the period of time any property used to close such short sale has been held); and

(b) The holding period of such substantially identical property shall be considered to begin (notwithstanding Sections 18163 through 18170, relating to the holding period of property) on the date of the closing of the short sale, or on the date of a sale, gift, or other disposition of such property, whichever date occurs first. This paragraph shall apply to such substantially identical property in the order of the dates of the acquisition of such property, but only to so much of such property as does not exceed the quantity sold short.

For purposes of this section, the acquisition of an option to sell property at a fixed price shall be considered as a short sale, and the exercise or failure to exercise such option shall be considered as a closing of such short sale.

SEC. 35. Section 18188 is added to said code, to read:

Exception

18188. Section 18187 shall not include an option to sell property at a fixed price acquired on the same day on which the property identified as intended to be used in exercising such option is acquired and which, if exercised, is exercised through the sale of the property so identified. If the option is not exercised, the cost of the option shall be added to the basis of the property with which the option is identified. This section shall apply only to options acquired after the date of its enactment.

SEC. 36. Section 18189 is added to said code to read:

Long-term capital loss

18189. If on the date of such short sale substantially identical property has been held by the taxpayer for more than six

months, any loss on the closing of such short sale shall be considered as a loss on the sale or exchange of a capital asset held for more than six months (notwithstanding the period of time any property used to close such short sale has been held, and notwithstanding Section 18191).

SEC. 37. Section 18190 is added to said code, to read:

Exception

18190. (a) Section 18187(a) or 18189 shall not apply to the gain or loss, respectively, on any quantity of property used to close such short sale which is in excess of the quantity of the substantially identical property referred to in the applicable subsection.

(b) For purposes of Sections 18187 and 18189—

(i) The term "property" includes only stocks and securities (including stocks and securities dealt with on a "when issued" basis), and commodity futures, which are capital assets in the hands of the taxpayer;

(ii) In the case of futures transactions in any commodity on or subject to the rules of a board of trade or commodity exchange, a commodity future requiring delivery in one calendar month shall not be considered as property substantially identical to another commodity future requiring delivery in a different calendar month; and

(iii) In the case of a short sale of property by an individual, the term "taxpayer," in the application of this section and Sections 18187 and 18189, shall be read as "taxpayer or his spouse"; but an individual who is legally separated from the taxpayer under a decree of divorce or of separate maintenance shall not be considered as the spouse of the taxpayer.

(c) Where the taxpayer enters into two commodity futures transactions on the same day, one requiring delivery by him in one market and the other requiring delivery to him of the same (or substantially identical) commodity in the same calendar month in a different market, and the taxpayer subsequently closes both such transactions on the same day, Sections 18187 and 18189 shall have no application to so much of the commodity involved in either such transaction as does not exceed in quantity the commodity involved in the other.

(d) (1) In the case of a taxpayer who is a dealer in securities (within the meaning of Section 18196)—

(i) If, on the date of a short sale of stock, substantially identical property which is a capital asset in the hands of the taxpayer has been held for not more than six months, and

(ii) If such short sale is closed more than 20 days after the date on which it was made,

subsection (b)(2) shall apply in respect of the holding period of such substantially identical property.

(2) For purposes of subparagraph (1)—

(i) The last sentence of Section 18187 applies; and

(ii) The term "stock" means any share or certificate of stock in a corporation, any bond or other evidence of indebtedness which is convertible into any such share or certificate, or

any evidence of an interest in, or right to subscribe to or purchase, any of the foregoing.

SEC. 38. Section 18190.1 is added to said code, to read:

Arbitrage operations

18190.1. In the case of a short sale which had been entered into as an arbitrage operation, to which sale the rule of Section 18187(b) would apply except as otherwise provided in this section—

(a) Subsection 18187(b) shall apply first to substantially identical assets acquired for arbitrage operations held at the close of business on the day such sale is made, and only to the extent that the quantity sold short exceeds the substantially identical assets acquired for arbitrage operations held at the close of business on the day such sale is made, shall the holding period of any other such identical assets held by the taxpayer be affected;

(b) In the event that assets acquired for arbitrage operations are disposed of in such manner as to create a net short position in assets acquired for arbitrage operations, such net short position shall be deemed to constitute a short sale made on that day;

(c) For the purpose of paragraphs (a) and (b) of this section the taxpayer will be deemed as of the close of any business day to hold property which he is or will be entitled to receive or acquire by virtue of any other asset acquired for arbitrage operations or by virtue of any contract he has entered into in an arbitrage operation; and

(d) For the purpose of this section arbitrage operations are transactions involving the purchase and sale of assets for the purpose of profiting from a current difference between the price of the asset purchased and the price of the asset sold, and in which the asset purchased, if not identical to the asset sold, is such that by virtue thereof the taxpayer is, or will be, entitled to acquire assets identical to the assets sold. Such operations must be clearly identified by the taxpayer in his records as arbitrage operations on the day of the transaction or as soon thereafter as may be practicable. Assets acquired for arbitrage operations will include stocks and securities and the right to acquire stocks and securities.

SEC. 39. Section 18190.2 is added to said code, to read:

Hedging transactions

18190.2. Sections 18186 through 18190.1 shall not apply in the case of a hedging transaction in commodity futures.

SEC. 40. Section 18191 of said code is amended to read:

Options or privileges

18191. (a) Gain or loss attributable to the sale or exchange of, or loss attributable to failure to exercise, a privilege or option to buy or sell property shall be considered gain or loss from the sale or exchange of property which has the same character as the property to which the option or privilege relates has in the hands of the taxpayer (or would have in the hands of the taxpayer if acquired by him).

(b) For purposes of subsection (a), if loss is attributable to failure to exercise a privilege or option, the privilege or option

shall be deemed to have been sold or exchanged on the day it expired.

(c) This section shall not apply to—

(1) A privilege or option which constitutes property described in paragraph (1) of subdivision (a) of Section 18161;

(2) In the case of gain attributable to the sale or exchange of a privilege or option, any income derived in connection with such privilege or option which, without regard to this section, is treated as other than gain from the sale or exchange of a capital asset;

(3) A loss attributable to failure to exercise an option described in Section 18188; or

(4) Gain attributable to the sale or exchange of a privilege or option acquired by the taxpayer before March 1, 1959, if in the hands of the taxpayer such privilege or option is a capital asset.

SEC. 41. Section 18192 of said code is amended to read:

Patents

18192. A transfer (other than by gift, inheritance, or device) of property consisting of all substantial rights to a patent, or an undivided interest therein which includes a part of all such rights, by any holder shall be considered the sale or exchange of a capital asset held for more than six months, regardless of whether or not payments in consideration of such transfer are—

(a) Payable periodically over a period generally coterminous with the transferee's use of the patent; or

(b) Contingent on the productivity, use, or disposition of the property transferred.

SEC. 42. Section 18200 of said code is amended to read:

Emergency facilities

18200. Gain from the sale or exchange of property, to the extent that the adjusted basis of such property is less than its adjusted basis determined without regard to so much of Section 17212 as relates to amortization deduction of emergency facilities, shall be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in Sections 18181 and 18182.

SEC. 43. Section 18202 of said code is amended to read:

Release of future profits

18202. Amounts received from the assignment or release by an employee, after more than 20 years' employment, of all his rights to receive, after termination of his employment and for a period of not less than five years (or for a period ending with his death), a percentage of future profits or receipts of his employer shall be considered an amount received from the sale or exchange of a capital asset held for more than six months if—

(a) Such rights were included in the terms of the employment of such employee for not less than 12 years;

(b) Such rights were included in the terms of the employment of such employee before June 6, 1955, and

(c) The total of the amounts received for such assignment or release is received in one taxable year and after the termination of such employment.

SEC. 44. Section 18204 is added to said code, to read:

18204. If, Loss

(a) A loss is on stock in a small business investment company operating under the Small Business Investment Act of 1958, and

(b) Such loss would (but for this section) be a loss from the sale or exchange of a capital asset, then such loss shall be treated as a loss from the sale or exchange of property which is not a capital asset.

SEC. 45. Section 18205 is added to said code, to read:

18205. In the case of a small business investment company operating under the Small Business Investment Act of 1958, if— Loss Company

(a) A loss is on convertible debentures (including stock received pursuant to the conversion privilege) acquired pursuant to Section 304 of the Small Business Investment Act of 1958, and

(b) Such loss would (but for this section) be a loss from the sale or exchange of a capital asset, then such loss shall be treated as a loss from the sale or exchange of property which is not a capital asset.

SEC. 46. Section 18206 is added to said code, to read:

18206. In the case of an individual, a loss on Section 18208 stock issued to such individual or to a partnership which would (but for Sections 18206 through 18210) be treated as a loss from the sale or exchange of a capital asset shall, to the extent provided in Sections 18206 through 18210, be treated as a loss from the sale or exchange of an asset which is not a capital asset. Same Individual

SEC. 47. Section 18207 is added to said code, to read:

18207. For any taxable year the aggregate amount treated by the taxpayer by reason of Sections 18206 through 18210 as a loss from the sale or exchange of an asset which is not a capital asset shall not exceed— Loss limit

(a) Twenty-five thousand dollars ($25,000), or

(b) Fifty thousand dollars ($50,000), in the case of a husband and wife filing a joint return for such year under Section 18402(b).

SEC. 48. Section 18208 is added to said code, to read:

18208. (a) For purposes of Sections 18206 through 18210 the term "Section 18208 stock" means common stock in a corporation organized and operated within the United States if— "Section 18208 stock"

(1) Such corporation adopted a plan after December 31, 1958, to offer such stock for a period (ending not later than two years after the date such plan was adopted) specified in the plan,

(2) At the time such plan was adopted, such corporation was a small business corporation,

(3) At the time such plan was adopted, no portion of a prior offering was outstanding,

(4) Such stock was issued by such corporation, pursuant to such plan, for money or other property (other than stock and securities), and

(5) Such corporation, during the period of its five most recent taxable years ending before the date the loss on such stock is sustained (or if such corporation has not been in existence for five taxable years ending before such date, during the period of its taxable years ending before such date, or if such corporation has not been in existence for one taxable year ending before such date, during the period such corporation has been in existence before such date), derived more than 50 percent of its aggregate gross receipts from sources other than royalties, rents, dividends, interest, annuities, and sales or exchanges of stock or securities (gross receipts from such sales or exchanges being taken into account for purposes of this subparagraph only to the extent of gains therefrom); except that this subparagraph shall not apply with respect to any corporation if, for the period referred to, the amount of the deductions allowed by the Bank and Corporation Tax Law exceed the amount of gross income. Such term does not include stock if issued (pursuant to the plan referred to in subparagraph (1)) after a subsequent offering of stock has been made by the corporation.

(b) For purposes of Sections 18206 through 18210, a corporation shall be treated as a small business corporation if at the time of the adoption of the plan—

(1) The sum of—

(A) The aggregate amount which may be offered under the plan, plus

(B) The aggregate amount of money and other property (taken into account in an amount, as of the time received by the corporation, equal to the adjusted basis to the corporation of such property for determining gain, reduced by any liability to which the property was subject or which were assumed by the corporation at such time) received by the corporation after December 31, 1958, for stock, as a contribution to capital, and as paid-in surplus, does not exceed five hundred thousand dollars ($500,000); and

(2) The sum of—

(A) The aggregate amount which may be offered under the plan, plus

(B) The equity capital of the corporation (determined on the date of the adoption of the plan), does not exceed one million dollars ($1,000,000).

For purposes of subparagraph (2), the equity capital of a corporation is the sum of its money and other property (in an amount equal to the adjusted basis of such property for determining gain), less the amount of its indebtedness (other than indebtedness to shareholders).

SEC. 49. Section 18209 is added to said code, to read:

Same

18209. (a) (1) If—

(i) Section 18208 stock was issued in exchange for property,

(ii) The basis of such stock in the hands of the taxpayer is determined by reference to the basis in his hands of such property, and

(iii) The adjusted basis (for determining loss) of such property immediately before the exchange exceeded its fair market value at such time,

then in computing the amount of the loss on such stock for purposes of this section the basis of such stock shall be reduced by an amount equal to the excess described in clause (iii).

(2) In computing the amount of the loss on stock for purposes of Sections 18206 through 18210, any increase in the basis of such stock (through contributions to the capital of the corporation, or otherwise) shall be treated as allocable to stock which is not Section 18208 stock.

(b) To the extent provided in regulations prescribed by the Franchise Tax Board, common stock in a corporation, the basis of which (in the hands of a taxpayer) is determined in whole or in part by reference to the basis in his hands of stock in such corporation which meets the requirements of Section 18208(a) (other than subparagraph (a)(5) thereof), or which is received in a reorganization described in Section 24562 (a)(6) of the Bank and Corporation Tax Law in exchange for stock which meets such requirements, shall be treated as meeting such requirements. For purposes of Section 18208 (a)(5) or (b)(1), a successor corporation in a reorganization described in Section 24562(a)(6) of the Bank and Corporation Tax Law shall be treated as the same corporation as its predecessor.

(c) For purposes of Sections 18206 through 18210, the term individual does not include a trust or estate.

SEC. 50. Section 18210 is added to said code, to read:

18210. The Franchise Tax Board shall prescribe such regulations as may be necessary to carry out the purposes of Sections 18206 through 18209. Regulations

SEC. 51. Section 18242 of said code is amended to read:

18242. (a) If—

(1) An individual includes in gross income amounts in respect of a particular invention or artistic work created by the individual; and Inventions

(2) The work on the invention or the artistic work covered a period of 24 months or more (from the beginning to the completion thereof); and

(3) The amounts in respect of the invention or the artistic work includible in gross income for the taxable year are not less than 80 percent of the gross income in respect of such invention or artistic work in the taxable year plus the gross income therefrom in previous taxable years and the 12 months immediately succeeding the close of the taxable year;

then the tax attributable to the part of such gross income of the taxable year which is not taxable as a gain from the sale

or exchange of a capital asset held for more than six months shall not be greater than the aggregate of the taxes attributable to such part had it been received ratably over, in the case of an invention, that part of the period preceding the close of the taxable year or 60 months, whichever is shorter, or, in the case of an artistic work, that part of the period preceding the close of the taxable year but not more than 36 months.

(b) For purposes of this section—

(1) The term "invention" means a patent covering an invention of the individual.

(2) The term "artistic work" means a literary, musical, or artistic composition or a copyright covering a literary, musical, or artistic composition.

SEC. 52. Section 18401 of said code is amended to read:

Returns

18401. Every individual taxable under this part shall make a return to the Franchise Tax Board, stating specifically the items of his gross income and the deductions and credits allowed by this part, if he has for the taxable year—

(a) A net income of one thousand five hundred dollars ($1,500) or over, if single;

(b) A net income of three thousand dollars ($3,000) or over, if married; or

(c) A gross income of five thousand dollars ($5,000) or over, regardless of the amount of net income.

SEC. 53. Section 18402 of said code is amended to read:

Same: Husband and wife

18402. If a husband and wife have for the taxable year an aggregate net income of three thousand dollars ($3,000) or over, or an aggregate gross income of five thousand dollars ($5,000) or over—

(a) Each shall make such a return, or

(b) The income of each shall be included in a single joint return, in which case the tax shall be computed on the aggregate income, as provided in Section 17045. No joint return shall be made if husband and wife have different taxable years; except that if such taxable years begin on the same day and end on different days because of the death of either or of both, then the joint return may be made with respect to the taxable year of each. The above exception shall not apply if the surviving spouse remarries before the close of his taxable year, nor if the taxable year of either spouse is a fractional part of a year under Section 17553.

(c) In the case of the death of one spouse or both spouses the joint return with respect to the decedent may be made only by his executor or administrator; except that in the case of the death of one spouse the joint return may be made by the surviving spouse with respect to both himself and the decedent if (1) no return for the taxable year has been made by the decedent, (2) no executor or administrator has been appointed, and (3) no executor or administrator is appointed before the last day prescribed by law for filing the return of the surviving spouse. If an executor or administrator of the decedent is appointed after the making of the joint return by the surviving

spouse, the executor or administrator may disaffirm such joint return by making, within one year after the last day prescribed by law for filing the return of the surviving spouse, a separate return for the taxable year of the decedent with respect to which the joint return was made, in which case the return made by the survivor shall constitute his separate return.

SEC. 54. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. Tax levy

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CHAPTER 831

An act to repeal Part 2 (commencing at Section 20500) of Division 14 of the Health and Safety Code, and to add Section 38638 to the Government Code, relating to police protection at public meetings.

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Part 2 (commencing at Section 20500) of Division 14 of the Health and Safety Code is repealed. Repeal

SEC. 2. Section 38638 is added to the Government Code, to read:

38638. The mayor or other officer in control of the police force in a city shall direct a sufficient number of policemen to attend and keep order at any public meeting in the city at which, in his opinion, a breach of the peace may occur. Policemen

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CHAPTER 832

An act to amend Section 6334 of the Education Code, and Section 20504 of the Education Code as proposed by Senate Bill No. 2, relating to school district budgets.

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 6334 of the Education Code is amended to read:

6334. Except in districts where no district tax is levied and in elementary districts employing but one teacher, the publication budget for the ensuing school year to which it is intended to apply, showing the functions and objects of expenditure, cash balances, and all the appropriations from the State as required to be tabulated in Sections 6301-6302 of this code for the ensuing and last preceding fiscal year, and the Publication budget

district tax requirement for the school year to which the publication budget is intended to apply and for the last preceding school year, shall be published by the county superintendent of schools at least once in a newspaper of general circulation published within the district, or if there is no such newspaper, then in the newspaper of general circulation published nearest to the district, prior to its adoption. The cost of the publication shall be a proper and legal charge against the school district or districts for which the publication is made, and shall not exceed the rate fixed by the board of supervisors for official advertising. Publication shall be made during the last week in July of each year, and shall contain a notice that a public hearing will be held before the governing board of the school district, in a schoolhouse in the district, or in some other place conveniently accessible to the residents of the district, during the first week of August, at which any taxpayer in the district may appear and object to the proposed budget or any item of the budget. The hearing may be concluded on such publication budget when there are no requests on file for further hearing. The budget shall not be finally adopted by the governing board of the district until after the public hearing has been held. In the case of a school district or districts in which the average daily attendance of all said districts combined is in excess of 200,000, governed by the same governing board, the public hearing during the first week of August need not be held if there has been at least one public meeting on the publication budget prior to the first week of August, at which public meeting any changes proposed to be made in the publication budget for the final budget shall have been presented.

SEC. 2. Section 20504 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

Same

20504. Except in districts where no district tax is levied and in elementary districts employing but one teacher, the publication budget for the ensuing school year to which it is intended to apply, showing the functions and objects of expenditure, cash balances, and all the appropriations from the State as required to be tabulated in Sections 20601-20602 of this code for the ensuing and last preceding fiscal year, and the district tax requirement for the school year to which the publication budget is intended to apply and for the last preceding school year, shall be published by the county superintendent of schools at least once in a newspaper of general circulation published within the district, or if there is no such newspaper, then in the newspaper of general circulation published nearest to the district, prior to its adoption. The cost of the publication shall be a proper and legal charge against the school district or districts for which the publication is made, and shall not exceed the rate fixed by the board of supervisors for official advertising. Publication shall be made during the last week in July of each year, and shall contain a notice that a public hearing will be held before the governing board of the school

district, in a schoolhouse in the district, or in some other place conveniently accessible to the residents of the district, during the first week of August, at which any taxpayer in the district may appear and object to the proposed budget or any item of the budget. The hearing may be concluded on such publication budget when there are no requests on file for further hearing. The budget shall not be finally adopted by the governing board of the district until after the public hearing has been held. In the case of a school district or districts in which the average daily attendance of all said districts combined is in excess of 200,000, governed by the same governing board, the public hearing during the first week of August need not be held if there has been at least one public meeting on the publication budget prior to the first week of August, at which public meeting any changes proposed to be made in the publication budget for the final budget shall have been presented.

Effect. Stats. 1959, Ch 2

SEC. 3. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 6334 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 833

An act to amend Sections 553 and 946 of the Code of Civil Procedure, relating to attachments.

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 553 of the Code of Civil Procedure is amended to read:

Undertaking

553. If the defendant recovers judgment against the plaintiff, and no timely motion for vacation of judgment, or for judgment notwithstanding the verdict, or for a new trial, is filed and served, and no appeal is perfected and undertaking executed and filed as provided in Section 946 of this code, any undertaking received in the action, all the proceeds of sales and money collected by the sheriff, constable, or marshal and all the property attached remaining in such officer's hands, must be delivered to the defendant or his agent, the order of attachment be discharged, and the property released therefrom; provided, that at any time after entry of judgment and before perfection of the appeal under the provisions of Section 946 of this code, upon motion of the defendant, the trial court may order an increase in the amount of the original undertaking on attachment in such amount, if any, as is justified by the detriment reasonably to be anticipated by continuing the attach-

ment. Unless such undertaking shall be executed and filed by at least two sureties within 10 days after such order, the order of attachment shall be discharged, and the property released therefrom. The sureties may be required to justify before the court within 10 days after the undertaking is filed and if they fail to do so, the order of attachment shall be discharged and the property released therefrom. If an order increasing the undertaking is made, the amount of the undertaking on appeal required by Section 946 of this code shall be the same as the amount fixed by the trial court in said order.

SEC. 2. Section 946 of said code is amended to read:

Stay of proceedings

946. Whenever an appeal is perfected, as provided in the preceding sections of this chapter, it stays all further proceedings in the court below upon the judgment or order appealed from, or upon the matters embraced therein, except in cases involving the custody of minor children which order shall not be stayed, and releases from levy property which has been levied upon under execution issued upon such judgment; provided, however, said property shall not be released from the levy, if the respondent excepts to the sufficiency of the sureties within five days after the giving of the undertaking staying execution until such sureties, or others, justify in the manner prescribed by law; but the court below may proceed upon any other matter embraced in the action and not affected by the order appealed from. And the court below may in its discretion, dispense with or limit the security required by this chapter, when the appellant or moving party is an executor, administrator, trustee, or other person acting in another's right. Neither an appeal nor the pendency nor granting of a motion timely filed and served for vacation of judgment, or for judgment notwithstanding the verdict, or for a new trial, shall continue in force an attachment, unless an undertaking be executed and filed on the part of the appellant or moving party by at least two sureties, in double the amount of the debt claimed by him, that the appellant or moving party will pay all costs and damages which the respondent may sustain by reason of the attachment, in case the order of the court below be sustained in favor of the respondent or against the moving party; and unless, within five days after written notice of the entry of the order appealed from or order denying any of such motions, such appeal be perfected. The amount of the undertaking on appeal required by this section shall be such amount as is fixed by the trial court on motion of the defendant as provided in Section 553 of this code and if no such order shall have been made, the undertaking shall be in double the amount of the debt claimed by the appellant. If the defendant is not satisfied with the undertaking in double the amount of the debt or the amount fixed by order under Section 553, the trial court upon motion of the defendant made within 60 days after perfecting the appeal may order an increase in the amount of the undertaking in such amount as is justified by the detriment reasonably to be anticipated by

continuing the attachment. If such an order be made, the attachment shall be discharged and the property released therefrom, unless the undertaking shall be executed and filed by at least two sureties within 10 days after the order is made. The sureties on any undertaking required by this section for the purpose of continuing an attachment may be required to justify before the trial court within 10 days after the undertaking is filed and if they fail to do so, the order of attachment shall be discharged, and the property released therefrom.

CHAPTER 834

An act to repeal Chapter 13.5 (commencing at Section 26250) of Part 2 of Division 2 of Title 3 of the Government Code, relating to preservation of newspapers.

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Chapter 13.5 (commencing at Section 26250) of Part 2 of Division 2 of Title 3 of the Government Code is repealed.

CHAPTER 835

An act to add Section 426.1 to the Health and Safety Code, relating to standards for the quality of air, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 426.1 is added to the Health and Safety Code, to read:

426.1. The State Department of Public Health shall, before February 1, 1960, develop and publish standards for the quality of the air of this State. The standards shall be so developed as to reflect the relationship between the intensity and composition of air pollution and the health, illness, including irritation to the senses, and death of human beings, as well as damage to vegetation and interference with visibility.

The standards shall be developed after the department has held public hearings and afforded an opportunity for all interested persons to appear and file statements or be heard. The department shall publish such notice of the hearings as it determines to be reasonably necessary.

The department, after notice and hearing, may revise the standards, and shall publish the revised standards, from time to time.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The pollution of the air of this State constitutes one of the most serious threats to the health of the people of this State. It is imperative that standards of the quality of the air be developed without delay. It is, therefore, necessary that this act take effect immediately.

CHAPTER 836

An act to add Section 1102.6 to the Agricultural Code, relating to egg standards.

In effect September 18, 1959

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1102.6 is added to the Agricultural Code, to read:

1102.6. No eggs, in containers or otherwise, shall be sold in this State as a product of this State, whether or not such eggs are processed or packed in this State, unless the eggs and all eggs in such containers have actually been produced in California.

CHAPTER 837

An act to add Section 5019 to the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, relating to issuance of special license plates.

In effect September 18, 1959

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 5019 is added to the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, to read:

5019. The issuance of special license plates referred to in Sections 5004, 5005 and 5008 shall not apply to motorcycles, motor-driven cycles or trailers.

CHAPTER 838

An act to add Section 940.5 to the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to school district elections.

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 940.5 is added to the Education Code, to read:

940.5. Where a city charter does not specify a date for such elections, city boards of education may, by unanimous vote, determine that governing board member elections for that district shall be held on the date prescribed by Section 939 of this code, in which event the provisions of Chapter 1 (commencing at Section 901), of Division 4 of this code relating to the consolidation of governing board member elections shall apply.

CHAPTER 839

An act to amend Sections 560 and 561 of the Agricultural Code, relating to milk and dairy products.

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 560 of the Agricultural Code is amended to read:

560. Ice cream is a frozen product and shall be made with pure, sweet milk, cream, skim milk, evaporated or condensed milk, evaporated or condensed skim milk, dry milk, nonfat dry milk solids, dried buttermilk, extra grade edible dried whey, milk fat, or wholesome sweet butter made from sweet cream, or any combination of any such products, with or without sweetening, clean wholesome eggs or egg products, and with or without the use of harmless flavoring and coloring. Except as hereinafter provided, ice cream shall contain not less than 10 percent of milk fat, nor more than six-tenths of 1 percent of pure and harmless edible stabilizer approved by the director. Ice cream when sold by the manufacturer or retailer shall contain not more than 75,000 bacteria per gram. Ice cream shall contain not less than 1.6 pounds of total food solids per gallon.

Ice cream

SEC. 2. Section 561 of said code is amended to read:

561. Ice milk is a frozen product containing less milk fat than ice cream and shall be made with pure, sweet milk, cream, skim milk, evaporated or condensed milk, evaporated or con-

Ice milk

densed skim milk, dry milk, nonfat dry milk solids, dried buttermilk, extra grade edible dried whey, milk fat or wholesome sweet butter made from sweet cream or any combination of any such products, with or without sweetening, clean wholesome eggs or egg products, and with or without the use of harmless flavoring and coloring and containing not less than 4 percent of milk fat, nor more than six-tenths of 1 percent of pure and harmless edible stabilizer approved by the director and not less than 1.3 pounds of total food solids per gallon. When sold by the manufacturer or retailer, ice milk shall contain not more than 75,000 bacteria per gram.

CHAPTER 840

An act to amend Section 18661 of the Financial Code, relating to industrial loan companies.

In effect September 18, 1959

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 18661 of the Financial Code is amended to read:

18661. An industrial loan company may collect the costs for insurance of tangible personal or real property offered as security for a loan, reasonably insured against loss for a reasonable term considering the circumstances of the loan, when the policy of insurance is made payable to the borrower or any member of his family, even though the customary mortgagee clause is attached, and if the insurance is sold at standard rates through duly licensed insurance agents except that if title insurance is obtained in connection with a loan, the costs for such insurance may only be collected if: (a) the loan is in an amount of at least one thousand dollars ($1,000) and is secured by the lien of a deed of trust or mortgage on real property which is the subject of such policy of title insurance; (b) the policy of title insurance is made payable to the lender or jointly to such lender and the borrower as their interests may appear; (c) the amount of such insurance does not exceed the amount of the loan; (d) such insurance is placed at standard rates through a title insurance company authorized to do business in the State of California; and (e) the provisions of the loan require payment in not less than 12 months. A policy of title insurance may not be required in connection with the renewal or extension of a loan with an unpaid principal balance of less than one thousand dollars ($1,000). Such costs as herein authorized are not included in computing the maximum charges which may be made under this division.

CHAPTER 841

An act to amend Section 18950 of the Government Code, relating to promotion in the State Civil Service.

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 18950 of the Government Code is amended to read:

18950. Vacancies in positions shall be filled insofar as possible and consistent with the best interests of the State from among employees holding positions in appropriate classes, and appropriate promotional lists shall be established to facilitate this purpose.

The board may prescribe conditions under which state employees, persons on leave of absence, and persons whose names are on appropriate re-employment lists, may be permitted to compete in promotional examination and to attain eligibility for appointment.

The board may further prescribe conditions under which eligibility may be transferred from one subdivisional or departmental promotional list to another subdivisional or departmental promotional list or either when such lists are for the same class and have been established as a result of the same examination.

CHAPTER 842

An act to add Sections 2.1 and 2.2 to Chapter 124 of the Statutes of 1955, relating to proceedings of the California Olympic Commission.

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 2.1 is added to Chapter 124 of the Statutes of 1955, to read:

Sec. 2.1. All meetings of the commission shall be open and public, and all persons shall be permitted to attend any meetings of the commission.

SEC. 2. Section 2.2 is added to said act, to read:

Sec. 2.2. All records of the commission shall be open to inspection by the public during regular office hours.

CHAPTER 843

An act to add Sections 1325 and 1326 to the Fish and Game Code, relating to proceedings of the Wildlife Conservation Board.

In effect September 18, 1959

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1325 is added to the Fish and Game Code, to read:

Meetings

1325. All meetings of the board shall be open and public, and all persons shall be permitted to attend any meetings of the board.

SEC. 2. Section 1326 is added to said code, to read:

Records

1326. All records of the board shall be open to inspection by the public during regular office hours.

CHAPTER 844

An act to add Sections 1710 and 1711 to the Harbors and Navigation Code, relating to proceedings of the San Francisco Port Authority.

In effect September 18, 1959

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1710 is added to the Harbors and Navigation Code, to read:

Meetings

1710. All meetings of the authority shall be open and public, and all persons shall be permitted to attend any meetings of the authority.

SEC. 2. Section 1711 is added to said code, to read:

Records

1711. All records of the authority shall be open to inspection by the public during regular office hours.

CHAPTER 845

An act to add Sections 3.11 and 3.12 to Chapter 1508 of the Statutes of 1947, relating to proceedings of the San Francisco World Trade Center Authority.

In effect September 18, 1959

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 3.11 is added to Chapter 1508 of the Statutes of 1947, to read:

Sec. 3.11. All meetings of the authority shall be open and public, and all persons shall be permitted to attend any meetings of the authority.

SEC. 2. Section 3.12 is added to said act, to read:

Sec. 3.12. All records of the authority shall be open to inspection by the public during regular office hours.

CHAPTER 846

An act to add Sections 19035.9 and 19035.10 to the Business and Professions Code, relating to proceedings of the California Advisory Board of Furniture and Bedding.

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 19035.9 is added to the Business and Professions Code, to read:

19035.9. All meetings of the board shall be open and public, and all persons shall be permitted to attend any meetings of the board. Meetings

SEC. 2. Section 19035.10 is added to said code, to read:

19035.10. Except as otherwise provided by law, all records of the board shall be open to inspection by the public during regular office hours. Records

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CHAPTER 847

An act to add Sections 21217 and 21218 to the Public Utilities Code, relating to proceedings of the California Aeronautics Commission.

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 21217 is added to the Public Utilities Code, to read:

21217. All meetings of the commission shall be open and public, and all persons shall be permitted to attend any meetings of the commission. Meetings

SEC. 2. Section 21218 is added to said code, to read:

21218. All records of the commission shall be open to inspection by the public during regular office hours. Records

CHAPTER 848

An act to amend Section 16480.1 of the Government Code, relating to proceedings of the Pooled Money Investment Board.

In effect September 18, 1959

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 16480.1 of the Government Code is amended to read:

16480.1. There is hereby created a Pooled Money Investment Board, which shall consist of the Controller, Treasurer and Director of Finance. The Pooled Money Investment Board shall meet at least once in every three months and shall designate at least once a month the amount of money available under this article for investment in securities authorized by Article 1 of this chapter or in bank accounts, and the type of investment or deposit.

For the purpose of this article, a written determination signed by a majority of the members of the Pooled Money Investment Board shall be deemed to be the determination of the board. Notwithstanding the provisions of Sections 7.5 and 7.6 of this code, the members of the board shall personally make the determinations under this article, and may not authorize a deputy to act for them.

All meetings of the board shall be open and public, and all persons shall be permitted to attend any meetings of the board. All records of the board shall be open to inspection by the public during regular office hours.

CHAPTER 849

An act to amend Section 20023 of, and to add Section 20034 to, the Water Code, relating to proceedings of the California Districts Securities Commission.

In effect September 18, 1959

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 20023 of the Water Code is amended to read:

Meetings

20023. The commission shall by rule fix the time for its regular meetings, which shall be held at the office of the commission. All meetings of the commission shall be open and pub-

lic, and all persons shall be permitted to attend any meetings of the commission.

SEC. 2. Section 20034 is added to said code, to read:

20034. All records of the commission shall be open to inspection by the public during regular office hours. Records

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CHAPTER 850

An act to add Sections 9065.1 and 9065.2 to the Public Resources Code, relating to proceedings of the State Soil Conservation Commission.

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 9065.1 is added to the Public Resources Code, to read:

9065.1. All meetings of the commission shall be open and public, and all persons shall be permitted to attend any meetings of the commission. Meetings

SEC. 2. Section 9065.2 is added to said code, to read:

9065.2. All records of the commission shall be open to inspection by the public during regular office hours. Records

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CHAPTER 851

An act to add Sections 8919.1 and 8919.2 to the Business and Professions Code, relating to proceedings of the Yacht and Ship Brokers Commission.

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 8919.1 is added to the Business and Professions Code, to read:

8919.1. All meetings of the commission shall be open and public, and all persons shall be permitted to attend any meetings of the commission, except that the commission may hold executive sessions to: Meetings

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

(b) Prepare, approve, grade, or administer examinations.

SEC. 2. Section 8919.2 is added to said code, to read:

8919.2. Except as otherwise provided by law, all records of the commission shall be open to inspection by the public during regular office hours. Records

CHAPTER 852

An act to add Sections 731 and 732 to the Fish and Game Code, relating to proceedings of the Marine Research Committee.

In effect September 18, 1959

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 731 is added to the Fish and Game Code, to read:

Meetings

731. All meetings of the committee shall be open and public and all persons shall be permitted to attend any meetings of the committee.

SEC. 2. Section 732 is added to said code, to read:

Records

732. All records of the committee shall be open to inspection by the public during regular office hours.

CHAPTER 853

An act to add Sections 8609 and 8610 to the Public Resources Code, relating to proceedings of the Recreation Commission.

In effect September 18, 1959

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 8609 is added to the Public Resources Code, to read:

Meetings

8609. All meetings of the commission shall be open and public, and all persons shall be permitted to attend any meetings of the commission.

SEC. 2. Section 8610 is added to said code, to read:

Records

8610. All records of the commission shall be open to inspection by the public during regular office hours.

CHAPTER 854

An act to add Sections 13007 and 13008 to the Water Code, relating to proceedings of the State Water Pollution Control Board.

In effect September 18, 1959

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 13007 is added to the Water Code, to read:

13007. All meetings of the state and regional boards shall be open and public, and all persons shall be permitted to attend any meetings of the boards. Meetings

SEC. 2. Section 13008 is added to said code, to read:

13008. All records of the state and regional boards shall be open to inspection by the public during regular office hours. Records

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CHAPTER 855

An act to add Sections 31007 and 31008 to the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to proceedings of the Western Interstate Commission for Higher Education.

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 31007 is added to the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

31007. All meetings of the commission shall be open and public, and all persons shall be permitted to attend any meetings of the commission. Meetings

SEC. 2. Section 31008 is added to said code, to read:

31008. All records of the commission shall be open to inspection by the public during regular office hours. Records

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CHAPTER 856

An act to add Sections 14106 and 14107 to the Fish and Game Code, relating to proceedings of the Pacific Marine Fisheries Commission.

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 14106 is added to the Fish and Game Code, to read:

14106. All meetings of the commission shall be open and public, and all persons shall be permitted to attend any meetings of the commission. Meetings

SEC. 2. Section 14107 is added to said code, to read:

14107. All records of the commission shall be open to inspection by the public during regular office hours. Records

CHAPTER 857

An act to add Sections 65020.1, and 65020.2 to the Government Code, relating to proceedings of the Local Planning Advisory Committee.

In effect September 18, 1959

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 65020.1 is added to the Government Code, to read:

Meetings

65020.1. All meetings of the committee shall be open and public, and all persons shall be permitted to attend any meetings of the committee.

SEC. 2. Section 65020.2 is added to said code, to read:

Records

65020.2. All records of the committee shall be open to inspection by the public during regular office hours.

CHAPTER 858

An act to add Sections 2604 and 2605 to the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, relating to proceedings of the Reciprocity Commission.

In effect September 18, 1959

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 2604 is added to the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, to read:

Meetings

2604. All meetings of the commission shall be open and public, and all persons shall be permitted to attend any meetings of the commission.

SEC. 2. Section 2605 is added to said code, to read:

Records

2605. All records of the commission shall be open to inspection by the public during regular office hours.

CHAPTER 859

An act to add Sections 5863 and 5864 to the Public Resources Code, relating to proceedings of the Small Craft Harbors Commission.

In effect September 18, 1959

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 5863 is added to the Public Resources Code, to read:

Meetings

5863. All meetings of the commission shall be open and public and all persons shall be permitted to attend any meetings of the commission.

SEC. 2. Section 5864 is added to said code, to read:

5864. All records of the commission shall be open to inspection by the public during regular office hours. Records

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CHAPTER 860

An act to add Sections 3804 and 3805 to the Harbors and Navigation Code, relating to proceedings of the Board of Harbor Commissioners for Humboldt Bay.

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 3804 is added to the Harbors and Navigation Code, to read:

3804. All meetings of the board shall be open and public, and all persons shall be permitted to attend any meetings of the board. Meetings

SEC. 2. Section 3805 is added to said code, to read:

3805. All records of the board shall be open to inspection by the public during regular office hours. Records

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CHAPTER 861

An act to amend Section 4364 of the Public Resources Code, relating to proceedings of the advisory committee on reforestation methods and procedures and to add Section 4941.5 to the Public Resources Code, relating to forest practice districts.

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 4364 of the Public Resources Code is amended to read:

4364. Experimentation and studies shall be conducted with the advice and co-operation of the University of California School of Forestry. The State Forester may set up an advisory committee on reforestation methods and procedures. All meetings of the committee shall be open and public, and all persons shall be permitted to attend any meetings of the committee. All records of the committee shall be open to inspection by the public during regular office hours. Meetings

SEC. 2. Section 4941.5 is added to said code, to read:

4941.5. All meetings of the committee shall be open and public and all persons shall be permitted to attend any meetings of the committee. Records

All records of the committee shall be open to inspection by the public.

CHAPTER 862

An act to add Sections 26007 and 26008 to the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to proceedings of the Board of Governors of the California Maritime Academy.

In effect September 18, 1959

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 26007 is added to the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

Meetings

26007. All meetings of the board shall be open and public, and all persons shall be permitted to attend any meetings of the board.

SEC. 2. Section 26008 is added to said code, to read:

Records

26008. All records of the board shall be open to inspection by the public during regular office hours.

CHAPTER 863

An act to amend Section 16023 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to deposit of security following a vehicle accident.

In effect September 18, 1959

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 16023 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

16023. The security shall be in the form of money or a bond or their equivalent as determined by the department and shall be in amounts of not more than ten thousand dollars ($10,000) because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of not more than twenty thousand dollars ($20,000) because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not more than five thousand dollars ($5,000) because of injury to or destruction of property of others in any one accident. A bond or its equivalent, as referred to herein, shall mean a bond or its equivalent conditioned for disbursement in a manner provided in Section 16026.

CHAPTER 864

An act to amend Section 1120 of, and add Section 1120.1 to, the Probate Code, relating to testamentary trusts.

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 1120 of the Probate Code is amended to read:

Testamentary trust

1120. When a trust created by a will continues after distribution, the superior court shall not lose jurisdiction of the estate by final distribution, but shall retain jurisdiction for the purpose of determining to whom the property shall pass and be delivered upon final or partial termination of the trust, to the extent that such determination is not concluded by the decree of distribution, of settling the accounts and passing upon the acts of the trustee, of authorizing the trustee to accept additions to the trust from sources other than the estate of the decedent, and for the other purposes hereinafter set forth. Any trustee appointed by will, or appointed to execute a trust created by will, may, from time to time pending the execution of his trust, or at the termination thereof, render for settlement his accounts and report his acts as such trustee, before the superior court in which the will was probated. For that purpose, the trustee, or, in case of his death, his legal representatives, shall present to the court his verified account and report, setting forth his accounts in detail, reporting his acts as trustee, and showing the condition of the trust estate, and giving the names and post office addresses, if known, of the beneficiaries. The trustee may also petition such court, from time to time, for instructions as to the administration of the trust and for authority to accept additions to the trust from any source or sources other than the estate of the decedent. The clerk shall set the account and report or petition for settlement or hearing by the court and give notice thereof for the period and in the manner required by Section 1200 of this code. The trustee shall cause notice of the hearing to be mailed to the beneficiaries at their last known addresses, as provided in said Section 1200, whether they have requested special notice or given notice of appearance or not.

When it appears from the allegations of the petition that the trustee seeks instructions to exercise a power not conferred upon him the petition shall set forth the particulars of and the necessity for the action sought to be taken, and a copy of the petition shall be attached to the notice of hearing thereon, and such notice shall be mailed as required by this section to all persons in being who shall or may participate in the corpus or income of the trust. The court or judge shall appoint a suitable person who shall appear and act as guardian ad litem of any minor, or person of unsound mind, or any person or persons of

a designated class who are not ascertained, or who are not in being, and who may so participate in said trust.

SEC. 2. Section 1120.1 is added to said code, to read:

Additions to trust

1120 1. Whenever a trustee receives additions to the trust in accordance with a decree rendered pursuant to Section 1120 of this code, such additions shall be subject to the jurisdiction of the court in the same respects as property received by the trustee from the decedent's estate.

CHAPTER 865

An act to amend Section 626 of the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 18, 1959

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 626 of the Unemployment Insurance Code is amended to read:

626. Agricultural labor includes all services performed on a farm in the employ of any person:

(a) In connection with the preparation, care and treatment of farmland, including leveling for agricultural purposes, plowing, disking, and fertilizing the soil.

(b) In connection with the sowing and planting of any agricultural or horticultural commodity.

(c) In connection with the care of any agricultural or horticultural commodity. As used in this subdivision "care" includes, but is not limited to, cultivation, irrigation, weed control, thinning, heating, fumigating, spraying, and dusting.

(d) In connection with the harvesting of any agricultural or horticultural commodity. As used in this subdivision "harvesting" includes, but is not limited to, picking, cutting, threshing, knocking off, field chopping, bunching, baling (including hay baling), field packing, and placing in field containers or in the vehicle in which the commodity will be hauled on the farm or to the place of first processing. By way of illustration, the placing of cotton in picking bags or other containers or vehicles, the field packing of berries and table and shipping grapes, the field packing of lettuce and other vegetables, the sacking of grain and the sewing of such sacks of grain, are included within the term "harvesting" as used in this subdivision.

(e) In connection with the assembly and storage of any agricultural or horticultural commodity. As used in this subdivision "assembly and storage" includes, but is not limited to, loading, roadsiding, banking, stacking, binning, and piling.

(f) In connection with the raising, feeding and management of livestock, mink, poultry, rabbits and bees, including, but not limited to, herding, housing, hatching, milking, shearing, handling eggs and extracting honey.

CHAPTER 866

An act to amend Section 25658 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 25658 of the Business and Professions Code is amended to read:

25658. (a) Every person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage to any person under the age of 21 years is guilty of a misdemeanor.

(b) Any person under the age of 21 years who purchases any alcoholic beverage, or any person under the age of 21 years who consumes any alcoholic beverage in any on-sale premises, is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars ($100), no part of which shall be suspended.

(c) Any on-sale licensee who knowingly permits a person under the age of 21 years to consume any alcoholic beverage in the on-sale premises, whether or not the licensee has knowledge that the person is under the age of 21 years, is guilty of a misdemeanor.

CHAPTER 867

An act to amend Section 25665 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 25665 of the Business and Professions Code is amended to read:

25665. Any licensee under an on-sale license issued for public premises, as defined in Section 23039, who permits a person under the age of 21 years to enter and remain in the licensed premises without lawful business therein is guilty of a misdemeanor. Any person under the age of 21 years who enters and remains in the licensed public premises without lawful business therein is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars ($100), no part of which shall be suspended.

CHAPTER 868

An act to amend Section 25661 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 18, 1959

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 25661 of the Business and Professions Code is amended to read:

25661. Any person under the age of 21 years who presents or offers to any licensee, his agent or employee, any written, printed, or photostatic evidence of age and identity which is false, fraudulent or not actually his own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has in his possession any false or fraudulent written, printed, or photostatic evidence of age and identity, is guilty of a misdemeanor and shall be punished by a fine of at least one hundred dollars ($100), no part of which shall be suspended.

CHAPTER 869

An act to amend Section 19539.5 of the Business and Professions Code, relating to horse racing.

In effect September 18, 1959

[Approved by Governor June 8, 1959. Filed with Secretary of State June 8, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 19539.5 of the Business and Professions Code is amended to read:

19539.5. The board may allow not to exceed a total of 100 days for quarter horse racing only. Fifty of said 100 days shall be allocated to licensed racing associations conducting horse racing meetings south of the sixth standard parallel south, Mount Diablo base and meridian, and the remainder to licensed racing associations conducting such meetings north of said standard parallel.

The amendment of this section made at the 1959 Regular Session of the Legislature shall not be applied to deprive any non-quarter-horse racing association of racing days which such association was using during 1958 and 1959 or of the number of Saturdays allocated to such association during 1958 and 1959.

CHAPTER 870

An act to amend Sections 14025, 14151, 14363, 14401, and 14405 of, and to add Section 14403.1 to, the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to the State Teachers' Retirement System.

[Approved by Governor June 9, 1959. Filed with Secretary of State June 9, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 14025 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

Information and statement

14025. Each member and beneficiary shall furnish to the board such information affecting his status as a member or beneficiary of the system, as the board requires. Particularly, each member shall file a statement with the Retirement Board, at the option of, and upon the form furnished by, the board, giving:

(a) His date of birth.

(b) All service previously rendered by him in a status requisite to membership in the Retirement System or its predecessors.

(c) The beneficiaries under the Retirement System to receive any benefits, payable upon the death of the member or beneficiary.

SEC. 2. Section 14151 of said code is amended to read:

Termination of employment

14151. Upon the termination of a member's employment by any cause other than death or retirement there shall be paid to him, or if no other benefits are payable under this chapter upon the death of a member, there shall be paid to the beneficiary nominated by the deceased member:

(a) The Permanent Fund contributions, without interest, standing to the credit of his individual account, as having been made after July 1, 1935.

(b) The accumulated annuity contributions standing to the credit of his individual account in the Retirement Annuity Fund.

(c) Any moneys standing to the credit of his individual account in the Annuity Deposit Fund pursuant to Section 13906, together with the interest accumulated thereon.

SEC. 3. Section 14363 of said code is amended to read:

Election re options

14363. Before the warrant for his first retirement allowance is mailed, any member who retires may elect to receive the actuarial equivalent as of the date of retirement, of the retirement allowance payable to him in a reduced retirement allowance, payable throughout life with the provision that:

Option 1. If he dies before he has received in payments provided by his total contributions (which for the purposes of this section, shall include only his accumulated annuity contributions, his accumulated annuity deposits and his Permanent

Fund contributions based on service after June 30, 1944, and interest credited thereon), the amount of such total contributions as it was at the time of his retirement, the balance of such total contributions shall be paid to his estate or to such person as he has nominated by written designation duly executed and filed with the board; or

Option 2. Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he has nominated by written designation duly executed and filed with the board at the time of his election; or

Option 3. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of, and paid to such person as he has nominated by written designation duly executed and filed with the board at the time of his election.

An election made under this section may be revoked or changed by him at any time prior to the mailing of the warrant for his first retirement allowance.

SEC. 4. Section 14401 of said code is amended to read:

Nomination of beneficiary

14401. Whenever nomination of a beneficiary is authorized by this chapter (commencing at Section 13801), and no beneficiary has been nominated, the estate of the person authorized to make the nomination shall be the beneficiary. The nomination of a beneficiary under the Retirement System, other than nominations under Options 2 and 3 in Section 14363 or under Section 14365, may be revoked at the pleasure of the person making the nomination, and a different beneficiary nominated by a written instrument duly executed and filed in the office of the system in Sacramento.

SEC. 5. Section 14403.1 is added to said code, to read:

Payment or refund

14403.1. Notwithstanding the provisions of Sections 161a and 172 of the Civil Code, whenever payment or refund is made by this system to a member, former member, beneficiary of a member or estate of a member pursuant to any provision of this chapter (commencing at Section 13801), such payment shall fully discharge this system from all adverse claims thereto unless, before such payment or refund is made, this system has received at its office in Sacramento written notice by or on behalf of some other person that such person claims to be entitled to such payment or refund.

SEC. 6. Section 14405 of said code is amended to read:

Payment

14405. If any person entitled to a benefit from the system is a minor who has no guardian of his estate, the benefit not to exceed one thousand dollars ($1,000) may be paid to the person entitled to the custody of the minor to hold for the minor, upon the written statement, duly acknowledged and verified, of the person that the total estate of the minor does not exceed two thousand five hundred dollars ($2,500) in value. The payment shall be full and complete discharge and acquittance of the board and system. The person shall account to the minor for the money when the minor reaches the age of majority.

CHAPTER 871

An act to add Section 856 to the Fish and Game Code and to amend Section 817 of the Penal Code, relating to members of the Wildlife Protection Branch of the Department of Fish and Game.

[Approved by Governor June 10, 1959. Filed with Secretary of State June 10, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 856 is added to the Fish and Game Code, to read:

Wildlife Protection Branch

856. All members of the Wildlife Protection Branch designated by the director as deputized law enforcement officers shall have the power of peace officers provided that their primary duty shall be the enforcement of the provisions of this code and the regulations made pursuant thereto. Such deputized law enforcement members shall not act as peace officers in enforcing any other law except to make arrests for crimes committed in their presence, or as requested by other law enforcement agencies, or upon request pursuant to Section 1509.7 of the Military and Veterans Code.

SEC. 2. Section 817 of the Penal Code is amended to read:

Peace officers

817. A peace officer is the sheriff, undersheriff, deputy sheriff, coroner, deputy coroner, regularly employed and paid as such of a county, marshal of a municipal court, constable of a judicial district, marshal, policeman of a city or town, or any juvenile officer of a city or town engaged in performing juvenile law enforcement functions which are generally performed by the local police department, the Deputy Director of the State Department of Justice, the chief, assistant chief, special agents and the polygraph specialists of the Bureau of Criminal Identification and Investigation, the chief and inspectors of the Division of Narcotic Enforcement, a supervisor or guard employed by the Department of Corrections, while acting in the transportation of prisoners and in the apprehension of prisoners who have escaped, and any parole officer of the State Department of Corrections, and any placement or parole officer of the Youth Authority.

Inspectors and investigators regularly employed and paid as such in the office of a district attorney, members of the California Highway Patrol, policemen of the Board of State Harbor Commissioners for San Francisco Harbor, each member of an arson investigating unit of an organized fire department, the chief and inspectors of the Bureau of Food and Drug Inspection, inspectors and investigators of the California State Board of Pharmacy not exceeding 10 in number, investigators of the Board of Medical Examiners of the State of California, special investigators of the Board of Osteopathic Examiners of the State of California, and investigators of the Board of Chiropractic Examiners of the State of California

are respectively peace officers for the purpose only of carrying out the duties of their respective employments.

Each deputized law enforcement member of the Wildlife Protection Branch of the Department of Fish and Game shall be deemed a peace officer for the purposes set forth in Section 856 of the Fish and Game Code.

When in any law a public officer or employee is designated as, given the powers of, or determined to be, a peace officer, such officer or employee shall be deemed to be a peace officer but only for the purpose of that law.

The restriction of peace officer functions of any public officer or employee shall not affect his status for purposes of retirement.

CHAPTER 872

An act to amend Section 1226 of the Financial Code, relating to loan limits of commercial banks.

In effect September 18, 1959

[Approved by Governor June 10, 1959. Filed with Secretary of State June 10, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1226 of the Financial Code is amended to read:

1226. The limitations of Sections 1221 and 1222 shall not apply to the following and the following shall not be included among the obligations of a person for the purpose of applying such limitations:

(a) Loans secured by obligations of the United States or by obligations unconditionally guaranteed both as to principal and interest by the United States, having a market value at least 10 percent in excess of the loans secured thereby.

(b) Loans in an amount and of a type or class previously approved in writing by the superintendent which are secured by not less than a like amount of obligations of the United States or by obligations unconditionally guaranteed both as to principal and interest by the United States.

(c) Loans to the extent that they are covered by guarantees or by commitments to take over or to purchase without recourse made by any Federal Reserve bank or by the United States, or by any department, bureau, board, commission, agency, or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States.

(d) Drafts or bills of exchange drawn in good faith against actual existing values with negotiable bills of lading attached, whether or not accepted by the drawee.

(e) Bankers' acceptances of other banks which are eligible for rediscount with a Federal Reserve bank.

(f) Demand balances owing by a reserve depositary arising out of deposits made pursuant to Article 3 of this chapter.

(g) Obligations resulting from daily clearances through any clearinghouse association.

(h) Obligations which are fully guaranteed or fully insured or covered by a commitment to fully guarantee or fully insure by the Federal Housing Administrator.

CHAPTER 873

An act to add Section 10607 to the Health and Safety Code, relating to access of newspapermen to vital statistics records.

[Approved by Governor June 10, 1959. Filed with Secretary of State June 10, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 10607 is added to the Health and Safety Code, to read:

10607. No fee shall be charged any publisher or editor of, or reporter employed by, a newspaper of general circulation or a news service to inspect, in the course and scope of his position or employment, any certificate of live birth, fetal death, or marriage, or any other certificate required by this division to be filed in the Office of the State Registrar or the office of any local registrar or county recorder, or any index of such certificates.

CHAPTER 874

An act to amend Section 13943.5 of the Government Code, relating to the discharge of state agencies from accountability for collection of taxes, licenses, fees, or money owing to the State.

[Approved by Governor June 10, 1959. Filed with Secretary of State June 10, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 13943.5 of the Government Code is amended to read:

13943.5. Upon authorization of the State Board of Control a state agency may refrain from collecting taxes, licenses, fees or money owing to the State for any other reason where the amount to be collected is three dollars ($3) or less. State agencies desiring to secure such authorization shall file an application therefor with the State Board of Control accompanied by a statement of the circumstances. Nothing contained in this section shall be construed as releasing any person from the payment of any taxes, licenses, fees or other money which is due and owing to the State.

CHAPTER 875

An act to add Section 25509 to the Water Code, relating to assessment of land by irrigation districts.

In effect September 18, 1959

[Approved by Governor June 10, 1959. Filed with Secretary of State June 10, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 25509 is added to the Water Code, to read:

25509. Where the assessor possesses a complete, accurate map of any land or where such a complete, accurate map of any land prepared for county purposes pursuant to Section 325 or 327 of the Revenue and Taxation Code is possessed by the assessor, he may number or letter the parcels or adopt the parcel numbers or letters used by the county assessor, and may renumber or reletter the parcels or prepare new map pages for any portion of such map to show combinations or divisions of parcels. Upon the board approving such maps and the manner of numbering and lettering the parcels, the parcel numbers and letters may be used in lieu of other description of the land involved in the assessment book, equalization of the assessments, assessment bills, if any, receipts for payment of assessments, published lists of delinquencies, certificates of sale, and in all other assessment proceedings and documents; except that land shall not be described in collector's deeds or other deeds by reference to any such map unless such map has been filed for record in the office of the county recorder of the county in which such land is located.

Any such map used for assessment purposes, or a copy thereof, shall at all times be publicly displayed in the office of the assessor.

CHAPTER 876

An act to amend Section 8950 of the Health and Safety Code, relating to public cemetery districts.

In effect September 18, 1959

[Approved by Governor June 10, 1959. Filed with Secretary of State June 10, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 8950 of the Health and Safety Code is amended to read:

8950. The district shall be governed and managed by three or five trustees, as specified in the petition for the formation of the district. The trustees shall be appointed by the board of supervisors of the county, or if the district is in more than one county, by the supervisors of the county in which the largest portion of the district is located. The number of trustees of a district may be increased from three to five by the board of supervisors upon petition by a majority of the trustees of the district.

CHAPTER 877

An act to amend Section 14376 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to the employment of retired teachers.

[Approved by Governor June 10, 1959. Filed with Secretary of State June 10, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 14376 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

14376. Any person who retired for service may be employed as a substitute teacher for not to exceed 90 teaching days in any one fiscal year and may be paid not to exceed one thousand five hundred dollars ($1,500) in any one fiscal year. Such employment shall not operate to reinstate the teacher as a member of this system, or to terminate or suspend his retirement allowance, and no deductions shall be made from his salary as contributions to this system. Such person may be re-employed only if able to pass a physical examination prescribed by the State Board of Education.

A certificate from a physician or surgeon licensed under Chapter 5 (commencing at Section 2000) of Division 2 of the Business and Professions Code showing that he has submitted to and passed a physical examination within one year last past and filed with the county superintendent of schools shall be conclusive evidence of his passing the physical examination required by this section.

SEC. 2. The amendment of this section made by the 1959 Regular Session of the Legislature does not constitute a change in, but is a restatement of, the pre-existing law without substantive change.

CHAPTER 878

An act to amend Section 393 of the Military and Veterans Code, relating to defense of criminal charges against members of the National Guard.

[Approved by Governor June 10, 1959. Filed with Secretary of State June 10, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 393 of the Military and Veterans Code is amended to read:

393. When an action or proceeding of any nature is commenced in any court against an active member of the militia for an act done by such member in his official capacity in the discharge of duty, or an alleged omission by him to do an act

which it was his duty to perform, or against any person acting under the authority or order of an officer, or by virtue of a warrant issued by him pursuant to law, the defendant may require the person instituting or prosecuting the action or proceeding to file security in an amount of not less than one hundred dollars ($100), to be fixed by the court, for the payment of costs that may be awarded to the defendant therein. The defendant in all cases may make a general denial and give special matter in evidence. A defendant in whose favor a final judgment is rendered in any such action or proceeding shall recover treble costs. The Attorney General shall defend such active member or person where the action or proceeding is civil. The senior judge advocate on the state staff or one of the judge advocates shall defend such active member or person where the action or proceeding is criminal, and the Adjutant General shall designate the senior judge advocate on the state staff, or one of the judge advocates, to defend such active member or person.

CHAPTER 879

An act to amend Sections 9505, 9512, 9533.5, 9540, 9540.51, 9541, 9542, 9550, and 9580 of, to amend and renumber Section 9505.1 of, and to add Sections 9505.1 and 9546 to, the Business and Professions Code, relating to cleaning, dyeing and pressing.

In effect September 18, 1959

[Approved by Governor June 10, 1959. Filed with Secretary of State June 10, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 9505 of the Business and Professions Code is amended to read:

"Spotting and pressing shop"

9505. A spotting and pressing shop or store means any premises, building, room, shop, store, or establishment, including an establishment commonly known to the trade as a furrier, but excluding any clothes-cleaning establishment, equipped to perform, in whole or in part, a spotting, sponging, dry-cleaning by local application, or pressing or other finishing service in respect to wearing apparel, feathers, furs, hats, fabrics or textiles.

SEC. 2. Section 9505.1 is added to said code, to read:

"Press shop or store"

9505.1. A press shop or store means any premises, building, room, shop, store, or establishment, excluding any clothes-cleaning establishment, equipped to perform in part or in whole a sponging, dry cleaning by local application, pressing, or other finishing service, in respect to wearing apparel, feathers, furs, hats, fabrics, or textiles.

SEC. 3. Section 9505.1 of said code is amended and renumbered to read:

9505.2. "Furrier" means any premises, building, room, shop, store, or establishment, including an establishment commonly known as a fur cleaner, equipped to perform the process of cleaning furs with or without the use of a volatile, commercially moisture-free solvent or a volatile or inflammable product. "Furrier"

SEC. 4. Section 9512 of said code is amended to read:

9512. The ownership of a clothes cleaning establishment, a dyeing plant, a spotting and pressing shop or store, a press shop or store, a dry cleaning agency, a hat renovating establishment, a fur renovating establishment, or a school or college of cleaning and/or dyeing, spotting or pressing shall be verified under oath when required by the board. Verification of ownership

SEC. 5. Section 9533.5 of said code is amended to read:

9533.5. For the purpose of enforcing this chapter, any member of the board or any employee of the board designated for that purpose may enter and inspect any clothes cleaning establishment, dyeing plant, spotting and pressing shop or store, press shop or store, dry cleaning agency, hat renovating establishment, fur renovating establishment, or school or college of cleaning and/or dyeing, spotting or pressing during customary business hours or at any time when such establishment, plant, shop, store, or agency is in operation. The owner, lessee, manager, or operator thereof shall permit the members of the board or their designated representatives to enter and make inspections at the time and for the purpose stated in this section. Inspection

SEC. 6. Section 9540 of said code is amended to read:

9540. No person shall establish or operate a clothes cleaning establishment, a dyeing plant, a spotting and pressing shop or store, a press shop or store a dry cleaning agency, a hat renovating establishment, a fur renovating establishment, or a school or college of cleaning and/or dyeing, spotting or pressing, without first obtaining a license so to do from the board. Before a license may be issued, such person shall file at the board's principal office a written application, upon a form prescribed by the board, accompanied by the fee prescribed by this chapter for an investigation and examination. The applicant shall submit with his application, evidence showing that: License

1. He possesses competent knowledge of the particular branch of the industry in which he wishes to engage.

2. He has the character, ability and fitness therefor.

SEC. 7. Section 9540.51 of said code is amended to read:

9540.51. The board shall issue a shop license to the owner of each spotting and pressing shop or store, each press shop or store, dry cleaning agency, each fur renovating shop or store, each hat renovating shop or store, and each leather renovating shop or store, who complies with the law and rules and regulations of the board. License types

Shop licenses shall be divided into six classes and the class of each license shall be designated on the license as follows:

1. Class No. 1 license means spotting and pressing shop license.

2. Class No. 2 license means dry cleaning agency license.

3. Class No. 3 license means hat renovator license.

4. Class No. 4 license means fur renovator license.

5. Class No. 5 license means leather garment renovator license.

6. Class No. 6 license means press shop license.

SEC. 8. Section 9541 of said code is amended to read:

Re-examination

9541. Any applicant who fails to pass the investigation and examination shall be eligible to apply for re-examination after notification of his failure to pass the examination upon filing a new application and payment of the prescribed fee. Each license shall contain the following

1. The name of the licensee.

2. If the licensee is a plant, spotting and pressing shop or store, press shop or store, a dry cleaning agency, a hat renovating establishment, a fur renovating establishment, or a private school or college and which is or will be operated under a fictitious firm name, such fictitious firm name and the name and address of the principal place of business of each individual owner interested therein shall appear on the license.

If any licensee operates a branch store or shop under any fictitious firm name, there shall appear on the license issued for the branch store or shop such fictitious name and address of the principal place of business of each individual owner interested therein.

If a corporation or co-operative establishment, the names and addresses of the president, secretary and managing officer only shall appear on the license.

3. Designation of the street and number of the premises in or upon which the licensee is or will be located.

SEC. 9. Section 9542 of said code is amended to read:

License

9542. No person shall establish or operate any clothes cleaning and/or dyeing plant spotting and pressing shop or store, press shop or store, dry cleaning agency, hat renovating establishment, fur renovating establishment, or private school or college therefor, without having a license so to do issued to him under this chapter.

SEC. 10. Section 9546 is added to said code, to read:

License abolished

9546. The spotting, sponging and pressing shop license is hereby abolished. At any time within six months after the effective date of this section, any person holding a valid spotting, sponging and pressing shop license, or having the right to renew such license pursuant to Section 9581, may make application to the board for a spotting and pressing shop license or a press shop license and shall pay any penalties which may be required by Section 9581.

The board shall issue a press shop license to an applicant who has engaged only in pressing and shall issue a spotting and pressing shop license to all other applicants.

SEC. 11. Section 9550 of said code is amended to read:

9550. No person shall conduct, maintain or operate a clothes cleaning establishment, a dyeing plant, a spotting and pressing shop or store, a press shop or store, a hat renovating establishment, a fur renovating establishment, or a school or college of cleaning, spotting or pressing unless there is an operator, having a valid registration certificate in charge of such establishment at all times when any of the processes of cleaning, dyeing, renovating, spotting or pressing is being done. This section shall not be construed to prevent the temporary absence of a registered operator from the premises for any reasonable cause. Registration certificate

SEC. 12. Section 9580 of said code is amended to read:

9580. The amount of the fees prescribed by this chapter is that fixed by the following schedule: Fees

(a) The fee for an application for examination shall be twenty dollars ($20).

(b) The annual license fee for a dyeing plant or a wholesale or retail cleaning establishment or plant is sixty dollars ($60).

(c) The annual license fee for each private school or college of spotting, sponging or pressing is two hundred fifty dollars ($250).

(d) The annual license fee for a spotting and pressing shop or store, a press shop or store, dry cleaning agency, hat renovator or fur renovator is twelve dollars ($12).

(e) The annual fee required of all operators and owner-operators for a certificate of registration shall be four dollars ($4).

(f) The fee for a corrected or duplicate license or certificate of registration, including a change of the name or address thereon, is three dollars ($3).

CHAPTER 880

An act to amend Section 112 of the Code of Civil Procedure, relating to jurisdiction of justice courts.

[Approved by Governor June 10, 1959. Filed with Secretary of State June 10, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 112 of the Code of Civil Procedure is amended to read:

112. Justice courts shall have original jurisdiction of civil cases and proceedings as follows:

(a) In all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to five hundred dollars ($500) or less, except cases at law which involve the title or possession of real estate or the legality of any tax, impost, assessment, toll or municipal fine;

(b) In all proceedings in forcible entry, or forcible or unlawful detainer where the rental value is one hundred twenty-five dollars ($125) or less per month, and where the

whole amount of damages claimed is five hundred dollars ($500) or less, and in such proceedings any competent evidence may be given and any question properly involved therein may be determined;

(c) In all cases to enforce and foreclose liens on personal property where the amount of such liens is five hundred dollars ($500) or less;

(d) To charge the interest of a debtor partner with payment of the unsatisfied amount of any judgment rendered by such court in the manner provided in Section 2422 of the Civil Code, or any amendment thereof, and in such cases to appoint a receiver and to make any order or perform any act mentioned or authorized in said section; in proceedings under Section 689 of this code, or any amendment thereof, to determine title to personal property, seized in an action pending in, or upon execution issued by, such court; to appoint receivers in the cases mentioned in Section 547a of this code, or any amendment thereof, and to make all orders and perform all acts mentioned in said sections in connection with such cases.

CHAPTER 881

An act to add Section 11.5 to the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057, Statutes of 1955), relating to the Santa Barbara Flood Control and Water Conservation District, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 10, 1959. Filed with Secretary of State June 10, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 11.5 is added to the Santa Barbara County Flood Control and Water Conservation District Act, to read:

Sec. 11.5. Notwithstanding any other provision of this act to the contrary, when any project for the benefit of any zone or zones of the district is set forth in the annual budget for the district and the zones thereof and such budget designates the projects and the estimated costs thereof, the public hearing required by law to be held on the budget for the district and the zones thereof, shall constitute all public hearing necessary for the institution of each project set forth therein. Notice of such public hearing on the budget of the district and the zones thereof shall be published in a newspaper of general circulation in the district in a similar manner and the same number of times as is required by law of counties in giving public notice of hearings on the county budget.

Upon the conclusion of the hearing the board may abandon the proposed project, or projects, or proceed with the same, unless prior to the conclusion of said hearing a written protest against any or all the proposed projects signed by a majority

in number of the holders of title to real property, or assessable rights therein, or evidence of title thereto, representing one-half or more of the assessed valuation of the real property within such zone or within any of the participating zones for which said project, or projects, was initiated, to be filed with the board, in which event the project, or projects, shall be deleted from the budget and further proceedings relating to such project, or projects, must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned in the discretion of the board.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The present law requires a duplication of public hearings on projects urgently needed to meet the tremendous growth of population of the district which duplication results in excessive costs to the taxpayer. In order to eliminate this duplication with respect to projects that must be undertaken at once it is necessary that this act take effect immediately.

CHAPTER 882

An act to amend Section 1801 of the Military and Veterans Code, relating to fraudulent representations or solicitations.

[Approved by Governor June 10, 1959. Filed with Secretary of State June 10, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 1801 of the Military and Veterans Code is amended to read:

1801. It is unlawful for any person to do any of the following acts:

(a) To hawk, peddle, vend, offer to sell, give away, or offer to give away any poppy, badge, or label, which appears to be, or is represented directly or indirectly as being, sponsored, endorsed, or offered by any veterans' organization, when such poppy, badge, or label is not so sponsored, endorsed, or offered by any veterans' organization.

(b) To represent in any way, directly or indirectly, that any poppy, badge, or label is sponsored, endorsed, or is being offered by a veterans' organization when it is in fact not so sponsored, endorsed, or offered by that veterans' organization.

(c) To represent in any way, directly or indirectly that any act of solicitation of the contribution of funds or property or for the purchase or sale of any merchandise or services is sponsored, endorsed, or made by or at the request of a veterans' organization when it is not in fact so sponsored, endorsed, or made by that veterans' organization.

Any person, whether or not an honorably discharged soldier, sailor, or marine of the United States, and whether or not licensed to hawk, peddle, or vend goods, wares, or merchandise, who violates this section is guilty of a misdemeanor.

CHAPTER 883

An act to add Section 5260.5 to the Welfare and Institutions Code, relating to support of persons committed to state homes.

In effect September 18, 1959

[Approved by Governor June 10, 1959. Filed with Secretary of State June 10, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 5260.5 is added to the Welfare and Institutions Code, to read:

5260.5. In any case in which the probation officer is charged with the duty of collecting amounts payable to the county under this article, upon the verified application of the probation officer the board of supervisors may make an order discharging the probation officer from further accountability for the collection of any such amount in any case as to which the board determines that the amount is too small to justify the cost of collection; that the statute of limitations has run; or that the collection of such amount is improbable for any reason. Such order is authorization for the probation officer to close his books in regard to such item, but such discharge of accountability of the probation officer does not constitute a release of any person from liability for payment of any such amount which is due and owing to the county. The board may request a written opinion from the district attorney or county counsel as to whether any particular amount is too small to justify the cost of collection, whether the statute of limitations has run, or whether collection of any particular item is improbable.

CHAPTER 884

An act to amend Section 305.1 of the Vehicle Code and to amend Section 13358 of the Vehicle Code as proposed by Assembly Bill No. 5, relating to suspension and revocation of privilege of minor to operate motor vehicle.

In effect September 18, 1959

[Approved by Governor June 10, 1959. Filed with Secretary of State June 10, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 305.1 of the Vehicle Code is amended to read:

305.1. Suspension or Revocation of Minors' Licenses. Upon the recommendation of the judge of a juvenile court, any duly constituted referee of a juvenile court or a juvenile probation officer of any county, the department may suspend or revoke the operator's or chauffeur's license of any minor within the jurisdiction of such juvenile court. Suspension or revocation of minors' licenses

Whenever a minor is found by a juvenile court to have violated any of the provisions of this code relating to the speed of vehicles, reckless driving, driving under the influence of intoxicating liquor, failure of a driver involved in an accident to stop or otherwise comply with the provisions of Section 481, the court may, unless this code makes mandatory a revocation of such license by the department, suspend the license in the same manner and for the same periods of time as if the finding were a conviction, as provided in Sections 291 and 292.

SEC. 2. Section 13358 of the Vehicle Code as proposed by Assembly Bill No. 5 is amended to read:

13358. Upon the recommendation of the judge of the juvenile court, any duly constituted referee of a juvenile court or a juvenile probation officer of any county, the department may suspend or revoke the privilege of any minor within the jurisdiction of such juvenile court to operate a motor vehicle. Same

Whenever a minor is found by a court to have violated any of the provisions of this code relating to the speed of vehicles, reckless driving, driving under the influence of intoxicating liquor, failure of a driver of a vehicle involved in an accident to stop or otherwise comply with the provisions of Section 20002, the court may, unless this code makes mandatory a revocation of such privilege by the department, suspend the privilege in the same manner and for the same periods of time as if the finding were a conviction, as provided in Sections 13200 and 13201.

SEC. 3. Section 2 of this act becomes operative only if the Vehicle Code as proposed by Assembly Bill No. 5 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said code takes effect, at which time Section 305.1 of the Vehicle Code adopted in 1935 is repealed. Effect. Stats 1959, Ch. 3

CHAPTER 885

An act to add Section 1195.1 to the Military and Veterans Code, relating to election of officers in memorial districts.

[Approved by Governor June 10, 1959. Filed with Secretary of State June 10, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 1195.1 is added to the Military and Veterans Code, to read:

1195.1. If, on the fortieth day prior to the day fixed for the district general election, only one person has been nominated

for each office of member of the board of directors to be filled at that election, or no one has been nominated for such office, and if on the thirtieth day prior to the day fixed for the election a petition signed by 5 percent of the qualified electors in the district, requesting that the district general election in the district be held, has not been presented to the board of directors of the district, the board of directors shall by resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the county in which the district, or a greater portion thereof, is situated at a regular or special meeting held prior to the day fixed for the election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons, if any, who have been nominated. If no person has been nominated for any office, the board of supervisors shall appoint any qualified person to the office prior to the date when the election would have been held. The persons appointed shall qualify and take office and serve exactly as if elected at a district general election.

In such instances notices shall be posted in three public places in the district at least 10 days before the date fixed for the election, which notices shall state that no election is to be held and that the board of supervisors will appoint, or has appointed, a member or members of the board of directors to serve for the ensuing term.

CHAPTER 886

An act to amend Section 1148.2 of the Agricultural Code, relating to labeling of nursery stock.

In effect September 18, 1959

[Approved by Governor June 10, 1959. Filed with Secretary of State June 10, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1148.2 of the Agricultural Code is amended to read:

1148.2. Whenever nursery stock is sold it shall be labeled plainly and legibly as to the correct name, and also as to grade-size when so required by rules and regulations. Nursery stock on display for sale may be labeled by a sign on any block of stock of the same kind and species. Ornamentals, except roses and annual or herbaceous perennial ornamental plants, shall be labeled with the botanical name. Roses, annual or herbaceous perennial ornamental plants, and other kinds of nursery stock shall be labeled with the recognized common name and variety, except that the variety name shall not be required for dormant bulbs, tubers, roots, corms, rhizomes, and pips.

CHAPTER 887

An act to amend Sections 73075, 73081 and 73084 of, and to add Sections 73084.5 and 73090.1 to, the Government Code, relating to municipal court districts in Alameda County, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 10, 1959. Filed with Secretary of State June 10, 1959.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 73075 of the Government Code is amended to read:

73075. Each of the municipal court districts established in Alameda County shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction: Municipal court judges

Alameda Judicial District	1
Berkeley-Albany Judicial District	2
Oakland-Piedmont Judicial District	7
San Leandro-Hayward Judicial District	2
Fremont-Newark-Union City Judicial District	1

SEC. 2. Section 73081 of said code is amended to read:

73081. All persons holding positions as deputy clerks or attaches of justice courts in Alameda County shall be assigned by the clerk of each court to positions created by this chapter with the approval of the civil service commission. Deputy clerks, attaches

SEC. 3. Section 73084 of said code is amended to read:

73084. In each municipal court established in Alameda County one clerk shall be appointed by the judge or judges of each court and he shall receive a monthly salary at the rate specified in Sections 73084.1 to 73084.5, inclusive. Clerk

SEC. 4. Section 73084.5 is added to said code, to read:

73084.5. The clerk of the municipal court for the Fremont-Newark-Union City Judicial District shall receive a monthly salary at the rate specified by schedule number 33 of the salary schedule, but shall not receive increments based on length of service in any superseded court. Same

SEC. 5. Section 73090.1 is added to said code, to read:

73090.1. The clerk of the municipal court for the Fremont-Newark-Union City Judicial District may appoint the following deputy clerks: Deputy clerks

(a) Two deputy clerks grade II.

(b) Two deputy clerks grade I.

SEC. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

In order to provide for the staffing of the newly established municipal court in the Fremont-Newark-Union City Judicial District, which came into existence under the California Constitution when the population of the district increased to over 40,000, and to prevent delay in the administration of justice in such district it is necessary that this act take effect immediately.

CHAPTER 888

An act to add Chapter 4 (commencing at Section 1700) to Part 6, Division 2, and to repeal Sections 1650 to 1663, inclusive, of the Labor Code, relating to artists' managers.

In effect September 18, 1959

[Approved by Governor June 11, 1959. Filed with Secretary of State June 11, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 4 (commencing at Section 1700) is added to Part 6, Division 2 of the Labor Code, to read:

CHAPTER 4. ARTISTS' MANAGERS

Article 1. Scope and Definitions

"Person"

1700. As used in this chapter, "person" means any individual, company, society, firm, partnership, association, corporation, manager, or their agents or employees.

1700.1. As used in this chapter:

Definitions

(a) "Theatrical engagement" means any engagement or employment of a person as an actor, performer, or entertainer in a circus, vaudeville, theatrical, or other entertainment, exhibition, or performance.

(b) "Motion picture engagement" means any engagement or employment of a person as an actor, actress, director, scenario, or continuity writer, camera man, or in any capacity concerned with the making of motion pictures.

(c) "Emergency engagement" means an engagement which has to be performed within 24 hours from the time when the contract for such engagement is made.

"Fee"

1700.2. As used in this chapter, "fee" means:

(a) Any money or other valuable consideration paid or promised to be paid for services rendered or to be rendered by any person conducting the business of an artists' manager under this chapter.

(b) Any money received by any person in excess of that which has been paid out by him for transportation, transfer of baggage, or board and lodging for any applicant for employment.

(c) The difference between the amount of money received by any person who furnished employees, performers, or enter-

tainers for circus, vaudeville, theatrical, or other entertainments, exhibitions, or performances, and the amount paid by him to such employee, performer, or entertainer.

1700.3. As used in this chapter:

Definitions

(a) "License" means a license issued by the Labor Commissioner to carry on the business of an artists' manager under this chapter.

(b) "Licensee" means an artists' manager which holds a valid, unrevoked, and unforfeited license under this chapter.

Same

1700.4. An artists' manager is hereby defined to be a person who engages in the occupation of advising, counseling, or directing artists in the development or advancement of their professional careers and who procures, offers, promises or attempts to procure employment or engagements for an artist only in connection with and as a part of the duties and obligations of such person under a contract with such artist by which such person contracts to render services of the nature above mentioned to such artist.

The word "artists" as used herein refers to actors and actresses rendering services on the legitimate stage and in the production of motion pictures; radio artists; musical artists; musical organizations; directors of legitimate stage, motion picture and radio productions; musical directors; writers; cinematographers; composers; lyricists; arrangers; and other artists and persons rendering professional services in motion picture, theatrical, radio, television and other entertainment enterprises.

Article 2. Licenses

License

1700.5. No person shall engage in or carry on the occupation of an artists' manager without first procuring a license therefor from the Labor Commissioner. Such license shall be posted in a conspicuous place in the office of the licensee.

Licenses issued for artists' managers prior to the effective date of this chapter shall not be invalidated thereby, but renewals of such licenses shall be obtained in the manner prescribed by this chapter.

Application

1700.6. A written application for a license shall be made to the Labor Commissioner in the form prescribed by him and shall state:

(a) The name and address of the applicant.

(b) The street and number of the building or place where the business of the artists' manager is to be conducted.

(c) The business or occupation engaged in by the applicant for at least two years immediately preceding the date of application.

(d) The names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates or profit sharers, in the operation of the artists' manager in question, together with the amount of their respective interests.

The application must be accompanied by affidavits of at least two reputable residents of the city or county in which the business of the artists' manager is to be conducted that the applicant is a person of good moral character.

Investigation

1700.7. Upon receipt of an application for a license the Labor Commissioner may cause an investigation to be made as to the character and responsibility of the applicant and of the premises designated in such application as the place in which it is proposed to conduct the business of the artists' manager.

Notice and hearing

1700.8. The commissioner upon proper notice and hearing may refuse to grant a license. The proceedings shall be conducted in accordance with Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the commissioner shall have all the power granted therein.

Limitations

1700.9. No license shall be granted to conduct the business of an artists' manager:

(a) In rooms used for living purposes.

(b) Where boarders or lodgers are kept.

(c) Where meals are served.

(d) Where persons sleep.

(e) In connection with a building or premises where intoxicating liquors are sold or consumed.

(f) In connection with pool halls or soft drink parlors.

(g) To a person whose license has been revoked within three years from the date of application.

Term

1700.10. Each license shall run to and including the thirty-first day of March next following the date thereof unless sooner revoked by the Labor Commissioner and may be renewed each year upon the filing of an application for renewal, a renewed bond, and the payment of the annual license fee, but the Labor Commissioner may demand that a new application and bond be submitted.

Renewal applications

1700.11. All applications for renewal shall state the names and addresses of all persons, except bona fide employees on stated salaries, financially interested either as partners, associates or profit sharers, in the operation of the business of the artists' manager.

Fee

1700.12. A filing fee of twenty-five dollars ($25) shall be paid to the Labor Commissioner at the time the application for issuance of an artists' manager license is filed.

In addition to the filing fee required for application for issuance of an artists' manager license, every artists' manager shall pay to the Labor Commissioner annually at the time a license is issued or renewed:

(a) A license fee of fifty dollars ($50).

(b) Twenty-five dollars ($25) for each branch office maintained by the artists' manager in this State.

Fee

1700.13. A filing fee of twenty-five dollars ($25) shall be paid to the Labor Commissioner at the time application for consent to the transfer or assignment of an artists' manager

license is made but no license fee shall be required upon the assignment or transfer of a license.

The location of an artists' manager shall not be changed without the written consent of the Labor Commissioner.

Same

1700.14. A person may apply for both an employment agency license and an artists' manager license, as provided for in this code, and in such event shall pay a single fee for filing an application for such licenses, for the transfer or assignment of such licenses, for such annual licenses or branch office licenses, or for annual renewals thereof, as prescribed in Article 2 (commencing at Section 1581) of Chapter 1, Part 6, Division 2 or as provided in this chapter, whichever is the higher.

Bond: Amount

1700.15. An artists' manager shall also deposit with the Labor Commissioner, prior to the issuance or renewal of a license, a surety bond in the penal sum of one thousand dollars ($1,000).

Same Conditions

1700.16. Such surety bonds shall be payable to the people of the State of California, and shall be conditioned that the person applying for the license will comply with this chapter and will pay all sums due any individual or group of individuals when such person or his representative or agent has received such sums, and will pay all damages occasioned to any person by reason of misstatement, misrepresentation, fraud, deceit, or any unlawful acts or omissions of the licensed artists' manager, or its agents or employees, while acting within the scope of their employment.

New bond

1700.17. If any licensee fails to file a new bond with the Labor Commissioner within 30 days after notice of cancellation by the surety of the bond required under Section 1700.15, the license issued to the principal under the bond is suspended until such time as a new surety bond is filed. A person whose license is suspended pursuant to this section shall not carry on the business of an artists' manager during the period of such suspension.

Deposit in General Fund

1700.18. All moneys collected for licenses and all fines collected for violations of the provisions of this chapter shall be paid into the State Treasury and credited to the General Fund.

License contents

1700.19. Each license shall contain:

(a) The name of the licensee.

(b) A designation of the city, street and number of the house in which the licensee is authorized to carry on the business of an artists' manager.

(c) The number and date of issuance of the license.

Limitations

1700.20. No license shall protect any other than the person to whom it is issued nor any places other than those designated in the license. No license shall be transferred or assigned to any person unless written consent is obtained from the Labor Commissioner.

Revocation or suspension

1700.21. The Labor Commissioner may revoke or suspend any license when it is shown that:

(a) The licensee or his agent has violated or failed to comply with any of the provisions of this chapter, or

(b) The licensee has ceased to be of good moral character, or

(c) The conditions under which the license was issued have changed or no longer exist.

Hearing

1700.22. Before revoking or suspending any license, the Labor Commissioner shall afford the holder of such license an opportunity to be heard in person or by counsel. The proceedings shall be conducted in accordance with Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

Article 3. Operation and Management

Contracts

1700.23. Every artists' manager shall submit to the Labor Commissioner a form or forms of contract to be utilized by such artists' manager in entering into written contracts with artists for the employment of the services of such artists' manager by such artists, and secure the approval of the Labor Commissioner thereof. Such approval shall not be withheld as to any proposed form of contract unless such proposed form of contract is unfair, unjust and oppressive to the artist. Each such form of contract, except under the conditions specified in Section 1700.45 of this code, shall contain an agreement by the artists' manager to refer any controversy between the artist and the artists' manager relating to the terms of the contract to the Labor Commissioner for adjustment. There shall be printed on the face of the contract in prominent type the following: "This artists' manager is licensed by the Labor Commissioner of the State of California."

Schedule of fees

1700.24. Every person engaged in the occupation of an artists' manager shall file with the Labor Commissioner a schedule of fees to be charged and collected in the conduct of such occupation, and shall also keep a copy of said schedule posted in a conspicuous place in the office of such artists' manager. Changes in the schedule may be made from time to time, but no change shall become effective until seven days after the date of filing thereof with the Labor Commissioner, and until posted for not less than seven days in a conspicuous place in the office of such artists' manager.

Verified statement

1700.25. Before making any theatrical engagement, other than an emergency engagement, every person doing business as an artists' manager, shall prepare, sign, and keep in his files a verified statement setting forth how long the applicant employer has been engaged in the theatrical business. Such statement shall set forth whether or not the applicant employer has failed to pay salaries or left stranded any companies, in which the applicant employer and, if a corporation, any of its officers or directors, have been financially interested during the five years preceding the date of application and, further, shall set forth the names of at least two persons as references. If the applicant is a corporation, the statement shall set forth the names of the officers and directors thereof

and the length of time the corporation or any of its officers have been engaged in the theatrical business and the amount of its paid-up capital stock. If any allegation in the statement is made upon information and belief, the person verifying the statement shall set forth the sources of his information and the grounds of his belief. The statement shall be kept for the benefit of any person whose services are sought by any such applicant employer.

Records

1700.26. Every artists' manager shall keep records approved by the Labor Commissioner, in which shall be entered: (1) the name and address of each artist employing such artists' manager; (2) the amount of fee received from such artist; (3) the employment in which such artist is engaged at the time of employing such artists' manager, and the amount of compensation of the artist in such employment, if any, and the employments subsequently secured by such artist during the term of the contract between the artist and the artists' manager, and the amount of compensation received by the artists pursuant thereto; and (4) other information which the Labor Commissioner requires.

No artists' manager, his agent or employees, shall make any false entry in any such records.

Same
Inspection

1700.27. All books, records, and other papers kept pursuant to this chapter by any artists' manager shall be open at all reasonable hours to the inspection of the Labor Commissioner and his agents. Every artists' manager shall furnish to the Labor Commissioner upon request a true copy of such books, records, and papers or any portion thereof, and shall make such reports as the Labor Commissioner prescribes.

Posting of law

1700.28. Every artists' manager shall post in a conspicuous place in the office of such artists' manager a printed copy of this chapter and of such other statutes as may be specified by the Labor Commissioner. Such copies shall also contain the name and address of the officer charged with the enforcement of this chapter. The Labor Commissioner shall furnish to artists' managers printed copies of any statute required to be posted under the provisions of this section.

Rules and regulations

1700.29. The Labor Commissioner may, in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code, adopt, amend, and repeal such rules and regulations as are reasonably necessary for the purpose of enforcing and administering this chapter and as are not inconsistent with this chapter.

Violations

1700.30. No licensee shall sell, transfer or give away any interest in or the right to participate in the profits of the artists' manager without the written consent of the Labor Commissioner. A violation of this section shall constitute a misdemeanor, and shall be punishable by a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or imprisonment for not more than 60 days, or both.

Unlawful acts

1700.31. No artists' manager shall knowingly issue a contract for employment containing any term or condition which, if complied with, would be in violation of law, or attempt to fill an order for help to be employed in violation of law.

Same

1700.32. No artists' manager shall publish or cause to be published any false, fraudulent, or misleading information, representation, notice, or advertisement. All advertisements of an artists' manager by means of cards, circulars, or signs, and in newspapers and other publications, and all letterheads, receipts, and blanks shall be printed and contain the licensed name and address of the artists' manager and the words "artists' manager." No artists' manager shall give any false information or make any false promises or representations concerning an engagement or employment to any applicant who applies for an engagement or employment.

Same

1700.33. No artists' manager shall send or cause to be sent, any woman or minor under the age of 21 years, as an employee to any house of ill fame, to any house or place of amusement for immoral purpose, to places resorted to for the purposes of prostitution, or to gambling houses, the character of which places the artists' manager could have ascertained upon reasonable inquiry.

Same

1700.34. No artists' manager shall send any minor under the age of 18 years to any saloon or place where intoxicating liquors are sold to be consumed on the premises.

Same

1700.35. No artists' manager shall knowingly permit any persons of bad character, prostitutes, gamblers, intoxicated persons, or procurers to frequent the place of business of the artists' manager.

Same

1700.36. No artists' manager shall accept any application for employment made by or on behalf of any child, or shall place or assist in placing any such child in any employment whatever in violation of Part 4 of this division.

Disaffirmance

1700.37. A minor cannot disaffirm a contract, otherwise valid, entered into with a duly licensed artists' manager to secure him an engagement as an actor, performer, or entertainer, the blank form of which has been approved by the Labor Commissioner pursuant to Section 1700.23, where such contract has been approved by the superior court of the county where such minor resides or is employed.

Such approval may be given by the superior court on the petition of either party to the contract after such reasonable notice to the other party thereto as may be fixed by said court, with opportunity to such other party to appear and be heard.

Unlawful acts

1700.38. No artists' manager shall knowingly secure employment for an artist in any place where a strike, lockout, or other labor trouble exists, without notifying the artist of such conditions.

Same

1700.39. No artists' manager shall divide fees with an employer, an agent or other employee of an employer.

1700.40. In the event that an artists' manager shall collect from an artist a fee or expenses for obtaining employment for the artist, and the artist shall fail to procure such employment, or the artist shall fail to be paid for such employment, such artists' manager shall, upon demand therefor, repay to the artist the fee and expenses so collected. Unless repayment thereof is made within forty-eight (48) hours after demand therefor, the artists' manager shall pay to the artist an additional sum equal to the amount of the fee. Repayment of fee

1700.41. In cases where an artist is sent by an artists' manager beyond the limits of the city in which the office of such artists' manager is located upon the representation of such artists' manager that employment of a particular type will there be available for the artist and the artist does not find such employment available, such artists' manager shall reimburse the artist for any actual expenses incurred in going to and returning from the place where the artist has been so sent unless the artist has been otherwise so reimbursed. Reimbursement of expenses

1700.42. All actions brought in any court against any licensee may be brought in the name of the person damaged upon the bond deposited with the State by the licensee, and may be transferred and assigned as other claims for damages. The amount of damages claimed by plaintiff, and not the penalty named in the bond, determines the jurisdiction of the court in which the action is brought. Claims for damages

1700.43. When a licensee has departed from the State with intent to defraud creditors or to avoid service of summons in an action brought under this chapter, service shall be made upon the surety as prescribed in the Code of Civil Procedure. A copy of the summons shall be mailed to the licensee at the last known post office address of his residence and also at the place where the business of the artists' manager was conducted as shown by the records of the Labor Commissioner. Service is complete as to such licensee, after mailing, at the expiration of the time prescribed by the Code of Civil Procedure for service of summons in the particular court in which suit is brought. Service upon surety

1700.44. In all cases of controversy arising under this chapter the parties involved shall refer the matters in dispute to the Labor Commissioner, who shall hear and determine the same, subject to an appeal within 10 days after determination, to the superior court where the same shall be heard de novo. To stay any award for money, the party aggrieved shall execute a bond approved by the superior court in a sum not exceeding twice the amount of the judgment. In all other cases the bond shall be in a sum of not less than one thousand dollars ($1,000) and approved by the superior court. Hearing

1700.45. Notwithstanding Section 1700.44 of the Labor Code and Section 1280 of the Code of Civil Procedure, a provision in a contract providing for the decision by arbitration of any controversy under the contract or as to its exist- Arbitration clause

ence, validity, construction, performance, nonperformance, breach, operation, continuance, or termination, shall be valid:

(a) If the provision is contained in a contract between an artists' manager and a person for whom such artists' manager under the contract undertakes to endeavor to secure employment,

(b) If the provision is inserted in the contract pursuant to any rule, regulation, or contract of a bona fide labor union regulating the relations of its members to an artists' manager,

(c) If the contract provides for reasonable notice to the Labor Commissioner of the time and place of all arbitration hearings, and

(d) If the contract provides that the Labor Commissioner or his authorized representative has the right to attend all arbitration hearings.

Except as otherwise provided in this section, any such arbitration shall be governed by the provisions of Title IX (commencing at Section 1280) of Part 3 of the Code of Civil Procedure.

If there is such an arbitration provision in such a contract, the contract need not provide that the artists' manager agrees to refer any controversy between the applicant and the artists' manager regarding the terms of the contract to the Labor Commissioner for adjustment, and Section 1700.44 shall not apply to controversies pertaining to the contract.

Misdemeanor

1700.46. Any person, or agent or officer thereof, who violates any provision of this chapter is guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars ($25) nor more than two hundred fifty dollars ($250) or imprisonment for a period of not more than 60 days, or both.

Repeals

SEC. 2. Sections 1650 to 1663, inclusive, of said code are repealed.

CHAPTER 889

An act to add Section 30705 to, and to amend Section 30701 of, the Streets and Highways Code, relating to the Benicia-Martinez Ferry, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 11, 1959. Filed with Secretary of State June 11, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 30705 is added to the Streets and Highways Code, to read:

Sale of ferries, etc.

30705. When the Benicia-Martinez Bridge, as defined in Section 30750(c), is opened to public traffic, the department shall sell all ferries, other personal property and real property which at that time is a part of the ferry system at the earliest practical time, and shall deposit all money received

therefrom in the State Highway Fund. If the amount of money received from such sale exceeds the total amount expended after June 30, 1959, from the State Highway Fund for maintenance of the ferry system in excess of the revenue received therefrom, then the excess amount shall be expended for construction solely in counties in County Group 1 as defined in Section 187.

SEC. 2. Section 30701 of said code is amended to read:

Deposit moneys in State Highway Fund

30701. The department shall deposit all money received from the operation of the ferry system in the State Highway Fund to the credit of moneys allocated for maintenance of state highways. The cost of operation and maintenance of the ferry system, including the cost of any insurance authorized by Section 30704, shall be paid out of the State Highway Fund from funds available to said department for the maintenance of state highways. Expenditures for capital outlay shall be made by the department as found necessary to maintain ferry service. Such expenditures for capital outlay shall be considered expenditures for construction under Sections 188 and 188.4 of the Streets and Highways Code.

Urgency

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Unusually high expenses for repairs to the Benicia-Martinez Ferry, together with other factors, indicate that expenses to maintain and operate that ferry will exceed the ceiling provided under the present law by June 12, 1959. Unless this ceiling is removed, it will be necessary to cease the operation of the ferry on that date. It is necessary that the ferry continue in operation to transport automobiles and persons across the Carquinez Straits until the construction of the Benicia-Martinez Bridge, which construction is expected to begin in the near future, is completed.

CHAPTER 890

An act to add Section 152 to the Streets and Highways Code, relating to fire protection on freeways.

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 152 is added to the Streets and Highways Code, to read:

152. The department may permit the placing of, and cooperate in the planning for, emergency telephones and water hydrants on or adjacent to state freeway rights-of-way

wherever a public water system or telephone system is available. The placing and maintenance of the telephones and hydrants shall be the responsibility of local agencies.

CHAPTER 891

An act to add Sections 35909, 35910 and 35911 to the Water Code, relating to California Water Districts.

In effect September 18, 1959

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 35909 is added to the Water Code, to read:

Bond reserve fund

35909. The board of directors may provide for a bond reserve fund for the purpose of payment of the principal of or interest on bonds of the district as the same shall become due. Except as otherwise provided in the resolution providing for the issuance of said bonds and so long as any of said bonds are outstanding, any moneys set aside in said bond reserve fund shall be used solely to pay the principal of or interest on said bonds as the same shall become due, in the event and to the extent that other available moneys of the district are insufficient therefor. When all of the principal of or interest on said bonds has been paid, the balance of the money remaining in the bond reserve fund shall be transferred to the general fund.

SEC. 2. Section 35910 is added to said code, to read:

Establishment of fund

35910. All or any portion of a bond reserve fund may be established out of the proceeds of the sale of said bonds. In such case the estimate referred to in Section 35950 shall include or make provision for such bond reserve fund and the ballot cast at the bond election shall contain a statement to the effect that all or part of said bond reserve fund is to be established from the proceeds of said bonds. Upon the delivery of and payment for said bonds, the portion of the proceeds provided for said bond reserve fund shall be set aside therein.

SEC. 3. Section 35911 is added to said code, to read:

Same

35911. The resolution providing for the issuance of bonds may provide for a bond reserve fund to be established, in whole or in part, from water charges or annual assessments, or both. In such event said water charges or annual assessments, in addition to the other amounts required or authorized to be included therein, shall include such amount or amounts as shall be provided by said resolution for said bond reserve fund, and upon collection thereof said amount or amounts shall be set aside in said bond reserve fund.

CHAPTER 892

An act to amend Section 10504 of the Streets and Highways Code, relating to remedies in case of default by contractor.

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 10504 of the Streets and Highways Code is amended to read:

10504. If the contractor abandons the work, or fails to proceed with the work as rapidly as required by his contract, the legislative body may declare him in default and relet the work in the manner set forth in this chapter for letting the original contract, or it may complete the work by direct purchase of labor and materials, and retain out of any funds due or to become due the contractor the amount of the cost of the work and any expense incidental to reletting the contract or performing the work, and also hold the contractor and his sureties responsible for such cost and expense, and for any damages resulting from the abandonment or failure upon his bond.

Notice of the declaration of default shall be given by the clerk of the legislative body by personal service or by mail. Upon receipt of such notice, the contractor shall forthwith quit the work, and shall receive no payment for any work performed thereafter unless ordered to resume the work by the legislative body.

CHAPTER 893

An act to add Section 1178.5 to the Military and Veterans Code, relating to the formation of veterans' memorial districts.

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 1178.5 is added to the Military and Veterans Code, to read:

1178.5. Sample ballots shall be printed and mailed, together with a synopsis of the provisions of Chapter 1 (commencing at Section 1170) of Division 6, to each registered voter in the proposed district.

CHAPTER 894

An act to add Section 1198.5 to the Military and Veterans Code, relating to the management of veterans' memorial districts.

In effect September 18, 1959

[Approved by Governor June 12, 1959 Filed with Secretary of State June 12, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1198.5 is added to the Military and Veterans Code, to read:

1198.5. (a) The secretary of every memorial district shall annually prepare a financial report signed by the board of directors containing the following information and related data in such detail as may be necessary to accurately disclose its financial condition and operations during the preceding fiscal year:

(1) Assets and liabilities at the beginning and end of the fiscal year.

(2) Receipts of any kind and the sources thereof.

(3) Disbursements of any kind and the purposes thereof.

(4) A list of all contracts, transactions, agreements or other obligations entered into.

(b) The board of every memorial district shall provide for the safekeeping of all records, at such places as the board may order and shall transfer such records to such boards as are subsequently elected under the provisions of this chapter.

CHAPTER 895

An act to amend Sections 1192 and 1205 of the Military and Veterans Code, relating to veterans' memorial district taxes.

In effect September 18, 1959

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1192 of the Military and Veterans Code is amended to read:

Memorial district tax

1192. Every district may:

(a) Cause to be levied and collected in any year a special tax not to exceed three-tenths of one cent ($0.003) on the one dollar ($1) of assessed valuation of all the taxable property in the district, exclusive of any tax which may be required to pay the principal of and interest upon any bonded indebtedness of the district, in addition to all other taxes provided for by law upon the taxable property of the district and to be paid into a special fund in the county treasury to be known as the memorial district fund. In no event shall the tax exceed an

amount that is sufficient to pay the estimated expenses of operating and maintaining the memorial district for the next year and the estimated capital outlay of the district for the next two years.

(b) Incur, through the board of supervisors, bonded indebtedness on behalf of the district for the purpose of exercising any of the powers of the district or accomplishing any of the purposes of this chapter.

(c) Cause to be levied and collected in any one year a special tax sufficient to pay the principal of and interest upon all bonded indebtedness of the district incurred as herein provided, in addition to all other taxes provided for by law or by the provisions of this chapter and to be paid into a special fund in the county treasury to be known as the memorial district bond retirement fund.

(d) Refund or retire any indebtedness that may exist against the district.

SEC. 2. Section 1205 of said code is amended to read:

1205. The memorial district tax levied in any one year shall not exceed the rate of three-tenths of one cent ($0.003) on each dollar ($1) of the assessed valuation of all taxable property in the district, exclusive of any tax which may be required to pay the principal of and interest upon any bonded indebtedness of the district In no event shall the tax exceed an amount that is sufficient to pay the estimated expenses of operating and maintaining the memorial district for the next year and the estimated capital outlay of the district for the next two years.

Same
Rate limits

CHAPTER 896

An act to amend Section 1191 of the Military and Veterans Code, relating to the management of veterans' memorial districts.

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 1191 of the Military and Veterans Code is amended to read:

1191. Every district may:

(a) Provide and maintain memorial halls, assembly halls, buildings, or meeting places for the use of veteran soldiers, sailors and marines who have honorably served the United States in any wars or campaigns recognized by law for the purposes of Section 1¼ of Article XIII of the Constitution, or for the use of patriotic, fraternal, or benevolent associations of such persons.

(b) Purchase, receive by donation, condemn, lease, or acquire real or personal property necessary or convenient for

the construction or maintenance of such halls, buildings and meeting places and improve, preserve, manage and control the same.

(c) Purchase, construct, lease, build, furnish, or repair such halls, buildings and meeting places upon sites owned or leased by the district or made available to the district; and provide custodians, employees, attendants, and supplies for the proper maintenance, care and management thereof.

(d) Furnish sites for such halls, buildings, or meeting places, to be built either by the district or by or for patriotic, fraternal or benevolent associations of veterans, the funds for such sites to be supplied by the district or from other sources.

(e) Enter into agreements with county, municipal, school, park, or other public authorities or agencies, conveying, leasing, or making available to the district either gratuitously or for compensation, sites upon public lands, for the construction, maintenance, and management thereon by the district of such assembly or memorial halls, buildings or meeting places; and construct and maintain thereon such halls, buildings or meeting places.

(f) Sell or lease any district property; provided, that any sale or lease shall be to the highest responsible bidder as determined by the board, except as provided in Section 1191.3. The board shall, prior to any sale, make a call for bids and advertise such call pursuant to Section 6062 of the Government Code in a newspaper of general circulation in the district, inviting sealed bids for the sale or lease of the property. The board may either accept the highest responsible bid or reject all bids. The board may require the successful bidder to file with the board good and sufficient undertaking to be approved by the board to insure faithful performance of the contract of sale or lease. No sales or lease shall be transacted, however, if a petition has been filed with the board requesting them not to enter into the sales or leasing of the property. Such petition shall:

(1) Have affixed thereto, as petitioners, the signatures, indicating place of residence and place of signing, of the electors of the district in a number equal to at least ten percent (10%) of the votes cast in the district at the last preceding general election held in the State.

(2) Should the petition be found to meet the requirements of (1) above, as determined by the records of the county clerk or registrar of voters for the county or counties in which said district lies, the board shall not convey the property or shall submit to the electors of the district to be voted upon at the next primary or general election, or at a special election called for the purpose to ratify or reject the action of the district to sell or lease the property.

(g) Sell or lease any district property to any political subdivision in which the district lies, or any portion thereof, to be used for the purpose of roads, streets or highways, or for

the improvements thereof, without regard to the highest responsible bidder but otherwise meeting the requirements in paragraphs (1) and (2) of subdivision (f) above.

(h) Adopt, from time to time, reasonable rules and regulations for the use of such halls, buildings and meeting places by veterans or by organizations thereof, and to allow such halls, buildings and meeting places to be used for lawful purposes consistent with the objects hereof by persons or organizations other than veterans either free of charge or for stated compensation to aid in defraying the cost of maintenance thereof, but only when such use will not interfere with use of the facilities by veterans' associations.

CHAPTER 897

An act to amend Section 5281 of the Streets and Highways Code, relating to special assessment proceedings under the Improvement Act of 1911.

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 5281 of the Streets and Highways Code is amended to read:

5281. He shall fix the time for the commencement, which shall not be more than 45 days from the date of the contract, and for the completion of the work under each contract entered into by him. The work shall be prosecuted with diligence from day to day thereafter to completion.

CHAPTER 898

An act to add Section 940.1 to the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to school district elections.

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 940.1 is added to the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

940.1. An election for members of the governing board of a junior college district which has been divided into wards as provided in Section 1402 may be held, at the discretion of the governing board, on the same date and in the same manner as the city election for any chartered city located within the boundaries of the junior college district. Such election when

held shall be conducted by the chartered city on behalf of the junior college district with the expenses of the election within the boundaries of the city apportioned between the city and the school districts in the ratio that the total number of offices to be filled and propositions to be voted upon by the electors of the city and the school district or districts, respectively bears to the total number of offices to be filled and propositions submitted. The cost and expense of the election in territory outside of the municipal boundaries shall be borne by the districts affected.

CHAPTER 899

An act to add Chapter 8 (commencing at Section 25701) to Division 20 of the Health and Safety Code, relating to the manufacture and sale of toys.

In effect September 18, 1959

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 8 (commencing at Section 25701) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 8. TOYS

"Toy"

25701. "Toy," as used in this chapter, means an article designed and made for the amusement of a child or for his use in play.

Unlawful manufacture and sale

25702. Any person is guilty of a misdemeanor who manufactures, sells, or exchanges, has in his possession with intent to sell or exchange, or exposes or offers for sale or exchange to any retailer, any toy which either (1) is coated with paints and lacquers containing compounds of lead of which the lead content (calculated as Pb) is in excess of 1 percent of the total weight of the contained solids (including pigments and drier), or soluble compounds of antimony, arsenic, cadmium, mercury, selenium or barium, introduced as such; compounds are considered soluble if quantities in excess of 0.1 percent are dissolved by 5 percent hydrochloric acid after stirring for 10 minutes at room temperature; (2) consists in whole or in part of a diseased, contaminated, filthy, putrid or decomposed substance; or (3) has been produced, prepared, packed or held under insanitary conditions.

CHAPTER 900

An act to amend Section 25642 of the Government Code, relating to fire protection.

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 25642 of the Government Code is amended to read:

25642. In addition to any sum chargeable to the county for the repayment of money expended by the State for protection against fire in the county, the board of supervisors may appropriate in any one year such sum of money as the board of supervisors deems necessary for the purpose of protecting forest, brush and grass lands therein, against fire or other injury, and for aiding the state and federal authorities in forestry work. Moneys appropriated pursuant to this section shall not be expended for the provision of structural fire protection.

CHAPTER 901

An act to amend Section 2330 of, and to add Section 2333.6 to, the Health and Safety Code, relating to mosquito abatement districts.

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 2330 of the Health and Safety Code is amended to read:

Annexation of territory

2330. Any territory lying contiguous to a mosquito abatement district may be annexed to the district. Noncontiguous territory may be annexed to a district if the board of supervisors of each county in which a portion of the territory proposed to be annexed is situated determines, by resolution, that such portion of the territory is within a reasonable operational distance of the district.

SEC. 2. Section 2333.6 is added to said code, to read:

Same: Alternative method

2333.6. As an alternative to the procedure prescribed in Sections 2332 and 2333, the board of supervisors may petition for the annexation of unincorporated territory to a district in the following manner:

(a) The board of supervisors shall by resolution announce its intention to petition for annexation of unincorporated territory to the district; such resolution shall describe the boundaries of the proposed annexation, setting a place and a time not less than 14 days nor more than 30 days subsequent

to the adoption of the resolution, at which time any resident within the proposed annexation may appear and be heard by the board of supervisors thereon.

(b) Notice of hearing shall be published once in a newspaper of general circulation within the proposed annexation at least seven days before the date of hearing.

(c) Upon completion of the hearing, or any continuances thereof, the board of supervisors, two-thirds of its members concurring therein, may adopt a resolution petitioning the annexation of the territory to the district. A certified copy of the resolution shall be filed with the district board.

(d) Upon receipt of a certified copy of a resolution by the board of supervisors petitioning for annexation of unincorporated territory to the district, the district board shall set the petition for hearing not less than 30 days nor more than 90 days from the date on which the resolution is filed with the district board. It shall give notice of the hearing by publishing a copy of the resolution together with notice of the time and place set for hearing, not less than two times in a newspaper of general circulation in the district and in the proposed annexation, the second publication thereof being at least seven days prior to the date set for hearing.

(e) Subsequent proceedings shall be conducted in the manner provided in this article.

CHAPTER 902

An act to amend Section 1765 of the Insurance Code as amended by Chapter 4 of the Statutes of 1959 and to add Section 1765.1 to the Insurance Code, relating to qualifications for surplus line brokers and special lines surplus line brokers.

In effect September 18, 1959

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1765 of the Insurance Code as amended by Chapter 4 of the Statutes of 1959, is amended to read:

License

1765. Upon application in such form as the commissioner prescribes and subject to the provisions of Sections 1666, 1667 and 1668 of this code, the commissioner shall issue a license authorizing any applicant that is trustworthy and competent to transact an insurance brokerage business in such manner as to safeguard the interest of the insured, to act as a surplus line broker from the date of such license until the first day of July succeeding, on the delivery to the commissioner of a bond to the people of the State of California in the sum of twenty thousand dollars ($20,000) conditioned that said licensee will fully and faithfully comply with the requirements of this chapter, and all applicable provisions of this

code. Such bond shall be subject to the provisions of Sections 1662, 1663 and 1664 of this code.

The commissioner shall charge and collect in advance a fee of fifty dollars ($50) for filing each application for license to act as a surplus line broker.

SEC. 2. Section 1765.1 is added to the Insurance Code, to read:

Information

1765.1. In addition to any other statements or reports required by this chapter, the commissioner may also address to any licensee a written request for full and complete information respecting the financial stability, reputation and integrity of any nonadmitted insurer with whom such licensee has dealt or proposes to deal in the transaction of insurance business. The licensee so addressed shall promptly furnish in written or printed form so much of the information requested as he can produce together with a signed statement identifying the same and giving reasons for omissions, if any. After due examination of the information and accompanying statement, the commissioner may, if he believes it to be in the public interest, order such licensee in writing to place no further insurance business on property located or operations conducted within or on the lives of persons residents of this State with such nonadmitted insurer on behalf of any person. Any placement in such nonadmitted insurer made by a licensee after receipt of such order is a violation of this chapter.

CHAPTER 903

An act to add Sections 23661.5 and 23661.6 to the Business and Professions Code, and to add Section 32110 to the Revenue and Taxation Code, relating to alcoholic beverages.

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 23661.5 is added to the Business and Professions Code, to read:

Transportation of wine into State

23661.5. A person who manufactures or produces wine outside of this State, but within the United States, in accordance with the requirements of the laws of the United States, may transport such wine into this State, in a vehicle owned and operated by the manufacturer or producer or operated by him pursuant to a lease the term of which is not less than 30 days, for delivery to a licensee who is authorized under this division to import the wine into this State, if:

(a) The delivery is made at the premises of the licensee or to a licensee or a licensed customs broker at the premises of a public warehouse licensed under this division; and

(b) The manufacturer or producer holds a manufacturer's interstate alcoholic beverage transporter's permit under Section 32110 of the Revenue and Taxation Code.

SEC. 2. Section 23661.6 is added to said code, to read:

Return of wine into State

23661.6. A licensed winegrower who in the course of business exports wine from this State to another state, may subsequently return to his licensed premises in this State all or any portion of such wine in private vehicles owned or under the control of the winegrower. Any wine so returned shall be subject to the provisions of Section 32175 of the Revenue and Taxation Code.

SEC. 3. Section 32110 is added to the Revenue and Taxation Code, to read:

Permit

32110. Before commencing to transport wine into this State pursuant to the provisions of Section 23661.5 of the Business and Professions Code, the wine manufacturer or producer shall register with the board and make application to the board for a manufacturer's interstate alcoholic beverage transporter's permit, which, upon issuance, shall be valid until revoked by the board.

CHAPTER 904

An act to amend Section 667.1 of the Welfare and Institutions Code, relating to the establishment of schools in county juvenile halls.

In effect September 18, 1959

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 667.1 of the Welfare and Institutions Code is amended to read:

667.1. The board of supervisors may, by ordinance, provide that schools established and maintained pursuant to Section 667 shall be maintained by the county superintendent of schools in which case the county board of education shall have the same powers and duties with respect to such schools as the governing board of a school district would have were said schools maintained by the school district under the provisions of this article. The board of supervisors shall have the power to review and approve any budget proposing expenditures for the operation of such schools, and may revise it to the extent deemed necessary.

CHAPTER 905

An act to amend Section 5248 of the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 5248 of the Streets and Highways Code is amended to read:

5248. Notice of the award of the contract shall be published by the clerk.

The clerk may, upon payment of the statutory fee prescribed therefor, record a notice of the award of contract in the office of the county recorder. Said recordation shall constitute notice to all persons that all property within the boundaries of the proposed assessment district shall be assessed at the time of the confirmation of the assessment under Chapter 16 (commencing at Section 5360) of Part 3 of this division to pay the costs of the improvement in proportion to the benefits which the property receives from the improvement, notwithstanding the acquisition of the property by the State or any of its agencies, or by any county, city, municipality or other public or municipal corporation. Said notice shall be substantially as follows:

NOTICE OF AWARD OF CONTRACT IN PROPOSED ASSESSMENT DISTRICT

Pursuant to the requirements of Section 5248 of the Streets and Highways Code, notice is hereby given that a contract has been awarded by _____ to _____
(Legislative body) (Contractor)
for _____ in _____ District
(Nature of improvement) (Improvement or assessment)
No. _____ and relating to the following described real property:

(The real property in the assessment district may be described by:

a. Stating its exterior boundaries; or

b. Giving a description thereof according to any official or recorded map; or

c. Referring to a plat or map filed with the clerk of the legislative body, which shall indicate by a boundary line the extent of the territory included in the assessment district, and shall govern for all details as to the extent of the assessment district.)

This shall constitute notice to all persons that all property within the boundaries of the proposed assessment district shall be assessed at the time of the confirmation of the assessment under Chapter 16 (commencing at Section 5360) of Part 3 of

this division to pay the costs of the improvement in proportion to the benefits which said property receives from the improvement, notwithstanding the acquisition of any such property by the State or any of its agencies, or by any county, city, municipality or other public or municipal corporation.

Reference is made to the minutes of the action taken by _____ on file in my office for full particulars.
(Legislative body)

Dated: _____

_____
(Clerk of _____)

CHAPTER 906

An act to add Section 14115 to the Health and Safety Code, relating to local fire protection districts.

In effect September 18, 1959

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 14115 is added to the Health and Safety Code, to read:

14115. The district board may propose a change in the name of the district to the board of supervisors. The change in the name of the district shall be effective upon the adoption by the board of supervisors of a resolution approving the change in the name of the district.

CHAPTER 907

An act to amend Section 780 of the Probate Code, relating to sales of real property.

In effect September 18, 1959

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 780 of the Probate Code is amended to read:

780. Notice of the time and place of sale of real property must be published pursuant to Section 6063a of the Government Code in a newspaper published in the county in which the land or some portion thereof lies, if there is one so published; if none, then in such paper as the court or judge may direct, prior to the day of sale, or, in the case of a private sale, prior to the day on or after which the sale is to be made. When, however, it appears from the inventory and appraisement that the value of the property to be sold does not exceed one

thousand dollars ($1,000), the executor or administrator may in his discretion dispense with the publication, and in lieu thereof post a notice of the time and place of sale at the courthouse of the county in which the land or some portion thereof lies for two weeks before the day of the sale, or, in the case of a private sale, before the day on or after which the sale is to be made. The property proposed to be sold must be described with common certainty in the notice.

CHAPTER 908

An act to add Section 54906 to the Government Code, relating to highway lighting districts.

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 54906 is added to the Government Code, to read:

54906. Notwithstanding the provisions of Sections 54902 and 54903, any annexation to a highway lighting district organized pursuant to the Highway Lighting District Act (Part 4 (commencing at Section 19000) of Division 14 of the Streets and Highways Code), which annexation was completed prior to the effective date of this section, shall be effective for assessment and taxation purposes, if the statement and map or plat required by Section 54900 is filed by the district on or before April 15, 1959.

CHAPTER 909

An act to amend Sections 1176 and 1178 of, and to add Sections 1177.5 and 1177.6 to, the Military and Veterans Code, relating to veterans' memorial districts.

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 1176 of the Military and Veterans Code is amended to read:

1176. Within 10 days after the filing of such petition the county clerk shall find and certify whether the petition is signed by the requisite number of qualified registered electors of the proposed district and of the incorporated and unincorporated portions thereof and shall present the petition with the certificate of his findings attached thereto to the board of supervisors at its first regular meeting held 10 days from the date of filing of the petition. The board shall fix a time

Petition

and place for the hearing of the petition not less than 20 days nor more than 40 days after the date of such meeting, and shall direct the clerk of the board to publish a notice once a week for three successive weeks in a newspaper circulated in the territory which it is proposed to organize into a district, and which the board deems most likely to give notice to the inhabitants of the territory.

SEC. 2. Section 1177.5 is added to said code, to read:

Notice

1177.5. The notice required in Section 1176 shall state the fact that the board has fixed the time and place, which shall be stated in the notice, for a hearing on the matter of the formation of a memorial district. The notice shall describe the territory or shall specify the exterior boundaries of the territory proposed to be organized into a district.

SEC. 3. Section 1177.6 is added to said code, to read:

Written objections

1177.6. At any time prior to the time fixed for a hearing of the matter, any person interested may file with the clerk of the board written objections to the formation of the district. At the time and place fixed for the hearing or at any time to which the hearing may be continued, the board of supervisors shall consider and pass on all objections to the creation of a district, or to the inclusion of any territory in the district. At the hearing, the board of supervisors may exclude any territory that in the opinion of the board would not be benefited by inclusion in the district.

SEC. 4. Section 1178 of said code is amended to read:

Hearing's result

1178. At the conclusion of the hearing, the board of supervisors shall either adopt an order abandoning the creation of the proposed district or shall by resolution call a special election to vote upon the question of formation of the proposed district and to elect the members of the first board of directors thereof.

CHAPTER 910

An act to add Section 32300.2 to, and to amend Sections 32303, 32304, and 32312 of, the Health and Safety Code, relating to local hospital districts.

In effect September 18, 1959

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 32300.2 is added to the Health and Safety Code, to read:

Bonds

32300.2. Bonds may be issued by a district for the purpose of refunding any or all of the outstanding bonds or other indebtedness of the district.

SEC. 2. Section 32303 of said code is amended to read:

Same Form, etc.

32303. The board of directors by resolution entered on its minutes shall prescribe the form of the bonds and of the interest coupons attached thereto, shall fix the time when the whole

or any part of the principal of said bonds shall be payable, which shall not be more than 30 years after their date of issuance, the denomination or denominations of the bonds, the date or dates of issuance of such bonds, the number or numbers of the bonds maturing at each date of maturity and the place or places of payment of such bonds. Said bonds may be payable at the office of the district or at the office of the county treasurer of the organizing county, or at any place or places designated therein at holder's option.

SEC. 3. Section 32304 of said code is amended to read:

32304. Bonds first to mature in each issue shall mature not later than five years from the date of issuance thereof; and those last to mature of each issue shall mature not later than 30 years from the date of issuance thereof. Maturity

SEC. 4. Section 32312 of said code is amended to read:

32312. The board or boards of supervisors of the county or counties in which the district lies shall, at the time of fixing the general tax levy, sometimes called the annual assessment or regular annual assessment, for such district, and in the manner for such general tax levy provided, levy and collect annually each year until said bonds are paid or until there shall be a sum in the treasury set apart for that purpose sufficient to meet all sums coming due for the principal and interest on such bonds, a tax sufficient to pay the interest on such bonds as the same becomes due and also, to constitute a sinking fund for the payment of the principal thereof at maturity. The sum for the sinking fund shall in any event be sufficient to provide for the payment of the principal of all of the bonds as such bonds become due. Said tax shall be in addition to all other taxes levied for district purposes and shall be placed in the bond interest and sinking fund of the district and, until all of the principal and interest of the bonds of said district is paid, the moneys in said fund shall be used for no other purpose than the payment of said bonds and accruing interest thereon. Tax levy

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CHAPTER 911

An act to amend Section 27201 of, and to add Section 27201.5 to, the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to county librarians.

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 27201 of the Education Code is amended to read:

27201. Upon the establishment of a county free library, the board of supervisors shall appoint a county librarian. County librarian

SEC. 2. Section 27201.5 is added to the Education Code, to read:

Civil service benefits

27201.5. If any county adopts a civil service system or a limited civil service system for county officers and employees, the county librarian shall be entitled to the benefits of such civil service system.

This section does not limit any powers conferred on any county by charter.

CHAPTER 912

An act to add Section 25366.5 to the Government Code, relating to disposition of assets of special districts upon dissolution.

In effect September 18, 1959

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 25366.5 is added to the Government Code, to read:

25366.5. Notwithstanding the provisions of any other statute, upon the dissolution of a special district within a county, the board of supervisors of such county may apportion any unencumbered funds, tax revenues or other assets, of such dissolved district, the title to which vested by the provisions of any statute in such county or the board of supervisors thereof, to any other special district or county service area within the county embracing substantially the same area.

CHAPTER 913

An act to amend Section 6080 of the Harbors and Navigation Code, relating to harbor districts.

In effect September 18, 1959

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 6080 of the Harbors and Navigation Code is amended to read:

6080. All work authorized to be done under this part, exceeding in cost the sum of one thousand dollars ($1,000), shall be awarded upon competitive bidding. Notice of the proposed letting of such a contract shall be given by advertisement for a period of two weeks, in a newspaper of general circulation, published, printed and circulated in the district. The contract shall be awarded to the lowest responsible bidder.

The board may, without advertising for bids, negotiate with the Government of the United States for the purpose of assist-

ing the board in the performance of any of the work authorized by this part, and the board may contribute to the United States all or any portion of the estimated cost of any work authorized by this part which is to be done by or under contract with the United States.

CHAPTER 914

An act to amend Section 301 of the Education Code, amend Section 601 of the Education Code as proposed by Senate Bill No. 2, and repeal Section 601.1 of the Education Code as proposed by Senate Bill No. 2, relating to county boards of education.

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 301 of the Education Code is amended to read:

Number of members and trustee areas

301. Except in a city and county, there shall be a county board of education, which shall consist of five or seven members to be determined by the county committee on school district organization. Not later than March 1, 1956, the county committee on school district organization shall file in writing its determination of the number of members of the county board of education and the designated trustee areas in the county with the county board of supervisors. Each member of the board shall be an elector of the trustee area which he represents and shall be elected by the electors of the trustee area. In chartered counties the manner of selection of the county board of education shall be prescribed in the county charter, or by the county board of supervisors. In a county unified school district or in a unified or elementary school district which includes all of the territory over which a county superintendent of schools has jurisdiction, the governing board of the district shall serve as the county board of education.

SEC. 2. Section 601 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

Same

601. Except in a city and county, there shall be a county board of education, which shall consist of five or seven members to be determined by the county committee on school district organization. Not later than March 1, 1956, the county committee on school district organization shall file in writing its determination of the number of members of the county board of education and the designated trustee areas in the county with the county board of supervisors. Each member of the board shall be an elector of the trustee area which he represents and shall be elected by the electors of the trustee area. In chartered counties the manner of selection of the county

board of education shall be prescribed in the county charter, or by the county board of supervisors. In a county unified school district or in a unified or elementary school district which includes all of the territory over which a county superintendent of schools has jurisdiction, the governing board of the district shall serve as the county board of education.

Repeal

SEC. 3. Section 601.1 of the Education Code as proposed by Senate Bill No. 2 is repealed.

Effect Stats 1959, Ch 2

SEC. 4. Sections 2 and 3 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 301 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 915

An act to amend Section 402.5 of the Revenue and Taxation Code, relating to the assessment of property used for agricultural, airport or recreational purposes.

In effect September 18, 1959

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 402.5 of the Revenue and Taxation Code is amended to read:

402.5. In assessing property which is zoned and used exclusively for agricultural, airport or recreational purposes, and as to which there is no reasonable probability of the removal or modification of the zoning restriction within the near future, the assessor shall consider no factors other than those relative to such use.

CHAPTER 916

An act to add Section 1202b to the Penal Code, relating to youthful offenders.

In effect September 18, 1959

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1202b is added to the Penal Code, to read:

1202b. In any criminal proceeding in which defendant is convicted of a felony or felonies and is committed to the custody of the Director of Corrections, if defendant was, at the time of commission of the offense or offenses, or of the appre-

hension from which the criminal proceeding resulted, under the age of 23 years, the court may, notwithstanding any other provision of law fixing or affecting the penalty for the offense or offenses, specify that the minimum term of imprisonment for the offense or the offenses cumulatively shall be six months. This section does not apply to any offense punishable by death.

CHAPTER 917

An act to amend Section 5785 and to add Section 5785.05 to the Public Resources Code, relating to recreation and park districts.

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 5785 of the Public Resources Code is amended to read:

Petition for annexation or exclusion

5785. Proceedings may be commenced looking toward annexation to or exclusion from a district organized under this chapter in the manner provided in Article 8 (commencing at Section 58230 of the Government Code) of the District Organization Law upon petition signed by the same number of qualified petitioners required for signature on the petition for organization of the district under this chapter.

SEC. 2. Section 5785.05 is added to said code, to read:

Alternative procedure

5785.05. This section provides an alternative procedure for the commencement of proceedings looking toward the annexation of territory to, or the withdrawal of territory from a district.

If at any time after establishment of any district its governing body determines that certain territory contiguous to the existing district should be annexed to the existing district, or that certain territory should be withdrawn from the district, the governing body shall fix a time and place for hearing the matter of the annexation or withdrawal of territory. No territory outside the county in which the district was formed may be annexed to the district.

It shall publish a notice once a week for two successive weeks in a newspaper circulated in the territory which it is proposed to annex to or withdraw from the district. The newspaper shall be one which the governing body deems most likely to give notice to the inhabitants of the territory.

The notice shall be headed "Notice of the proposed annexation of territory to the _____ Recreation and Park District in _____ County," or "Notice of the proposed withdrawal of certain territory from the _____ Recreation and Park District in _____ County," stating the name of the district to or from which it is proposed to annex or withdraw territory. The notice shall contain a statement of the time

fixed by the governing body for a hearing on the matter. The notice shall also designate the territory proposed to be annexed or withdrawn.

At the time and place fixed for the hearing of the matter of annexation or withdrawal, or at any time to which the hearing may be continued, the governing body shall hear any person objecting to the annexation or withdrawal of territory or objecting to the annexation or withdrawal of any portion of the territory. At the conclusion of the hearing the governing body shall proceed in accordance with the following provisions of this article.

CHAPTER 918

An act to amend Section 1300 of, and to add Sections 1300.5 and 1311 to the Insurance Code, relating to reciprocal and interinsurance contracts.

In effect September 18, 1959

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1311 is added to the Insurance Code, to read:

Reciprocal or interinsurance exchange

1311. A reciprocal or interinsurance exchange may engage in the surety insurance business in this State only provided its surplus is at least twice the amount required as paid-in capital of an incorporated insurer writing the same classes of insurance by the provisions of Section 700.01. Paid-in capital as used in this section shall not include any of the surplus amounts required of incorporated insurers by the provisions of Sections 700.02, 700.03 and 700.05 of this code.

Any such reciprocal or interinsurance exchange shall be subject to such of the provisions of Chapter 1, Part 4, Division 2, as can be made applicable to the nature of a reciprocal or interinsurance exchange.

SEC. 2. Section 1300 of said code is amended to read:

Exchange of contracts

1300. Any persons may exchange reciprocal or interinsurance contracts with one another providing insurance other than life, among themselves against any loss which may be insured against under other provisions of law.

SEC. 3. Section 1300.5 is added to said code, to read:

Surety bond

1300.5. If any law of this State provides or requires the giving of a surety bond, a bond written by a reciprocal or interinsurance exchange hereunder shall satisfy the requirements, or provisions thereof.

CHAPTER 919

An act to add Section 516 to the Public Resources Code, relating to vessel insurance, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 12, 1959 Filed with Secretary of State June 12, 1959] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 516 is added to the Public Resources Code, to read:

516. The department, with the approval of the Department of Finance, may procure insurance on vessels owned or operated by the department against the usual hazards in addition to the special hazards occasioned by the existence of a state of war.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is necessary that docking facilities for vessels owned or operated by the department be obtained immediately and persons owning docking facilities will not lease such facilities to the department in the absence of vessel insurance.

CHAPTER 920

An act to add Section 804.2 to the Agricultural Code, relating to shipment of pears outside the State.

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 804.2 is added to the Agricultural Code, to read:

804.2. Nothing in this chapter shall be construed to prohibit any person from transporting out of the State pears which fail to comply with the packing, container, marking or quality requirements of this chapter applicable to pears shipped for consumption as fresh pears; provided, that all such noncomplying pears so transported outside the State shall be used only for the processing, preserving or manufacturing purposes for which such pears could be used within the State. The director is hereby authorized to promulgate such rules and regulations as may be necessary to insure that all such pears so transported will be used only for such purposes, and, whenever there are no grade, quality, size, maturity or utilization regulations or requirements for pears for processing estab-

lished pursuant to a marketing program or marketing order in this State, the director is authorized to promulgate such regulations or requirements for such pears to be transported outside the State, provided that such standards established by such regulations or requirements shall not be lower than any official standards for pears for such purposes established in the state of destination.

CHAPTER 921

An act to amend Section 1 of Chapter 515 of the Statutes of 1919, relating to tidelands and submerged lands in the City of Emeryville, County of Alameda.

In effect September 18, 1959

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 515 of the Statutes of 1919 is amended to read:

Section 1. There is hereby granted to the City of Emeryville, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said State by virtue of its sovereignty in and to all tidelands and submerged lands, whether filled or unfilled, which are included within the present boundaries of the City of Emeryville, to be forever held by said city and by its successors in trust for the use and purposes, and upon the express conditions following, to wit:

(a) That said lands shall be used by said city and its successors, only for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city or its successors shall not, at any time, grant, convey, give or alien said lands or any part thereof to any individual, firm or corporation, for any purposes whatever; provided, that said city or its successors may grant franchises thereon, for limited periods, but in no event exceeding 50 years, for wharves and other public uses and purposes, and may lease said lands or any part thereof for limited periods, but in no event exceeding 50 years, which franchises and leases shall be for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce or navigation at said harbor, including, but not limited to, recreational, educational, industrial, commercial, and residential purposes in which there is a general statewide interest. Nothing contained in this paragraph (a) shall be deemed to affect the validity or term of any franchise previously granted by said city under the Franchise

Act of 1937 (Chapter 2 (commencing at Section 6201), of Division 3 of the Public Utilities Code), and any such franchise shall be effective with respect to said land when title thereto passes to said city hereunder.

(b) That said harbor shall be improved by said city without expense to the State, and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have at all times the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands, or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures or appliances mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in all the waters of said harbor, with the right of convenient access to said waters over said land for said purpose.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said lands, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said lands.

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interests. If the city has filled any tide or submerged lands and such lands are taken by the State for highway purposes, the State shall reimburse the city for expenditures incurred in filling such lands.

(g) If the lands, or any part thereof, granted to the city by this act are not used for the additional purposes authorized by the amendment of this section made at the 1959 Regular Session of the Legislature within 10 years from the effective date of said amendment, the authorization to use said lands for such additional purposes shall automatically terminate and lapse.

CHAPTER 922

An act to amend Section 154.5 of the Water Code, relating to the California Water Commission.

In effect September 18, 1959

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 154.5 of the Water Code is amended to read:

154.5. The department shall furnish to the California Water Commission, at its request, such technical and clerical assistants as are required to the extent funds are made available therefor.

CHAPTER 923

An act to amend Sections 24404 and 25401 of the Revenue and Taxation Code, relating to the deductions of farmers' co-operatives for bank and corporation tax purposes.

In effect September 18, 1959

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 24404 of the Revenue and Taxation Code is amended to read:

Co-operative associations

24404. In the case of farmers, fruit growers, or like associations organized and operated in whole or in part on a co-operative or mutual basis, (a) for the purpose of marketing the products of members or other producers, and turning back to them the proceeds of sales, less the necessary marketing expenses, which may include reasonable reserves, on the basis of either the quantity or the value of the products furnished by them, or (b) for the purpose of purchasing, or producing, supplies and equipment for the use of members or other persons, and turning over such supplies and equipment to them at actual cost, plus necessary expenses, all income resulting from or arising out of such business activities for or with their members carried on by them or their agents; or when done on a nonprofit basis for or with nonmembers.

For the purposes of this section "all income resulting from or arising out of such business activities for or with their members" shall include all amounts, whether or not derived from patronage, allocated to members during the income year. Amounts allocated include cash, merchandise, capital stock, revolving fund certificates, certificates of indebtedness, retain certificates, letters of advice, or written instruments which in some other manner disclose to each member the dollar amount

allocated to him. Allocations made after the close of the income year and on or before the fifteenth day of the ninth month following the close of such year shall be considered as made on the last day of such income year to the extent the allocations are attributable to income derived before the close of such year.

SEC. 2. Section 25401 of said code is amended to read:

25401. (a) Except as provided in subdivision (b), every taxpayer subject to the tax imposed by this part shall, within two months and 15 days after the close of its income year, transmit to the Franchise Tax Board a return in a form prescribed by it, specifying for the income year, all such facts as it may by rule, or otherwise, require in order to carry out the provisions of this part. A tax return, disclosing net income for any income year, filed pursuant to Chapter 2 or Chapter 3 of this part shall be deemed filed pursuant to the proper chapter of this part for the same income period, if the chapter under which filed is determined erroneous. **Tax return**

(b) In the case of co-operative associations described in Section 24404, returns shall be filed on or before the fifteenth day of the ninth month following the close of its income year.

CHAPTER 924

An act to add Article 2.5 (commencing at Section 1357) to Chapter 5, Part 2, Division 2 of, and to amend Section 1360 of, the Water Code, relating to the State Water Rights Board.

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.] **In effect September 18, 1959**

The people of the State of California do enact as follows:

SECTION 1. Article 2.5 (commencing at Section 1357) is added to Chapter 5, Part 2, Division 2 of the Water Code, to read:

Article 2.5. Reconsideration and Amendment of Decisions and Orders

1357. The board may order a reconsideration of all or part of a decision or order which grants or refuses to grant a permit, on the board's own motion or on petition of any person interested in any application who has appeared at a hearing thereon. Any such petition must be filed within 30 days after adoption by the board of a decision or order. The power of the board to order a reconsideration on its own motion shall expire 30 days after it has adopted a decision or order. The board shall order or deny reconsideration on a petition therefor within 30 days after the date of filing of such petition. **Reconsideration re permit**

Further hearing

1358. The decision or order may be reconsidered by the board on all the pertinent parts of the record and such argument as may be permitted, or a further hearing may be held, upon notice to all interested persons, for the purpose of receiving such additional evidence as the board may, for cause, allow. The decision or order on reconsideration shall have the same force and effect as an original order or decision.

Typographical or clerical errors

1359. The board at any time may amend or modify a decision or order to correct any obvious typographical or clerical error or oversight without the necessity of notice and a hearing thereon.

SEC. 2. Section 1360 of said code is amended to read:

Writ of mandate

1360. Any person interested in any application may, within 30 days after final action by the board, file a petition for a writ of mandate in the superior court in and for the county in which the applicant seeks to divert water under the application to inquire into the validity of the action of the board. The right to petition shall not be affected by the failure to seek reconsideration before the board.

CHAPTER 925

An act to add Section 473.5 to, and to amend Section 637.1 of the Agricultural Code, relating to milk and dairy products.

In effect September 18, 1959

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 473.5 is added to the Agricultural Code, to read:

"Sour cream"

473.5. Sour cream is pasteurized market cream which has been fermented by the addition of pure cultures of one or more strains of lactic acid bacteria so that the product contains certain acidity and may contain added milk solids derived from market milk and a harmless edible stabilizer not to exceed six-tenths of 1 percent by weight, but which otherwise conforms to all requirements for market cream, except those pertaining to bacteria count. Sour cream shall be labeled with the name and address of the distributor and may be labeled "sour cream," "sour market cream," or "cultured market cream."

SEC. 2. Section 637.1 of said code is amended to read:

"Sour cream dressing"

637.1. Sour cream dressing is a product, made from pasteurized cream with added milk solids, to which one or more strains of lactic acid producing organisms has been added to give it a distinct lactic acid flavor. It shall contain not less than 16 percent of milk fat and not less than 24 percent of total milk solids. It may contain seasoning and a harmless edible stabilizer not to exceed six-tenths of 1 percent. It shall be labeled with the term "sour cream dressing" and with the name and address of the distributor. When sold to consumers

sour cream dressing shall be in containers of at least one-half gallon capacity, except that sour cream dressing to which has been added a distinctive flavoring of onion, cheese, salmon, anchovy, or pickle which imparts a distinctive flavor to the dressing may be sold to consumers in containers of any size. When sour cream dressing contains any such distinctive flavoring the label shall clearly identify the flavoring.

CHAPTER 926

An act to add Section 26736 to the Government Code, relating to the fees of sheriffs, marshals and constables.

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 26736 is added to the Government Code, to read:

26736. The fee for cancellation of the service or execution of any process or notice prior to its completion is one dollar ($1) and mileage. Mileage actually incurred for one trip only in attempting to serve or execute such process or notice shall be allowed. The fee provided by this section shall not be charged where a charge is made pursuant to the provisions of any other section of this article; nor shall such fee be charged where the cancellation is requested prior to the time a trip is made in attempting to serve or execute such process or notice.

CHAPTER 927

An act to amend Sections 12164, 12203, and 12204 of the Government Code, relating to duties and fees of the Secretary of State.

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 12164 of the Government Code is amended to read:

12164. The Secretary of State shall record all:

(a) Conveyances made to the State, except (1) evidences of title acquired for state highway purposes and retained by the Department of Public Works, and (2) conveyances of tax-sold property.

Duties: Recordation

(b) Articles of incorporation, certificates and agreements of consolidation, certificates and agreements of merger, certificates of amendment of articles of incorporation, designa-

tions of agent for service of process, certificates on qualification to act as agent for service of process, supplemental certificates of agents, certificates of election to wind up and dissolve, certificates of revocation of election to dissolve, certificates of final dissolution, certificates of determination of preferences, certificates of distribution of reduction surplus, statements and designations of foreign corporations, amended statements and designations of foreign corporations, certificates of surrender of authority to transact intrastate business, and certificates of change of address of surrendered corporations filed in his office.

SEC. 2. Section 12203 of said code is amended to read:

Fee

12203. The fee for recording articles of incorporation, certificates and agreements of consolidation, certificates and agreements of merger, certificates of amendment of articles of incorporation, designations of agent for service of process, certificates on qualification to act as agent for service of process, supplemental certificates of agents, certificates of election to wind up and dissolve, certificates of revocation of election to dissolve, certificates of final dissolution, certificates of determination of preferences, certificates of distribution of reduction surplus, statements and designations of foreign corporations, amended statements and designations of foreign corporations, certificates of surrender of authority to transact intrastate business, and certificates of change of address of surrendered foreign corporation is two dollars ($2).

SEC. 3. Section 12204 of said code is amended to read:

Same

12204. The fee for filing the statement and designation upon the qualification of a foreign nonprofit nonstock corporation, and of a foreign corporation organized for educational, religious, scientific, or charitable purposes, and not issuing shares, is five dollars ($5).

The fee for filing the statement and designation upon the qualification of any other foreign corporation is three hundred fifty dollars ($350).

CHAPTER 928

An act to add Section 3832 to the Elections Code, relating to the general election ballot.

In effect September 18, 1959

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 3832 is added to the Elections Code, to read:

3832. If the election board of a county determines that due to the number of candidates and measures that must be printed on the general election ballot, the ballot will be larger

than may be conveniently handled, the board may order nonpartisan offices and local measures omitted from the general election ballot and printed on a separate ballot in a form substantially the same as provided for the general election ballot. In the event the board so orders, each voter shall receive both ballots, and the procedure prescribed for the handling and canvassing of ballots shall be modified to the extent necessary to permit the use of two ballots by a voter. The board may, in such case, order the second ballot to be printed on paper of a different tint and assign to such ballots numbers higher than those assigned to the ballots containing partisan offices and statewide ballot measures.

CHAPTER 929

An act to amend Sections 950 and 1152 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to notice of school district elections.

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 950 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

Sample ballot

950. The governing board shall, or upon written request of the governing board the county clerk or the registrar of voters of the county in which the majority of the territory of the district is located shall, mail to each registered voter within the district a sample ballot and a card designating his polling place, the time of the election, and containing a statement of the need and the purposes of the election. The cost thereof shall be paid out of the funds of the district. The sample ballot shall be printed on paper of a color different from that of the official ballot and shall be designated "Sample Ballot" upon the face thereof.

SEC. 2. Section 1152 of said code is amended to read:

Notice of polling place

1152. In the case of any school district election called or conducted under the provisions of this code, the governing board shall, or upon written request of the governing board the county clerk, or the registrar of voters if such office has been established, of the county in which the majority of the territory of the district is located, shall, at least 10 days before the day fixed for the election, mail to each registered voter residing within the district, a card designating the polling place and time of the election and containing a statement of the purposes of the election.

At least 60 days before the date of the election the governing board of the school district, county superintendent of

schools, board of supervisors, or other authority calling the election, shall furnish the county clerk or registrar of voters with a list of precincts established for the election and the polling place in each such precinct, together with a copy of the statement of the purposes of the election. The same information shall be furnished the county superintendent of schools.

Costs incurred in connection with this section shall be paid out of the funds of the district.

CHAPTER 930

An act to amend Section 1902 of the Public Utilities Code, relating to the Public Utilities Commission.

In effect September 18, 1959

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1902 of the Public Utilities Code is amended to read:

1902. Every order, authorization, or certificate issued or approved by the commission under the following provisions of this part shall be in writing and entered on the records of the commission:

(a) Sections 764 to 767, inclusive.
(b) Sections 816 to 829, inclusive.
(c) Sections 851 to 853, inclusive.
(d) Sections 1001 to 1010, inclusive.
(e) Sections 1201 to 1220, inclusive.

Any such order, authorization, or certificate, or a copy thereof, or a copy of the record thereof, certified by a commissioner or by the secretary or the assistant secretary under the official seal of the commission to be a true copy of the original, may be recorded in the office of the recorder of any county, or city and county, in which is located the principal place of business of any public utility affected thereby, or in which is situated any property of any such public utility, and such record shall impart notice of its provisions to all persons. A certificate under the seal of the commission that any such order, authorization, or certificate has not been modified, stayed, suspended, or revoked may also be recorded in the same offices in the same manner and with like effect.

CHAPTER 931

An act to amend Section 816.5 of the Public Utilities Code, relating to public utilities.

[Approved by Governor June 12, 1959. Filed with Secretary of State June 12, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 816.5 of the Public Utilities Code is amended to read:

816.5. Nothing contained in this article or in Article 6 of this chapter shall be construed to require a highway common carrier, a petroleum irregular route carrier or passenger stage corporation to secure from the commission authority to execute any conditional sales contract for the purchase of motor vehicle equipment or any note and chattel mortgage on motor vehicle equipment securing the payment of all or any part of the purchase price of motor vehicle equipment.

CHAPTER 932

An act to amend Section 8759 of the Education Code and Section 5608 of the Education Code as proposed by Senate Bill No. 2, relating to tuition charges for interdistrict attendance of public school pupils.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 8759 of the Education Code is amended to read:

8759. The tuition charge shall cease to be paid after the pupil has satisfactorily completed the seventh and eighth grades in the junior high school.

Tuition charge

SEC. 2. Section 5608 of the Education Code, as proposed by Senate Bill No. 2, is amended to read:

5608. The tuition charge shall cease to be paid after the pupil has satisfactorily completed the seventh and eighth grades in the junior high school.

Same

SEC. 3. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 8759 of the Education Code as amended by Section 1 of this act is repealed.

Effect. Stats 1959, Ch. 2

CHAPTER 933

An act to amend and renumber Section 2047 of the Penal Code, relating to rules and regulations governing conduct of prisoners.

In effect September 18, 1959

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 2047 of the Penal Code is amended and renumbered to read:

2080. A copy of the rules and regulations prescribing the duties and obligations of prisoners shall be furnished to each prisoner in a state prison or other facility under the jurisdiction of the Department of Corrections.

CHAPTER 934

An act to amend Section 16506 of the Government Code, relating to deposit of state funds.

In effect September 18, 1959

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 16506 of the Government Code is amended to read:

16506. All money belonging to or in the custody of the State under the control of any state officer or employee, other than the Treasurer, except petty cash funds authorized by the Department of Finance, shall be deposited in such state or national banks in this State and under such conditions as the Director of Finance prescribes. Banks receiving such deposits shall be required to deposit with the Treasurer the same security as is required by this chapter for deposits made by the Treasurer.

Banks receiving deposits of money from a county advanced or apportioned to it pursuant to Section 92 of the Agricultural Code shall be required to deposit with the county treasurer of the county which is depositing such money, rather than the Treasurer, the same security as is required by this chapter for deposits made by the Treasurer.

CHAPTER 935

An act to repeal Section 23783 of the Business and Professions Code, relating to alcoholic beverage licenses.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 23783 of the Business and Professions Code is repealed.

CHAPTER 936

An act to amend the heading of Article 5 (commencing at Section 2045) of Chapter 1, Title 1, Part 3 of the Penal Code, and to amend Section 2045.1 of said code, relating to the state prison at Soledad.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 5 (commencing at Section 2045) of Chapter 1, Title 1, Part 3 of the Penal Code is amended to read:

Article 5. Correctional Training Facility

SEC. 2. Section 2045.1 of said code is amended to read:

Medium security type institution

2045.1. The prison authorized to be established by Section 2045 of this code shall be a medium security type institution. Its primary purpose shall be to provide custody, care, industrial, vocational, and other training to persons confined therein. However, the Director of Corrections may designate a portion or all of such prison to serve the same purposes and to have the same security standards as the institution provided for by Article 4 (commencing at Section 2035) of Chapter 1, Title 1, Part 3 of this code.

CHAPTER 937

An act to amend Section 255 of the Revenue and Taxation Code, relating to the time within which affidavits of exemption shall be filed.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 255 of the Revenue and Taxation Code is amended to read:

255. Affidavits required for exemptions named in this article, except the welfare exemption, shall be filed with the assessor between noon on the first Monday in March and 5 o'clock p m. on the first Monday in May.

CHAPTER 938

An act to amend Sections 10161, 10163, 10164, 10165 and 10489.2 and to add Section 10163.5 to the Insurance Code, relating to insurance mortality tables.

In effect September 18, 1959

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 10161 of the Insurance Code is amended to read:

Cash surrender value

10161. Any cash surrender value available under the policy in the event of default in a premium payment due on any policy anniversary, whether or not required by Section 10160, shall be an amount not less than the excess, if any, of the present value, on such anniversary, of the future guaranteed benefits which would have been provided for by the policy, including any existing paid-up additions, if there had been no default, over the sum of (a) the then present value of the adjusted premiums as defined in Sections 10163 and 10163.5 corresponding to premiums which would have fallen due on and after such anniversary, and (b) the amount of any indebtedness to the company on the policy. Any cash surrender value available within 30 days after any policy anniversary under any policy paid up by completion of all premium payments or any policy continued under any paid-up nonforfeiture benefit, whether or not required by Section 10160, shall be an amount not less than the present value, on such anniversary, of the future guaranteed benefits provided for by the policy, including any existing paid-up additions, decreased by any indebtedness to the company on the policy.

SEC. 2. Section 10163 of said code is amended to read:

Adjusted premiums

10163. The adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding extra premiums on a substandard policy, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of (i) the then present value of the future guaranteed benefits provided for by the policy; (ii) two percent (2%) of the amount of insurance, if the insurance be uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy; (iii) forty percent (40%) of the adjusted premium for the first policy year; (iv) twenty-five percent (25%) of either the adjusted premium for the first policy year or the adjusted

premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, which ever is less. In applying the percentages specified in (iii) and (iv) above, no adjusted premium shall be deemed to exceed four percent (4%) of the amount of insurance or level amount equivalent thereto.

In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent level amount thereof for the purpose of this section shall be deemed to be the level amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the inception of the insurance as the benefits under the policy.

Except as otherwise provided in Section 10163.5, all adjusted premiums and present values referred to in this article shall for all policies of ordinary insurance be calculated on the basis of the Commissioners 1941 Standard Ordinary Mortality Table; provided, however, that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated, at the option of the insurer, according to an age not more than three years younger than the actual age of the insured. Such calculations for all policies of industrial insurance shall be made on the basis of the 1941 Standard Industrial Mortality Table. All calculations shall be made on the basis of the rate of interest, not exceeding three and one-half percent (3½%) per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits. However, in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than one hundred thirty percent (130%) of the rates of mortality according to such applicable table; and for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

SEC. 3. Section 10163.5 is added to said code, to read:

10163.5. In the case of ordinary policies issued on or after the operative date of this section as defined herein, all adjusted premiums and present values referred to in this article shall be calculated on the basis of the Commissioners 1958 Standard Ordinary Mortality Table and the rate of interest, not exceeding three and one-half percent (3½%) per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits; provided, that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age

Operative date

of the insured; provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1958 Extended Term Insurance Table; provided further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the commissioner

On or after January 1, 1961, any company may file with the commissioner a written notice of its election to comply with the provisions of this section after a specified date before January 1, 1966. After the filing of such notice, then upon such specified date (which shall be the operative date of this section for such company), this section shall become operative with respect to the ordinary policies thereafter issued by such company. If a company makes no such election, the operative date of this section for such company shall be January 1, 1966.

SEC. 4. Section 10164 of said code is amended to read:

Calculation of values

10164. Any cash surrender value and any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary, shall be calculated with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in Sections 10161, 10162, 10163 and 10163.5 may be calculated upon the assumption that any death benefit is payable at the end of the policy year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the dividends used to provide such additions. Notwithstanding the provisions of Section 10161, additional benefits payable (a) in the event of death or dismemberment by accident or accidental means, (b) in the event of total and permanent disability, (c) as reversionary annuity or deferred reversionary annuity benefits, (d) as decreasing term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this article would not apply, and (e) as other policy benefits additional to life insurance and endowment benefits, and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this article, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits.

SEC. 5. Section 10165 of said code is amended to read:

Exceptions

10165. This article shall not apply to any reinsurance, group insurance, pure endowment, annuity or reversionary annuity contract, nor to any term policy of uniform amount, or renewal thereof, of 15 years or less expiring before age 66, for which uniform premiums are payable during the entire term of the policy, nor to any term policy of decreasing amount on which each adjusted premium, calculated as specified in

Sections 10163 and 10163.5, is less than the adjusted premium so calculated, on such 15-year term policy issued at the same age and for the same initial amount of insurance, nor to any policy which shall be delivered outside this State through an agent or other representative of the company issuing the policy.

SEC. 6. Section 10489.2 of said code is amended to read:

Minimum standard

10489.2. The minimum standard for the valuation of all such policies and contracts shall be the commissioners reserve valuation method defined in Section 10489.3, three and one-half percent ($3\frac{1}{2}\%$) interest, and the following tables:

(a) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies—the Commissioners 1941 Standard Ordinary Mortality Table for such policies issued prior to the operative date of Section 10163.5, and the Commissioners 1958 Standard Ordinary Mortality Table for such policies issued on or after such operative date; provided, however, that for any category of such policies issued on female risks modified net premiums and present values, referred to in Section 10489.3, may be calculated, at the option of the insurer, according to an age not more than three years younger than the actual age of the insured.

(b) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies—the 1941 Standard Industrial Mortality Table.

(c) For annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies—the 1937 Standard Annuity Mortality Table.

(d) For total and permanent disability benefits in or supplementary to ordinary policies or contracts—Class (3) Disability Table (1926) which, for active lives, shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(e) For accidental death benefits in or supplementary to policies—the Inter-Company Double Indemnity Mortality Table combined with a mortality table permitted for calculating the reserves for life insurance policies.

(f) For group life insurance, life insurance issued on the substandard basis and other special benefits—such tables as may be approved by the commissioner.

CHAPTER 939

An act to amend Section 9102 of the Government Code, relating to legislative offices.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 9102 of the Government Code is amended to read:

9102. The Senator having the management and control of the legislative office located in Los Angeles shall have the authority to employ one person in such office who shall hold a confidential position to him, and two other employees to be appointed by the Senate as provided for in subdivision (a) (4) of Section 4, Article XXIV of the California Constitution and to fix their compensation at the grade and in the manner hereinafter provided with respect to employees in other legislative offices. The Senator having the management and control of the legislative office located in San Diego shall have the authority to employ one person in such office who shall hold a confidential position to him, and one other employee to be appointed by the Senate as provided for in subdivision (a) (4) of Section 4, Article XXIV of the California Constitution and to fix their compensation at not less than the grade and in the manner hereinafter provided with respect to employees in other legislative offices. The Senator having the management and control of each other legislative office shall have the authority to employ in such office one person holding a confidential position to such Senator, and to fix the compensation of such person at a grade not less than that of secretary-stenographer in civil service, subject to the provisions of Section 18004. There shall be no other employees.

CHAPTER 940

An act to add Section 3.1 to, and to amend Sections 20 and 30 of, the Tehama County Flood Control and Water Conservation District Act (Chapter 1280, Statutes of 1957), relating to the Tehama County Flood Control and Water Conservation District.

In effect September 18, 1959

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 3.1 is added to the Tehama County Flood Control and Water Conservation District Act, to read:

Sec. 3.1. The power of the district to co-operate and contract with the United States or the State of California pursuant to Section 3 shall include the power to incur an indebtedness or liability under any such contract, but no such contract under which the district incurs an indebtedness or liability exceeding the income or revenue for the year in which the contract is proposed to be executed shall be executed without the consent of two-thirds of the voters voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the district.

SEC. 2. Section 20 of said act is amended to read:

Sec. 20. If after the hearing provided for in Section 5 of this act, the board determines to proceed with any project, the board shall call a special election and submit to the qualified voters of said zone or zones, the following propositions:

1. Shall the report adopted by the board be ratified?

2. Shall the district incur a bonded indebtedness for the purpose of providing for the control and disposition of flood and storm waters of the zone and to protect from damage from such storm and flood waters, the waterways, property, public highways, and public places in the district, and for any other purpose set forth in Section 3 hereof?

3. If a contract with the United States or the State of California is required to be submitted to the voters pursuant to Section 3.1 hereof, shall the district execute such contract?

The resolution calling the special election shall state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor and shall fix the maximum rate of interest to be paid on said indebtedness which shall not exceed 5 percent per annum, and shall fix the date on which the special election shall be held and the manner of voting for and against the ratification of the report adopted by the board, and for and against the incurring of such indebtedness.

If a contract with the United States or the State of California is submitted for approval of the voters, the resolution shall state the purpose of the contract and the amount of the indebtedness or liability to be incurred thereunder, and shall fix the manner of voting for and against such contract.

For the purpose of the election, the board shall, in its resolution, establish election precincts within the boundaries of the zones affected, and may form election precincts by consolidating the precincts established for general election purposes in the zones, and shall designate a polling place and appoint one inspector, two judges and two clerks for each of such precincts.

In all particulars not recited in such resolution, the election shall be held as nearly as practicable in conformity with the general election laws of the State.

At such election all persons whose names appear on the last Great Register of Tehama County and who own real property within the zone or zones involved shall be entitled to vote as hereinafter provided. The number of votes shall be governed by the assessed value of all real and personal property owned by the elector within the zone involved. Every landowner shall be entitled to one vote for the first one thousand dollars ($1,000) of assessed value or fraction thereof and an additional vote for each additional one thousand dollars ($1,000) of assessed value or fraction thereof.

In the case of land owned by a copartnership or a corporation the method of voting shall be as follows:

Copartners whose names appear on the last Great Register of Tehama County and who own land in the zone or zones affected shall be eligible to vote. In the case of a corporation owning land in the zone or zones affected and who has a stockholder or stockholders whose name or names appear on the last Great Register of Tehama County said stockholder or stockholders shall be eligible electors. A copartnership or corporation may designate which partner or partners and stockholder or stockholders is to represent the owners of the land at any election and the percentage to be voted by each copartner or stockholder. The designation is to be made in writing and in the case of a copartnership the document shall be signed by the partners and in the case of a corporation the document shall be signed by the officers and bear the corporate seal and said document shall be delivered to the election board at the time of voting. If the voter is not a resident of the zone or zones affected, his voting precinct shall be the precinct in which his land, or the land he represents, is situated.

Such resolution calling such election shall be published once a day for at least seven days, in some newspaper published at least five days a week in the district, or once a week for two weeks in some newspaper published less than five days a week in such district, and one insertion each week for two succeeding weeks shall be sufficient publication in such newspaper published less than five days a week. No further notice of such election need be given.

Any defect or irregularity in the proceedings prior to the election shall not affect the validity of the bonds or of any contract submitted for approval.

If at such election two-thirds or more of the votes are cast in favor of ratifying the adoption of the report by the board and the incurring of such bonded indebtedness, then the bonds of the district, for the amounts stated in such proceedings, shall be issued and sold as provided in this act.

If at such election two-thirds or more of the votes are cast in favor of executing a contract submitted for approval, then the contract shall be executed by the district.

SEC. 3. Section 30 of said act is amended to read:

SEC. 30. All proceeds received from the sale of the bonds hereunder shall be deposited with the County Treasurer of the County of Tehama, and be paid out by him upon authority of the board and by proper warrant. All proceeds in excess of the actual cost of all work and improvement and proceedings thereunder may be used for any lawful purposes for which the district was created as in this act provided.

CHAPTER 941

An act to repeal Section 11 of Chapter 33 of the Statutes of 1956, First Extraordinary Session, relating to state and local planning.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 11 of Chapter 33 of the Statutes of 1956, First Extraordinary Session, is hereby repealed.

CHAPTER 942

An act to amend Section 28111 of the Government Code, relating to compensation for public service in a county of the eleventh class.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 28111 of the Government Code is amended to read:

28111. In a county of the eleventh class the following shall receive as compensation for the services required of them by law or by virtue of their office the following sums:

(a) The auditor, twelve thousand five hundred dollars ($12,500) a year and his necessary expenses incurred while traveling in the performance of his official duties. He shall pay into the county treasury all fees and commissions or compensations received by him in his official capacity, other than his official salary.

(b) The district attorney, fifteen thousand dollars ($15,000) a year and the necessary expenses incurred in the discharge of his official duties. All fees and commissions or compensations, other than his official salary, received by him in his official capacity from any source shall be paid into the county treasury. He shall devote his entire time during office hours to the work of the county and the State and is prohibited from engaging in private work during his term of office, which prohibition shall also apply to his deputies, while so employed.

(c) Each supervisor, twelve thousand dollars ($12,000) a year and actual and necessary expenses incurred in the performance of the duties of his office.

(d) Each member of the grand jury shall be allowed six dollars ($6) for each day's attendance upon sessions of the grand jury, or for each day's attendance as a member of any committee of the grand jury even though a full quorum of the grand jury as a whole be not present, and mileage, at the

rate payable to officers and employees of such county, for each mile actually and necessarily traveled in attending meetings of the grand jury which are held within the county, or any session of a grand jury committee duly called by the foreman of the grand jury or chairman of the committee.

For attending as a trial juror, in the superior court for each day's actual attendance, five dollars ($5), and fifteen cents ($0.15) for each mile actually traveled in going only.

For attending as a trial juror, in the municipal court for each day's actual attendance, five dollars ($5), and fifteen cents ($0.15) for each mile actually traveled in going only.

For attending as a trial juror in criminal cases in justice courts, three dollars ($3), for each day of actual service as a juror.

The judge of the court shall make an order directing the auditor to draw his warrant in favor of the juror for the per diem and mileage and the treasurer shall pay the warrant.

CHAPTER 943

An act to amend Section 25526 of the Government Code, relating to sale or lease of county real property.

In effect September 18, 1959

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 25526 of the Government Code is amended to read:

25526. Before ordering the sale or lease of any property the board of supervisors shall, in a regular open meeting, by a two-thirds vote of all its members, adopt a resolution, declaring its intention to sell the property, or a resolution declaring its intention to lease it, as the case may be. The resolution shall describe the property proposed to be sold, or leased, in such manner as to identify it and shall specify the minimum price, or rental, and the terms upon which it will be sold, or leased, and shall fix a time, not less than three weeks thereafter for a public meeting of the board of supervisors to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered.

When the minimum price or annual rental is not over two thousand dollars ($2,000) or one hundred fifty dollars ($150) per month for a period of one year or less, instead of describing in detail the property and the terms on which it will be sold or leased, the resolution may briefly identify the property, state the minimum price or rental, and refer to the proposed form of conveyance or lease on file in the office of the county clerk in which the terms for selling or leasing the property may be seen.

CHAPTER 944

An act to repeal Section 10126 of the Health and Safety Code, relating to vital statistics.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 10126 of the Health and Safety Code is repealed.

CHAPTER 945

An act to amend Sections 21351 and 21352 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to revolving funds of school districts.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 21351 of the Education Code is amended to read:

21351. The governing board of any elementary school district, high school district, or junior college district may, if the school district maintains a stock of merchandise for school use, establish a revolving fund for budget control and stock accounting purposes, by adopting a resolution setting forth the necessity for the revolving fund, the purpose for which it shall be used and the amount thereof. Three certified copies of the resolutions shall be submitted to the county superintendent of schools, who, if he approves the establishment of the fund, shall indorse his consent upon the resolution, return one copy to the governing board of the school district and transmit one copy to the county auditor.

Revolving fund

The governing boards of two or more school districts of any type may, if the school districts maintain a stock of merchandise for school use, establish a common revolving fund for budget control and stock accounting purposes, by adopting a resolution of each district setting forth the necessity for the revolving fund, the purpose for which it shall be used and the amount thereof. Three certified copies of the resolutions shall be submitted to the county superintendent of schools, who, if he approves the establishment of the fund, shall indorse his consent upon the resolution, return one copy to the governing board of the school districts and transmit one copy to the county auditor.

SEC. 2. Section 21352 of said code is amended to read:

21352. The amount of the revolving fund shall not exceed an amount from the general fund of the district equal to the average daily attendance of the district for the next preceding year multiplied by ten dollars ($10) plus such amounts as the

Amount

governing board of the district may, in its discretion, appropriate from other funds of the district, including building funds, and shall be determined as follows: The inventory of stores on hand including the cost of receiving and storing such stores of the school district at the time of the establishment of the fund, which stores and costs have been paid for from school district funds and reported to the county superintendent, plus whatever sum the governing board in its discretion may appropriate from the various funds of the district, including building funds, not to exceed an aggregate sum determined as above, including stores on hand, costs of receiving and storing such stores and designated appropriations, shall be the amount to constitute the revolving fund of the district.

Where a common revolving fund is established for two or more school districts, the amount of the revolving fund shall not exceed an amount from the general funds of the districts equal to the average daily attendance of the districts for the next preceding year multiplied by ten dollars ($10) plus such amounts as the governing boards of the districts, in their discretion, appropriate from other funds of the districts, including building funds, and shall be determined as follows: The inventory of stores on hand including the cost of receiving and storing such stores of each school district at the time of the establishment of the fund which stores and costs have been paid for from school district funds and reported to the county superintendent, plus whatever sums the governing board of each district in its discretion may appropriate from the various funds of the district, including the building fund, not to exceed an aggregate sum as determined above, including stores on hand, costs of receiving and storing such stores and designated appropriations, shall be the amount to constitute the revolving fund, and each district shall retain its equity in the common fund.

The amount of any revolving fund once established as herein prescribed may be increased to an amount from general funds not in excess of the average daily attendance of the next preceding year multiplied by ten dollars ($10) plus such amounts as the governing board, in its discretion, may appropriate from other funds of the district, including building funds, or decreased, in the discretion of the governing board, as the needs of the district may require, in the same manner and by the same procedure as herein prescribed for establishment of such fund.

Amounts expended from the revolving fund are restored thereto through payments into the revolving fund by warrants drawn on the various funds of the districts, including building funds, for shipments from stores for the use of the districts. The warrants shall be made payable to the "revolving fund of _____

(Here insert name or names of the school district or

_____."

school districts establishing the fund.)

CHAPTER 946

An act to amend Sections 10201, 10321.5, and 10581.5 of the Business and Professions Code, relating to real estate licenses.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 10201 of the Business and Professions Code is amended to read:

Late renewal fee

10201. Notwithstanding any other provision of this part, the holder of a renewal license who fails to renew it prior to the expiration of the period for which it was issued and who has otherwise qualified for such license, may renew it within two years from such expiration upon proper application and the payment of a late renewal fee in an amount equal to 1½ times the regular renewal fee.

Notwithstanding any other provision of this part, if a person who is or has been licensed under the provisions of this chapter complies with all of the requirements for a renewal license except that the application is not filed within the time prescribed, the commissioner may issue a renewal license if he finds the delay was due to mistake, inadvertence, surprise or excusable neglect; provided, however, that any applicable late renewal fee shall be charged.

SEC. 2. Section 10321.5 of said code is amended to read:

Same

10321.5. Notwithstanding any other provision of this part, the holder of a renewal license who fails to renew it prior to the expiration of the period for which it was issued and who has otherwise qualified for such license, may renew it within two years from such expiration upon proper application and the payment of a late renewal fee in an amount equal to 1½ times the regular renewal fee.

Notwithstanding any other provision of this part, if a person who is or has been licensed under the provisions of this chapter complies with all of the requirements for a renewal license except that the application is not filed within the time prescribed, the commissioner may issue a renewal license if he finds the delay was due to mistake, inadvertence, surprise or excusable neglect; provided, however, that any applicable late renewal fee shall be charged.

SEC. 3. Section 10581.5 of said code is amended to read:

Same

10581.5. Notwithstanding any other provision of this part, the holder of a renewal license who fails to renew it prior to the expiration of the period for which it was issued and who has otherwise qualified for such license, may renew it within two years from such expiration upon proper application and the payment of a late renewal fee in an amount equal to 1½ times the regular renewal fee.

Notwithstanding any other provision of this part, if a person who is or has been licensed under the provisions of this

chapter complies with all of the requirements for a renewal license except that the application is not filed within the time prescribed, the commissioner may issue a renewal license if he finds the delay was due to mistake, inadvertence, surprise or excusable neglect; provided, however, that any applicable late renewal fee shall be charged.

CHAPTER 947

An act to amend Section 311 of the Fish and Game Code, relating to salmon fishing.

In effect September 18, 1959

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 311 of the Fish and Game Code is amended to read:

311. It is unlawful to use or possess any gaff hook or any hook with more than one point within 100 feet of those portions of the Feather River and of Butte Creek while they are closed to salmon fishing as salmon spawning areas pursuant to Section 310.

It is unlawful to use or possess any gaff hook or any hook with more than one point within 100 feet of that portion of the Feather River up stream on the Feather River from areas designated as salmon spawning areas up to the junction of Middle and South Forks and up the North Fork to the Pacific Gas and Electric Company Big Bend Powerhouse during the time such downstream salmon spawning areas are closed to salmon fishing under Section 310.

This section does not apply to a person possessing a gaff hook or any hook with more than one point in his home or while traveling on the public roads in the area.

CHAPTER 948

An act to amend Sections 8001 and 8004 of the Government Code, relating to the California Commission on Interstate Co-operation.

In effect September 18, 1959

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 8001 of the Government Code is amended to read:

Membership Assembly Committee on Interstate Co-operation

8001. There is in the State Government an Assembly Committee on Interstate Co-operation consisting of five Members of the Assembly in addition to the Speaker of the Assembly

and the Chairman of the Assembly Committee on Rules. The members and the chairman of this committee shall be designated in the same manner as are the members and chairmen of standing committees of the Assembly.

SEC. 2. Section 8004 of said code is amended to read:

8004. The California Commission on Interstate Co-operation consists of 19 members, namely: Same. California Commission on Interstate Co-operation

(a) The seven members of the Senate Committee on Interstate Co-operation.

(b) The seven members of the Assembly Committee on Interstate Co-operation.

(c) Five officers of the State appointed by the Governor who hold office during the pleasure of the Governor and one of whom shall be designated by him as chairman of the commission.

The Governor is ex officio an honorary nonvoting member of the commission.

CHAPTER 949

An act to add Section 1582.1 to, and to amend Sections 1588, 1588.2 and 1594 of, the Labor Code, relating to employment agency licenses.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 1582.1 is added to the Labor Code, to read:

1582.1. A filing fee of twenty-five dollars ($25) shall be paid to the Labor Commissioner at the time the application for issuance of a license is filed. Filing fee

SEC. 2. Section 1588 of said code is amended to read:

1588. In addition to the filing fee required by Labor Code Section 1582.1 for application for issuance of a license, and except as provided in Section 1588.2, every employment agency shall pay to the Labor Commissioner annually at the time a license is issued or renewed a license fee of: License fee

(a) One hundred dollars ($100) in cities having a population of over 100,000.

(b) Fifty dollars ($50) in cities having a population of over 25,000 and not exceeding 100,000.

(c) Twenty-five dollars ($25) in all other places.

(d) Twenty-five dollars ($25) for each branch office maintained by the agency.

All figures as to population shall be based on the latest United States Government census.

SEC. 3. Section 1588.2 of said code is amended to read:

1588.2. In addition to the filing fee required by Section 1582.1 for application for issuance of a license, employment agencies operating solely as labor contractors as defined in Same

Section 1551 of this chapter shall pay to the Labor Commissioner annually at the time a license is issued or renewed a license fee of twenty-five dollars ($25), and shall pay an additional fee of twenty-five dollars ($25) for each branch office maintained by the agency.

Filing fee

SEC. 4. Section 1594 of the Labor Code is amended to read:

1594. A filing fee of twenty-five dollars ($25) shall be paid to the Labor Commissioner at the time application for consent to the transfer or assignment of a license is made, but no license fee shall be required upon the assignment or transfer of a license. The location of an employment agency shall not be changed without the written consent of the Labor Commissioner.

CHAPTER 950

An act to amend Section 1684 of the Labor Code, relating to farm labor contractors.

In effect September 18, 1959

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1684 of the Labor Code is amended to read:

1684. The Labor Commissioner shall not issue to any person a license to act as a farm labor contractor until:

(a) Such person has executed a written application therefor in a form prescribed by the Labor Commissioner, subscribed and sworn to by such person, accompanied by a filing fee of ten dollars ($10), and containing (1) a statement by such person of all facts required by the Labor Commissioner concerning the applicant's character, competency, responsibility, and the manner and method by which he proposes to conduct his operations as a farm labor contractor if such license is issued, and (2) the names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates or profit sharers, in the proposed operation as a labor contractor, together with the amount of their respective interests;

(b) The Labor Commissioner, after investigation, is satisfied as to the character, competency, and responsibility of such person;

(c) Such person has deposited with the Labor Commissioner a surety bond in a penal sum of one thousand dollars ($1,000). Such bond shall be payable to the people of the State of California and shall be conditioned that said farm labor contractor will comply with all the terms and provisions of this chapter and will pay all damages occasioned to any person by failure

so to do, or by any violation of the provisions of this chapter, or false statements or misrepresentations made in the procurement of his license; and

(d) Such person has paid to the Labor Commissioner a license fee of twenty-five dollars ($25).

CHAPTER 951

An act to amend Sections 3701 and 3703 of the Labor Code, relating to workmen's compensation insurance and security.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 3701 of the Labor Code is amended to read:

3701. The Director of Industrial Relations may require a self-insuring employer to deposit either a surety bond or securities, approved by the Director of Industrial Relations, and in an amount determined by the director, to secure incurred liabilities for the payment of compensation as compensation is defined in Section 3207.

Bond

(a) Surety bonds shall be deposited with the Director of Industrial Relations.

(b) Securities shall be deposited with the State Treasurer. Securities shall be accepted by the State Treasurer for deposit and shall be withdrawn only upon written order of the Director of Industrial Relations.

SEC. 2. Section 3703 of said code is amended to read:

3703. So long as the certificate has not been revoked, and the self-insurer maintains on deposit the requisite bond or securities, the self-insurer shall not be required or obliged to pay into the State Compensation Insurance Fund any sums covering liability for compensation excepting life pensions; and the self-insurer may fully administer any compensation benefits assessed against the self-insurer.

State Compensation Insurance Fund

CHAPTER 952

An act to add Article 11.5 (commencing at Section 9171) to Chapter 7 of Division 4 of the Education Code, and to add Chapter 5 (commencing at Section 551) to Division 2 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to the acceptance of the provisions and benefits of the "National Defense Education Act of 1958," approved September 2, 1958 and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Article 11.5 is added to Chapter 7, of Division 4 of the Education Code, to read:

Article 11.5. National Defense Education

Acceptance

9171. The people of the State of California accept the provisions of, and each of the funds provided by, the act of Congress entitled "An act to strengthen the national defense and to encourage and assist in the expansion and improvement of educational programs to meet critical national needs; and for other purposes" (National Defense Education Act of 1958), approved September 2, 1958.

Compliance

9172. In accepting the benefits of the act of Congress, the people of the State agree to comply with all of the provisions and to observe all of its requirements.

State Board of Education

9173. The State Board of Education is designated as the state educational agency to carry out the purposes and the provisions of the act of Congress. The State Board of Education is hereby vested with authority to prepare and submit to the United States Commissioner of Education any state plan required by said act of Congress, to prepare and submit amendments to such state plans, and to administer such state plans or amendments thereto, in accordance with said act of Congress and any rules and regulations adopted thereunder. The State Board of Education is hereby vested with all necessary power and authority to co-operate with the Government of the United States, or any agency or agencies thereof in the administration of the act of Congress and the rules and regulations adopted thereunder.

Director of Education, etc., vested with power

9174. The Director of Education on behalf of any state college and the California State Polytechnic College, the Board of Governors of the State Nautical School on behalf of the State Nautical School, and the governing board of a school district on behalf of any school or junior college maintained by the district is vested with all necessary power and authority to perform all acts necessary to receive the benefits and to expend the funds provided by said act of Congress and with all necessary power and authority to co-operate with the Government

of the United States, or any agency or agencies thereof, and with the State Board of Education for the purpose of receiving the benefits and expending the funds provided by said act of Congress, in accordance with said act, or any rules or regulations adopted thereunder, or any state plan or rules or regulations of the State Board of Education adopted in accordance with said act of Congress.

State Treasurer: Custodian of funds

9175. The State Treasurer is designated as the custodian of all funds received by the State from the Government of the United States, or of any agency or agencies thereof, under the federal act and he is authorized to receive and provide for the custody of all moneys so received.

Disbursement of funds

9176. The funds received by the State under the provisions of the federal act shall be paid out by the State Treasurer on warrants drawn by the Controller and requisitioned by the State Board of Education in carrying out the purposes of the federal act.

Student loan fund

9177. The president or the administrative head of each junior college, state college, and the State Nautical School may establish and administer a student loan fund pursuant to said act of Congress. Moneys allocated for the purpose of establishing a student loan fund at a state college, the California State Polytechnic College, or the State Nautical School may be withdrawn from the State Treasury and deposited to the credit of that institution in a trust account in accordance with the provisions of Government Code Sections 16305-16305.7 for the purpose of making loans to students in accordance with the federal act.

Ratification

9178. All acts or proceedings heretofore taken, in connection with receiving the benefits or expending the funds provided by said act of Congress are hereby ratified and confirmed.

SEC. 2. Chapter 5 (commencing at Section 551) is added to Division 2 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, to read:

CHAPTER 5. NATIONAL DEFENSE EDUCATION

Acceptance

551. The people of the State of California accept the provisions of, and each of the funds provided by, the act of Congress entitled "An act to strengthen the national defense and to encourage and assist in the expansion and improvement of educational programs to meet critical national needs; and for other purposes" (National Defense Education Act of 1958), approved September 2, 1958.

Compliance

552. In accepting the benefits of the act of Congress, the people of the State agree to comply with all of the provisions and to observe all of its requirements.

State Board of Education

553. The State Board of Education is designated as the state educational agency to carry out the purposes and the provisions of the act of Congress. The State Board of Education is hereby vested with authority to prepare and submit

to the United States Commissioner of Education any state plan required by said act of Congress, to prepare and submit amendments to such state plans, and to administer such state plans or amendments thereto, in accordance with said act of Congress and any rules and regulations adopted thereunder. The State Board of Education is hereby vested with all necessary power and authority to co-operate with the Government of the United States, or any agency or agencies thereof in the administration of the act of Congress and the rules and regulations adopted thereunder.

Director of Education, etc., vested with power

554. The Director of Education on behalf of any state college and the California State Polytechnic College, the board of governors of the State Nautical School on behalf of the State Nautical School, and the governing board of a school district on behalf of any school or junior college maintained by the district is vested with all necessary power and authority to perform all acts necessary to receive the benefits and to expend the funds provided by said act of Congress and with all necessary power and authority to co-operate with the Government of the United States, or any agency or agencies thereof, and with the State Board of Education for the purpose of receiving the benefits and expending the funds provided by said act of Congress, in accordance with said act, or any rules or regulations adopted thereunder, or any state plan or rules or regulations of the State Board of Education adopted in accordance with said act of Congress.

State Treasurer: Custodian of funds

555. The State Treasurer is designated as the custodian of all funds received by the State from the Government of the United States, or of any agency or agencies thereof, under the federal act and he is authorized to receive and provide for the custody of all moneys so received.

Disbursement of funds

556. The funds received by the State under the provisions of the federal act shall be paid out by the State Treasurer on warrants drawn by the controller and requisitioned by the State Board of Education in carrying out the purposes of the federal act.

Student loan fund

557. The president or the administrative head of each junior college, state college, and the State Nautical School may establish and administer a student loan fund pursuant to said act of Congress. Moneys allocated for the purpose of establishing a student loan fund at a state college, the California State Polytechnic College, or the State Nautical School may be withdrawn from the State Treasury and deposited to the credit of that institution in a trust account in accordance with the provisions of Government Code Sections 16305-16305.7 for the purpose of making loans to students in accordance with the federal act.

Ratification

558. All acts or proceedings heretofore taken, in connection with receiving the benefits or expending the funds provided by said act of Congress are hereby ratified and confirmed.

SEC. 3. Section 2 of this act shall become operative at the same time as the Education Code, as enacted by the Legislature at its 1959 Regular Session, at which time Article 11.5 (commencing at Section 9171) of Chapter 7, Division 4 of the Education Code as added by Section 1 of this act is repealed.

Operative date Effect Stats 1959, Ch 2

SEC 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the California Constitution, and shall go into immediate effect. The facts constituting such necessity are:

Urgency

The United States Commissioner of Education has allotted money under the act to the State for the Fiscal Year 1958-1959, and it is necessary that this measure become effective immediately in order that the needy students of state colleges may receive loans under Title II of the act for the second semester, which at most state colleges begins about February 1, 1959.

CHAPTER 953

An act to amend Section 4127 of the Agricultural Code, relating to unfair practices.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 4127 of the Agricultural Code is amended to read:

4127. The giving of any milk, cream, dairy products, services, money, or articles of any kind except to bona fide charities for the purpose of securing or retaining the milk, cream or dairy products business of any wholesale customer or consumer is an unfair practice; provided, however, that nothing herein shall be construed to prohibit a distributor of frozen dairy products for reasonable compensation as provided in Section 4138, from furnishing a wholesale customer with, and maintaining such refrigeration facilities as shall be reasonably necessary for the storage and preservation of the frozen dairy products distributed by such distributor to such wholesale customer; provided further, that the use of said refrigeration facilities by any person for the storage or preservation of any product other than the frozen dairy products distributed to said wholesale customer by the distributor furnishing such facilities is an unfair practice, except when the distributor furnishing said refrigeration facilities does not manufacture or distribute imitation ice cream or imitation ice milk and has authorized, in writing, the use of said refrigeration facilities for the storage and preservaton of imitation ice cream or imitation ice milk sold to said wholesale customer by another vendor and a copy of such authorization has been filed with

the director prior to the use of said refrigeration facilities for such purpose. Frozen dairy products as used herein and in Section 4138 shall mean any frozen products manufactured in a milk products plant, and imitation ice cream, imitation ice milk and water ices, sold by the distributor furnishing said refrigeration facilities.

Nothing in this section shall be applicable to a manufacturer of imitation ice cream or imitation ice milk who is not also a distributor as the term "distributor" is defined in Section 4102 of this code.

CHAPTER 954

An act to amend Sections 6062, 6062a, 6063, 6063a, 6064, 6065, and 6066 of the Government Code, and Section 782 of the Probate Code, relating to publication of notice.

In effect September 18, 1959

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 6062 of the Government Code is amended to read:

Publication of notice: 10 days

6062. Publication of notice pursuant to this section shall be for 10 days. The period of notice commences upon the first day of publication and terminates at the end of the tenth day, including therein the first day. Publication shall be made on each day on which the newspaper is published during the period.

SEC. 2. Section 6062a of said code is amended to read:

Same: 10 days

6062a. Publication of notice pursuant to this section shall be for 10 days in a newspaper regularly published once a week or oftener. Two publications, with at least five days intervening between the dates of first and last publication not counting such publication dates, are sufficient. The period of notice commences upon the first day of publication and terminates at the end of the tenth day, including therein the first day.

SEC. 3. Section 6063 of said code is amended to read:

Same: 3 weeks

6063. Publication of notice pursuant to this section shall be once a week for three successive weeks. Three publications in a newspaper regularly published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The period of notice commences upon the first day of publication and terminates at the end of the twenty-first day, including therein the first day.

SEC. 4. Section 6063a of said code is amended to read:

Same: 10 days

6063a. Publication of notice pursuant to this section shall be for at least 10 days. Three publications in a newspaper published once a week or oftener, with at least five days inter-

vening between the first and last publication dates not counting such publication dates, are sufficient. The period of notice commences upon the first day of publication and terminates either at the end of the day of the third publication or at the end of the tenth day, including therein the first day, whichever period is longer.

SEC. 5. Section 6064 of said code is amended to read:

Same: 4 weeks

6064. Publication of notice pursuant to this section shall be once a week for four successive weeks. Four publications in a newspaper regularly published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The period of notice commences with the first day of publication and terminates at the end of the twenty-eighth day, including therein the first day.

SEC. 6. Section 6065 of said code is amended to read:

Same: 8 weeks

6065. Publication of notice pursuant to this section shall be once a week for eight successive weeks. Eight publications in a newspaper regularly published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The period of notice commences upon the first day of publication and terminates at the end of the fifty-sixth day, including therein the first day.

SEC. 7. Section 6066 of said code is amended to read:

Same: 2 weeks

6066. Publication of notice pursuant to this section shall be once a week for two successive weeks. Two publications in a newspaper published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The period of notice commences upon the first day of publication and terminates at the end of the fourteenth day, including therein the first day.

SEC. 8. Section 782 of the Probate Code is amended to read:

Notice: Private sale

782. In the case of a private sale, the notice must state a place where bids or offers will be received, and a day on or after which the sale will be made, which day must be at least 15 days from the first publication or posting of the notice, and the sale must not be made before that day, but must be made within one year thereafter; but if it is shown that it will be for the best interests of the estate, the court or judge may, by an order, shorten the time of notice, which shall not, however, be less than one week, and may provide that the sale may be made on or after a day less than 15 but not less than eight days from the first publication or posting of the notice, in which case the notice of sale and the sale may be made to correspond with such order, and such notice must then be published pursuant to Section 6061 of the Government Code or, in proper cases, posted for one week before the date of the sale or, in the case of a private sale, before the day on or after which the sale is to be made and otherwise in accordance

with Section 780 of this code. The bids or offers must be in writing, and may be left at the place designated in the notice or delivered to the executor or administrator personally, or may be filed in the office of the clerk of the court where the proceedings are pending, at any time after the first publication or posting of the notice and before the making of the sale.

CHAPTER 955

An act to add Section 3864 to the Labor Code, relating to workmen's compensation.

In effect September 18, 1959

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 3864 is added to the Labor Code, to read:

3864. If an action as provided in this chapter prosecuted by the employee, the employer, or both jointly against the third person results in judgment against such third person, or settlement by such third person, the employer shall have no liability to reimburse or hold such third person harmless on such judgment or settlement in absence of a written agreement so to do executed prior to the injury.

CHAPTER 956

An act to amend Sections 34302 and 34304 of the Government Code, relating to the incorporation of cities.

In effect September 18, 1959

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 34302 of the Government Code is amended to read:

Incorporation of territory

34302. Any portion of a county with a population of less than 2,000,000, if such portion contains not less than 500 inhabitants and is not incorporated as a city, and any portion of a county with a population of 2,000,000 or more, if such portion contains not less than 500 registered voters and is not incorporated as a city, may become incorporated pursuant to this chapter.

SEC. 2. Section 34304 of said code is amended to read:

Petition

34304. The petition shall accurately describe the proposed boundaries of the city, state the number of inhabitants within the boundaries as nearly as may be, and pray that the city may be incorporated; in counties with a population of 2,000,000 or more the petition shall also state the number of registered voters within the boundaries as nearly as may be.

CHAPTER 957

An act to amend Sections 160.91, 160.92, 160.93, 160.94, and 160.95 of the Agricultural Code, relating to pest control.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 160.91 of the Agricultural Code is amended to read:

Applicability and definitions

160.91. The provisions of this article apply only to persons required to be licensed under Article 1 (commencing at Section 160.1) of this chapter who may apply pest control materials or substances by dusting, spraying or any other manner whereby such materials or substances are applied through the medium of aircraft. As used in this article, "operator" refers to a person, within the foregoing description and "pest control operation" means the application of such materials and substances by an operator. "Judgment" means a final judgment of any court of competent jurisdiction in this or any other state or of the United States against a person as defendant upon a cause of action arising out of pest control operations.

SEC. 2. Section 160.92 of said code is amended to read:

License suspension

160.92. The director shall suspend the license of any operator upon receiving a copy of a judgment, and a certificate of facts relative to such judgment, on a form provided by the director, indicating that such operator has failed for a period of 30 days to satisfy a final judgment rendered against him.

Such suspension shall remain in effect and no license shall be issued to such operator unless and until such judgment is satisfied, or such operator submits to the director proof of his financial ability to respond in damages pursuant to such judgment.

For the purposes of this article, a judgment shall be deemed satisfied when twenty-five thousand dollars ($25,000) has been credited upon any judgment in excess of that amount arising out of any one accident or occurrence.

SEC. 3. Section 160.93 of said code is amended to read:

Proof of financial responsibility

160.93. Proof of such financial responsibility may be made by furnishing security which may consist of a deposit of money, a surety bond in favor of any person or persons who may suffer damage by reason of pest control operations by the operator issued by a corporate surety company qualified and authorized to do business in this State, or an insurance policy insuring the operator against liability for damages pursuant to such judgment. The amount of such deposit, surety bond, or insurance shall be not less than twenty-five thousand dollars ($25,000) and in the event of any recovery against such security it shall be replenished so that it amounts to not

less than twenty-five thousand dollars ($25,000). For the purpose of this article a deposit of bonds or other obligations for the payment of which the full faith and credit of the United States or of this State are pledged shall be considered a deposit of money.

SEC. 4. Section 160.94 of said code is amended to read:

Certified copy of judgment

160.94. The clerk of a court, or the judge of a court which has no clerk, shall forward to the director a certified copy of any judgment or a certified copy of the docket entries in an action resulting in a judgment for damages, and a certificate of facts relative to such judgment, on a form provided by the director, immediately upon the expiration of 30 days after such judgment has become final and when such judgment has not been stayed or satisfied.

SEC. 5. Section 160.95 of said code is amended to read:

Affidavit

160.95. Any person whose license has been suspended, or is about to be suspended, or shall become subject to suspension under the provisions of this article, may relieve himself from such suspension by filing with the director an affidavit stating that at the time of the incident upon which such judgment has been rendered he was insured, that the insurer is liable to pay such judgment, and the reason, if known, why such insurance company has not paid such judgment. He shall also file the original policy of insurance or a certified copy thereof, if available, and such other documents as the director may require to show that the loss, injury or damage for which such judgment was rendered, was covered by such policy of insurance. If the director is satisfied from such papers that such insurer was authorized to issue such policy of insurance in the State of California at the time of issuing such policy and that such insurer is liable to pay such judgment, at least to the extent and for the amounts provided in this article, the director shall not suspend such license or if already suspended shall reinstate it.

CHAPTER 958

An act to amend Sections 25803, 35103 and 35104 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to overwidth implements of husbandry.

In effect September 18, 1959

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 25803 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

Lamps on other vehicles

25803. (a) All vehicles not otherwise required to be equipped with headlamps, rear lights, or reflectors by this chapter shall during darkness be equipped with at least one

lighted lamp exhibiting a white light visible from a distance of 500 feet to the front of the vehicle and with a lamp exhibiting a red light visible from a distance of 500 feet to the rear of the vehicle.

(b) Such vehicle shall also be equipped with an amber reflector on the front near the left side and a red reflector on the rear near the left side. The reflectors shall be mounted on the vehicle not lower than 16 inches nor higher than 60 inches above the ground and so designed and maintained as to be visible during darkness from all distances within 500 feet from the vehicle when directly in front of a motor vehicle displaying lawful lighted headlamps undimmed.

(c) In addition, if such vehicle or the load thereon has a total outside width in excess of 100 inches there shall be displayed during darkness at the left outer extremity at least one amber light visible under normal atmospheric conditions from a distance of 500 feet to the front, sides and rear. At all other times there shall be displayed at the left outer extremity a red flag or cloth not less than 16 inches square.

SEC. 2. Section 35103 of said code is amended to read:

Implements of husbandry

35103. The limitations as to width do not apply to implements of husbandry incidentally operated, transported, moved, or towed over a highway.

When an implement of husbandry is transported or moved over a highway which is a part of the National System of Interstate and Defense Highways (as referred to in Section 108 of the Federal-aid Highway Act of 1956) as a load on another vehicle, if such load exceeds 96 inches in width, the vehicle and load shall not be operated for a distance in excess of 25 miles from the point of origin of the trip and shall not be operated at a speed in excess of 30 miles per hour.

When an implement of husbandry is transported or moved over any other highway as a load on another vehicle, if such load exceeds 120 inches in width, the vehicle and load shall not be operated for a distance in excess of 25 miles from the point of origin of the trip and shall not be operated at a speed in excess of 30 miles per hour.

SEC. 3. Section 35104 of said code is amended to read:

Application

35104. The limitations as to width do not apply to the following vehicles except that these vehicles shall not exceed a width of 120 inches:

(a) Any trailer or semitrailer, including lift carriers and tip-bed trailers, used exclusively for the transportation of implements of husbandry by farmers or implement dealers.

(b) Special mobile equipment.

(c) Highway construction or maintenance equipment.

This section shall have no application to highways which are a part of the National System of Interstate and Defense Highways (as referred to in Section 108 of the Federal-aid Highway Act of 1956) when such application would prevent this State from receiving any federal funds for highway purposes.

CHAPTER 959

An act to add Sections 35500.1 and 35550.1 to the Government Code, relating to exclusion of territory from cities.

In effect September 18, 1959

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 35500.1 is added to the Government Code, to read:

Petition procedure; exclusion proposal

35500.1. No petition seeking the exclusion of territory from a city shall be circulated or filed, nor shall any public officer accept any such petition for filing, until the proposal for the exclusion of territory from a city, including a map and specific detailed legal description of the boundaries of the territory, has been filed with the secretary of the boundary commission of the county and the boundary commission has prepared, or caused to be prepared, a report to the proponents upon the exclusion proposal with respect to the definiteness and certainty of the proposed boundaries, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory and other similar matters affecting the proposed boundaries.

Notice of receipt of a proposal for the exclusion of territory from any city shall be given within 10 days after the filing thereof by the secretary of the boundary commission to the legislative bodies of all cities the territorial limits of which lie within three miles of any of the territory proposed to be excluded. Such notice shall be given by mail addressed to the legislative bodies of the cities entitled thereto and shall in general terms indicate the area proposed to be excluded. Failure to give such notice shall not operate to invalidate an exclusion proceeding.

If the boundary commission does not report upon the exclusion proposal within 20 days after the written description thereof is filed with the secretary of the boundary commission, the exclusion proposal shall be deemed correct.

SEC. 2. Section 35550.1 is added to said code, to read:

Same

35550.1. No petition seeking the exclusion of territory from a city shall be circulated or filed, nor shall any public officer accept any such petition for filing, until the proposal for the exclusion of territory from a city, including a map and specific detailed legal description of the boundaries of the territory, has been filed with the secretary of the boundary commission of the county and the boundary commission has prepared, or caused to be prepared, a report to the proponents upon the exclusion proposal with respect to the definiteness and certainty of the proposed boundaries, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory and other similar matters affecting the proposed boundaries.

Notice of receipt of a proposal for the exclusion of territory from any city shall be given within 10 days after the filing thereof by the secretary of the boundary commission to the legislative bodies of all cities the territorial limits of which lie within three miles of any of the territory proposed to be excluded. Such notice shall be given by mail addressed to the legislative bodies of the cities entitled thereto and shall in general terms indicate the area proposed to be excluded. Failure to give such notice shall not operate to invalidate an exclusion proceeding.

If the boundary commission does not report upon the exclusion proposal within 20 days after the written description thereof is filed with the secretary of the boundary commission, the exclusion proposal shall be deemed correct.

CHAPTER 960

An act to amend Sections 58853, 58854, 58857, 58859 and 58860 of the Government Code, relating to change of boundaries.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 58853 of the Government Code is amended to read:

58853. As used in this chapter, "proposal" means any proposal for the formation of a new, or a change in the boundaries of an existing, district exercising functions that are, or may be, supported by taxes or special assessment taxes levied on property within the district and collected with county taxes. This chapter does not apply to proposals concerning special assessment districts formed for the purpose of providing various municipal and county improvements.

"Proposal"

SEC. 2. Section 58854 of said code is amended to read:

58854. Prior to circulation, if circulation is required, or otherwise prior to filing with the board of supervisors, for the formation of a new district, or with the governing body of an existing district for a change of boundaries the proposal shall be submitted to the boundary commission of the county in which all or part of the district is, or may be, located.

Submission to county boundary commission

SEC. 3. Section 58857 of said code is amended to read:

58857. Within 30 days after the submission of the proposal, the boundary commission shall prepare, or cause to be prepared, and adopt a report and recommendation on the proposal. The report shall be filed with the board of supervisors for the formation of a new district, or with the governing body of an existing district for a change of boundaries, and a copy furnished to the proponents.

Adoption of report

SEC. 4. Section 58859 of said code is amended to read:

Statement of reasons

58859. If the proponents do not accept the commission's recommendations, they shall file a statement of reasons with the board of supervisors for the formation of a new district, or with the governing body of an existing district for a change of boundaries and furnish a copy to the commission. The proposal may be circulated or filed with the board of supervisors or the governing body of the district, if any, only after such filing and furnishing.

SEC. 5. Section 58860 of said code is amended to read:

Consideration of recommendations, etc

58860. Before acting upon any proposal the board of supervisors or the governing body of the district, if any, shall consider the recommendations and report of the county boundary commission and give them such weight as in its judgment the public interest requires.

CHAPTER 961

An act to amend Sections 5901 and 5931 of the Elections Code, relating to absent voters.

In effect September 18, 1959

[Approved by Governor June 15, 1959 Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 5901 of the Elections Code is amended to read:

Application

5901. Not more than 20 nor less than five days before any election any voter who expects to be absent from his election precinct or unable to vote therein on the day of such election or who resides more than 10 miles from the nearest polling place by the most direct route for public travel may file, either in person or by mail, his written application with the clerk where he resides for an absent voter's ballot. The application shall be signed by the applicant, shall show his place of residence, and shall make clear to the clerk the applicant's right to a ballot.

Applications received by the clerk under this section on or after the sixtieth day but prior to the twentieth day before election shall not be returned to the sender but shall be held by the clerk and processed by him following the twentieth day prior to election in the same manner as if received at that time.

SEC. 2. Section 5931 of said code is amended to read:

Procedure for voting

5931. At any time on or before the date of an election an absent voter, regardless of whether he is within or without the territorial limits of the United States, may mark his ballot and transmit it to the clerk by mail if:

(a) In the case of any election conducted by the county clerk he is absent from his election precinct, or

(b) In the case of any other election, he is absent from the city or district of his residence, or

(c) He is unable because of disability to go to his polling place, or

(d) He is unable to go to his polling place on election day by reason of the fact that the tenets of his religion require his attendance at church or religious services on that day or otherwise prevent him from attending the polls throughout that day, or

(e) He resides more than 10 miles from the nearest polling place by the most direct route for public travel.

After marking his ballot the absent voter shall place it in the identification envelope. He shall then fill out and sign the declaration on the envelope and mail it to the office of the clerk of the locality in which he resides.

Upon receipt of the return envelope containing the identification envelope the clerk shall deposit it in a safe place in his office to be kept by him and delivered to the proper canvassing board. An identification envelope shall in no event be opened before being delivered to the canvassing board.

CHAPTER 962

An act to validate certain acts of taxing agencies and revenue districts and of their officers, relating to property taxation.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. As used in this act "taxing agency" includes the State, county, and city. "Taxing agency" also includes every district that assesses property for taxation purposes and levies taxes or assessments on the property so assessed.

SEC. 2. As used in this act "revenue district" includes every city and district for which the county officers assess property and collect taxes or assessments.

SEC. 3. Every act and proceeding heretofore taken by any taxing agency or revenue district or the officers thereof relative to the preparation, transmitting, computing, determining or fixing the budget or the tax rate or rates of any taxing agency or revenue district, or to the assessment or equalization of property or to the levy of taxes thereon or to tax sales or certificates of tax sales, tax deeds or other conveyances, are hereby confirmed, validated and declared legally effective.

SEC. 4. (a) This act is limited to the correction of defects, irregularities and ministerial errors which the Legislature originally could have omitted from the statutory requirements of law under which the acts hereby confirmed, validated and declared legally effective were taken.

(b) This act is limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) This act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding, now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

SEC. 5. If any provision of this act or its application to any person or circumstances is held invalid, the remainder of the act and the application of its provisions to other persons or circumstances is not affected.

CHAPTER 963

An act to add Section 22658 to, and to amend Section 22851 of, the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to the removal of vehicles from private property.

In effect September 18, 1959

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 22658 is added to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, to read:

Removal of vehicle

22658. The owner or person in lawful possession of any private property may, subsequent to giving notice to the city police or county sheriff, whichever is appropriate, cause the removal of a vehicle parked on such property to the nearest public garage if there is displayed in plain view on the property a sign prohibiting public parking. The person causing removal of such vehicle shall comply with the requirements of Sections 22852 and 22853 relating to notice in the same manner as applicable to an officer removing a vehicle from private property. The provisions of this section shall not limit or affect any right or remedy which the owner or person in lawful possession of private property may have by virtue of other provisions of law authorizing the removal of a vehicle parked upon such property.

SEC. 2. Section 22851 of said code is amended to read:

Lien

22851. Whenever a vehicle has been removed to a garage under the provisions of this chapter and the keeper of the garage has received the notice or notices as provided herein, the keeper shall have a lien dependent upon possession for his compensation for towage and for caring for and keeping safe such vehicle for a period not exceeding 90 days and, if the vehicle is not recovered by the owner within said 90 days or the owner is unknown, the keeper of the garage may satisfy his

lien in the manner and after giving the notices required in Sections 3071 and 3072 of the Civil Code. Notwithstanding the provision of this section, if the vehicle is appraised at a value not exceeding seventy-five dollars ($75) by a person authorized to make such appraisal, the keeper of the garage may, if the vehicle is not recovered by the owner within 40 days or the owner is unknown, satisfy his lien as provided in Section 3073 of the Civil Code.

CHAPTER 964

An act to amend Sections 4159, 4160, and 14600 of the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, relating to notice of change of address of vehicle owners and operators.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 4159 of the Vehicle Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

Notice of change of address

4159. Whenever any person after making application for the registration of a vehicle required to be registered under this code, or after obtaining registration either as owner or legal owner, moves or acquires a new address different from the address shown in the application or upon the certificate of ownership or registration card, such person shall, within 10 days thereafter, notify the department in writing of his old and new address.

SEC. 2. Section 4160 of said code is amended to read:

Change of address on card

4160. Any registered owner of a vehicle who moves or acquires a new address different from the address shown upon the registration card issued for the vehicle shall within 10 days mark out the former address shown on the face of the card and with pen and ink write or type the new address on the face of the card immediately below the former address with the initials of the registered owner.

SEC. 3. Section 14600 of said code is amended to read:

Notice of change of address

14600. (a) Whenever any person after applying for or receiving a driver's license moves, or acquires a new address different from the address shown in the application or in the license issued to him, he shall within 10 days thereafter notify the department in writing of his old and new address.

(b) The department may thereupon change the address as shown upon the license or application or, should the department for any reason fail to so change the address upon the license, then the licensee shall mark out the former address on the face of the license and type or write the new address in ink on the reverse side of the license with the date and signature of the licensee.

CHAPTER 965

An act to add Section 202.6 to the Revenue and Taxation Code, relating to the exemption from taxation of property used exclusively for the public schools.

In effect September 18, 1959

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 202.6 is added to the Revenue and Taxation Code, to read:

202.6. Personal property used exclusively in the performance of activities authorized by Article 5 (commencing at Section 10701) of Chapter 1 of Division 9 of the Education Code as enacted at the 1959 Regular Session, by a student body organization acting pursuant to those provisions, is deemed property used exclusively for public schools and shall be exempt from taxation.

CHAPTER 966

An act to add Chapter 10 (commencing at Section 25900) to Division 20 of, and to amend Sections 26244, 26247, 26254, and 26255 of the Health and Safety Code, to amend Section 1064 of the Agricultural Code, and to amend Sections 4168 and 4171 of the Business and Professions Code, relating to labeling of containers of dangerous drugs, poisons, and other hazardous substances.

In effect September 18, 1959

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 10 (commencing at Section 25900) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 10. LABEL REQUIREMENTS

Cautionary statements

25900. Cautionary statements which are required by law, or regulations adopted pursuant to law, to be printed upon the labels of containers in which dangerous drugs, poisons, and other harmful substances are packaged shall be printed in the English language in a conspicuous place in type of conspicuous size in contrast to the typography, layout, or color of the other printed matter on the label.

Colors

25901. Unless a specific color is prescribed, the cautionary statements may be printed in any color, but preferably red, upon a plain and distinctly contrasting background.

Limitations on label

25902. The words "safe," "safely," "safety," or words having the same meaning which would detract from the value

of the cautionary statement shall not be used upon the labels of containers of dangerous drugs, poisons, and other highly toxic substances.

25903. Nothing in this chapter shall apply to products produced by a laboratory licensed under Section 351 of Title III of the Public Health Service Act (Public Law 410, Chapter 373, Seventy-eighth Congress, Second Session). Exception

25904. Any violation of this chapter is a misdemeanor. Misdemeanor

25905. The provisions of this chapter shall become operative January 1, 1960. Operative date

SEC. 2. Section 26244 of said code is amended to read:

26244. A drug or device shall be deemed to be misbranded unless its labeling bears (1) adequate directions for use; and (2) such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users. Contents of label

The cautionary statements shall be printed as prescribed in Chapter 10 (commencing at Section 25900), Division 20 of this code.

If any requirement of clause (1) of this section as applied to any drug or device is not necessary for the protection of the public health, the board shall promulgate regulations exempting such drug or device from such requirements.

SEC. 3. Section 26247 of said code is amended to read:

26247. A drug shall be deemed to be misbranded if it has been found by the board to be a drug liable to deterioration, unless it is packaged in such form and manner, and its label bears a statement of such precautions, as the board shall by regulations require as necessary for the protection of public health. The cautionary statements shall be printed as prescribed in Chapter 10 (commencing at Section 25900), Division 20 of this code. Misbranding of drug

No such regulation shall be established for any drug recognized in an official compendium until the board has informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body has failed within a reasonable time to prescribe such requirements.

SEC. 4. Section 26254 of said code is amended to read:

26254. A drug shall be deemed to be misbranded if the package as offered for sale at retail or wholesale fails to bear a statement on the label of Same

(1) The quantity of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, barbituric acid, bromal, carbromal, coca, marijuana, paraldehyde, peyote, or sulfonmethane, and

(2) The quantity of any chemical derivative of such substances or any derivative or preparation of any such substances, contained therein, which derivative has been by the board after investigation, found to be, and by regulations under this act,

designated as, habit forming, unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning—may be habit forming." The warning shall be printed as prescribed in Chapter 10 (commencing at Section 25900), Division 20 of this code.

SEC. 5. Section 26255 of said code is amended to read:

Same

26255. (1) A drug intended for use by man which:

(a) Is a habit-forming drug to which Section 26254 applies; or

(b) Because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law to administer such drug; or

(c) Is limited by an effective application under Section 26288 to use under the professional supervision of a practitioner licensed by law to administer such drug, shall be dispensed only (i) upon a written prescription of a practitioner licensed by law to administer such drug, or (ii) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by the pharmacist, or (iii) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist. The act of dispensing a drug contrary to the provisions of this paragraph shall be deemed to be an act which results in the drug being misbranded while held for sale.

(2) Any drug dispensed by filling or refilling a written or oral prescription of a practitioner licensed by law to administer such drug shall be exempt from the requirements of Sections 26241, 26242, 26243, 26244, 26245, 26246, 26247, 26250, and 26254, and the provisions of Section 26249 deeming a drug misbranded if its container is so formed, made, or filled as to be misleading, except the packaging requirements of Sections 26245, 26246 and 26247. If the drug bears a label containing the name and address of the dispenser, the serial number and date of the prescription or of its filling, the name of the prescriber, and, if stated in the prescription, the name of the patient, and the directions for use and cautionary statements, if any, contained in such prescription. This exemption shall not apply to any drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail, or to a drug dispensed in violation of subdivision (1) of this section

(3) The board may by regulation remove drugs subject to Section 26254 and Section 26288 from the requirements of subdivision (1) of this section when such requirements are not necessary for the protection of the public health.

(4) A drug which is subject to subdivision (1) of this section shall be deemed to be misbranded if at any time prior to

dispensing its label fails to bear the statement "Caution: Federal law prohibits dispensing without prescription," or "Caution: Not to be dispensed without a prescription." The cautionary statements shall be printed as prescribed in Chapter 10 (commencing at Section 25900), Division 20 of this code. A drug to which subdivision (1) of this section does not apply shall be deemed to be misbranded if at any time prior to dispensing its label bears the caution statement provided for in this subdivision.

(5) Nothing in this section shall be construed to relieve any person from any requirement described by or under authority of law with respect to drugs now included or which may hereafter be included within the classifications stated in Division 10 (commencing at Section 11000) of this code.

SEC. 6. Section 1064 of the Agricultural Code is amended to read:

Misbranding of economic poison

1064. Economic poison is misbranded when:

(a) The package or label thereon bears any false or misleading statement, design, or device regarding such article or the ingredients or substances contained therein.

(b) The package or label is falsely branded as to the place of manufacture or production.

(c) It is an imitation or offered for sale under the name of another article.

(d) It is labeled or branded so as to deceive or mislead the purchaser.

(e) The contents of the package as originally put up have been removed in whole or in part and other contents placed in such packages, or the contents of the package are of a quality below that of the guarantee on the label or on the application for registration of the economic poison or of the analysis of the representative sample delivered in connection with the application for registration of the economic poison.

(f) In package form, and the contents, if stated in terms of weight or measure, are not plainly and correctly stated on the outside of the package.

(g) The label fails to state either

(1) The name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the economic poison; or

(2) The name of each active ingredient, together with the name of each and total percentage of the inert ingredients, if any there be, in the economic poison.

If the preparation is highly toxic to man, as determined by rules and regulations of the director, option (1) only shall apply.

(h) The economic poison contains arsenic in any form and the label fails to state, in addition to one of the options required by provision (g) of this section, the percentages of total and water-soluble arsenic, each calculated as elemental arsenic.

(i) The label does not contain a warning or caution statement which may be necessary and if complied with adequate

to prevent injury to living man and other vertebrate animals, vegetation, and useful invertebrate animals.

SEC. 7. Section 4168 of the Business and Professions Code is amended to read:

Contents of label

4168 The poison label required by this article to be placed on all packages of poison, shall contain the word "poison" and the "vignette" representing the skull and crossbones, printed upon red paper in distinct white letters, or in distinct red letters upon white paper, and shall contain the name of the article or contents of the package, the name and place of business of the person or firm packaging the poison. The particular label requirement for the antidote adopted by the board for the poison sold shall also be upon the poison label or be attached to the package.

The cautionary statements shall be printed as prescribed in Chapter 10 (commencing at Section 25900), Division 20 of the Health and Safety Code.

SEC. 8. Section 4171 of said code is amended to read:

Same

4171. Wholesale dealers and pharmacists shall affix or cause to be affixed to every bottle, box, parcel or other enclosure of an original package containing any narcotic as defined in Article 1 (commencing at Section 11000) of Chapter 1 of Division 10 of the Health and Safety Code, a suitable label or brand with the word "poison" thereon. It shall be printed as prescribed in Chapter 10 (commencing at Section 25900) of Division 20 of that code.

Operative date

SEC. 9. This act shall become operative January 1, 1960.

CHAPTER 967

An act to amend Section 8373 of the Fish and Game Code, relating to sale of fish.

In effect September 18, 1959

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 8373 of the Fish and Game Code is amended to read:

8373. No yellowfin croaker, spotfin croaker, sturgeon or California corbina may be sold or purchased except sturgeon imported pursuant to Section 2363.

CHAPTER 968

An act to add Section 9006.1 to the Welfare and Institutions Code, relating to meetings of local mental health advisory boards.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 9006.1 is added to the Welfare and Institutions Code, to read:

9006.1. Local mental health advisory boards shall be subject to the provisions of Chapter 9 (commencing at Section 54950) of Part 1, Division 2, Title 5 of the Government Code, relating to meetings of local agencies.

CHAPTER 969

An act to amend Section 21756 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to passing trolley coaches.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 21756 of the Vehicle Code as enacted at the 1959 Regular Session is amended to read:

21756. (a) The driver of a vehicle overtaking any interurban electric or streetcar stopped or about to stop for the purpose of receiving or discharging any passenger shall stop the vehicle to the rear of the nearest running board or door of such car and thereupon remain standing until all passengers have boarded the car or upon alighting have reached a place of safety, except as provided in subdivision (b) hereof.

(b) Where a safety zone has been established or at an intersection where traffic is controlled by an officer or a traffic control signal device, a vehicle need not be brought to a stop before passing any interurban electric or streetcar but may proceed past such car at a speed not greater than 10 miles per hour and with due caution for the safety of pedestrians.

(c) Whenever any trolley coach or bus has stopped at a safety zone to receive or discharge passengers, a vehicle may proceed past such trolley coach or bus at a speed not greater than 10 miles per hour.

CHAPTER 970

An act to amend Section 21804 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to entering highways.

In effect September 18, 1959

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 21804 of the Vehicle Code as enacted at the 1959 Regular Session is amended to read:

21804. The driver of a vehicle about to enter or cross a highway from any private property, or private road or driveway or from an alley not exceeding a width of 22 feet or from any alley as may be defined by local ordinance shall yield the right-of-way to all vehicles approaching on the highway.

CHAPTER 971

An act to amend Section 21451 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to traffic signals.

In effect September 18, 1959

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 21451 of the Vehicle Code as enacted at the 1959 Regular Session is amended to read:

21451. Green alone or "go" on an official traffic control signal means that:

(a) Vehicular traffic facing the signal shall proceed straight through or may turn right or left. Traffic may make a semicircular or U-turn only where such turn is permitted by signs erected at such location. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians which were lawfully within the intersection or an adjacent crosswalk at the time such signal was first exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk, but shall yield the right-of-way to all vehicles which were lawfully within the intersection at the time such signal was first exhibited.

CHAPTER 972

An act to amend Section 22651 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to removal of vehicles.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 22651 of the Vehicle Code as enacted at the 1959 Regular Session is amended to read:

22651. Any member of the California Highway Patrol or any regularly employed and salaried deputy of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer of a police department in a city in which a vehicle is located may remove a vehicle from a highway under the following circumstances:

(a) When any vehicle is left unattended upon any bridge, viaduct or causeway or in any tube or tunnel where the vehicle constitutes an obstruction to traffic.

(b) When any vehicle is left standing upon a highway in such a position as to obstruct the normal movement of traffic.

(c) When any vehicle is found upon a highway and report has previously been made that the vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that the vehicle has been embezzled.

(d) When any vehicle is illegally parked so as to block the entrance to a private driveway and it is impractical to move such vehicle from in front of the driveway to another point on the highway.

(e) When any vehicle is illegally parked so as to prevent access by firefighting equipment to a fire hydrant and it is impracticable to move such vehicle from in front of the fire hydrant to another point on the highway.

(f) When any vehicle, except any highway maintenance or construction equipment, is left unattended for more than four hours upon the right-of-way of any freeway within the limits of an incorporated city.

(g) When the person or persons in charge of a vehicle upon a highway are by reason of physical injuries or illness incapacitated to such an extent as to be unable to provide for its custody or removal.

CHAPTER 973

An act to amend Section 21662 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to mountain driving.

In effect September 18, 1959

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 21662 of the Vehicle Code as enacted at the 1959 Regular Session is amended to read:

21662. The driver of a motor vehicle traveling through defiles or canyons or upon mountain highways shall hold the motor vehicle under control and as near the right-hand edge of the roadway as is reasonably possible and, except when driving entirely to the right of the center of the roadway, shall give audible warning with the horn of the motor vehicle upon approaching any curve where the view is obstructed within a distance of 200 feet along the highway.

CHAPTER 974

An act to amend Section 25259 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to lights.

In effect September 18, 1959

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 25259 of the Vehicle Code as enacted at the 1959 Regular Session is amended to read:

25259. In addition to a red light as otherwise required in this code, an amber light or a light of distinctive color, which color has been approved by the department, may be visible from the rear of a vehicle operated by a police or traffic officer while in the actual performance of his duties as such officer.

CHAPTER 975

An act to amend Sections 21457 and 21802 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to flashing red signals.

In effect September 18, 1959

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 21457 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

21457. Whenever a flashing red or yellow signal is used in an official traffic control device, it shall require obedience by vehicular traffic as follows: Flashing lights

(a) When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, and the right to proceed shall be subject to the rules provided in Section 21802.

(b) When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution.

SEC. 2. Section 21802 of said code is amended to read:

21802. (a) The driver of any vehicle shall stop at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute an immediate hazard. Entrance at through highway

(b) A driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on the through highway shall yield the right-of-way to the vehicle so about to enter or cross the through highway.

(c) The driver of any vehicle shall stop in obedience to a flashing red signal or a stop sign within an intersection and after such stop shall yield the right-of-way to other vehicles on that part of any roadway protected by any stop sign or flashing red signal which are so close as to constitute an immediate hazard.

(d) A driver having yielded may proceed and the drivers of all other vehicles approaching on that part of the roadway protected by the flashing red signal or stop sign shall yield the right-of-way to the vehicle about to enter or cross the protected part of the roadway.

CHAPTER 976

An act to add Section 22520 to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to the stopping of vehicles on freeways.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 22520 is added to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, to read:

22520. No person shall stop, park, or leave standing any vehicle upon a freeway to which the owners of abutting lands have no right or easement of access except:

(a) When necessary to avoid injury or damage to persons or property.

(b) When required by law or in obedience to a peace officer or official traffic control device.

(c) Any person actually engaged in maintenance or construction on freeway property or any employee of a public agency actually engaged in the performance of official duties.

(d) Any vehicle which is so disabled that it is impossible to avoid temporarily stopping and any vehicle which has been summoned to render assistance to a vehicle or person.

(e) In locations where stopping, standing or parking is specifically permitted.

CHAPTER 977

An act to add Section 40311 to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to appearance in court for traffic violations.

In effect September 18, 1959

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 40311 is added to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, to read:

40311. Whenever a person is arrested under authority of a warrant, the court to which such person is taken shall, with his consent, have jurisdiction to arraign him at that time for any other alleged violation of this code or an ordinance relating to traffic offenses for which he has been issued a written notice to appear in court, notwithstanding the fact that the time for appearance specified in such notice has not yet arrived.

CHAPTER 978

An act to amend Section 22502 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to parking.

In effect September 18, 1959

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 22502 of the Vehicle Code as enacted at the 1959 Regular Session is amended to read:

22502. Except as otherwise provided in this chapter every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be stopped or parked with the right-hand wheels of such vehicle parallel with and within 18 inches of the right-hand curb. Where no curbs or barriers bound any

roadway, right-hand parallel parking is required unless otherwise indicated. This section does not apply to a commercial vehicle when loading or unloading merchandise or passengers.

CHAPTER 979

An act to amend Section 555 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to sidewalks.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 555 of the Vehicle Code as enacted at the 1959 Regular Session is amended to read:

555. "Sidewalk" is that portion of a highway, other than the roadway, set apart by curbs, barriers, markings or other delineation for pedestrian travel.

CHAPTER 980

An act to amend Section 4002 of the Fish and Game Code, relating to taking fur-bearing mammals.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 4002 of the Fish and Game Code is amended to read:

4002. Fur-bearing mammals may be taken only with a trap, a firearm, bow and arrow, poison under a proper permit, or with the use of dogs.

CHAPTER 981

An act to add Section 70045.1 to the Government Code, relating to superior court reporters of Trinity County.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 70045.1 is added to the Government Code, to read:

70045.1. Notwithstanding the provisions of Section 70045 of this code, in any county having a population of 5,000 and not over 5,100, as determined by the 1950 federal census and

as set out in Section 28020 of this code on the effective date of this section, each regular official court reporter shall receive an annual salary of three thousand six hundred dollars ($3,600) payable in monthly installments out of the salary fund of the county, for the reporting and taking notes in criminal cases in the superior court, and in preliminary examinations of those accused of crime before magistrates, and of proceedings before the grand jury and at coroner's inquests when requested by the coroner, and for other services such reporters shall receive the fees provided for in Article 9 (commencing at Section 69941), Chapter 5, Title 8 of this code, such fees in civil cases to be paid by the litigants as provided by law.

Reporters pro tempore shall be paid a per diem of twenty-five dollars ($25) as provided in Section 69948 of this code and other fees set forth in Article 9 (commencing at Section 69941), Chapter 5, Title 8 of this code, and shall receive from the county their necessary traveling and other expenses when necessarily called from other counties, but a reporter pro tempore shall be paid a per diem or expenses by the county only when the regular official court reporters are occupied in the superior court, or at preliminary examinations, grand jury hearings or coroner's inquests.

CHAPTER 982

An act making an appropriation for the repair of the Sacramento River levee in the vicinity of Collinsville, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

The people of the State of California do enact as follows:

SECTION 1. The sum of fourteen thousand dollars ($14,000) is appropriated from the General Fund to the Department of Water Resources to be expended for the repair and reconstruction on the levee of the Sacramento River in the vicinity of Collinsville.

None of the money hereby appropriated shall be expended, allotted or encumbered, or become available for expenditure by the Department of Water Resources unless and until money equal to or in excess of the amount expendable from this appropriation for said work shall be made available (by a political subdivision, public district, municipality, county or public agency, including agencies of local and Federal Government but excluding agencies which are a part of the Executive Department of the State Government) for expenditure by the department for such work to the end that any sums expended from this appropriation shall be matched by like or greater amounts from sources other than the State Treasury or funds

of any agency which is a part of the Executive Department of the State Government.

The department may perform all or any portion of said work directly by contact or force account or the department and any entity herein authorized to match the appropriation herein made may enter into a contract whereby all or any portion of such work may be performed by any party to such contract.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The levee of the Sacramento River broke in the vicinity of Collinsville about January 15, 1959. The local levee district is unable to finance needed repairs and reconstruction because it is now assessed to its maximum limit. The town of Collinsville is inundated each day, at high tide, threatening the public health and safety, and making it necessary for school children to be rowed a considerable distance to a road at which they can reach their school bus.

CHAPTER 983

An act to amend Section 37380 of the Government Code, relating to leases of city property.

[Approved by Governor June 15, 1959. Filed with Secretary of State June 15, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 37380 of the Government Code is amended to read:

37380. A city may lease property owned or held or controlled by it, or any of its departments for not to exceed 50 years.

CHAPTER 984

An act to add Section 1393 to the Water Code, relating to permits to appropriate water.

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 1393 is added to the Water Code, to read:

1393. The board shall include as a condition in any permit under which a reservoir with an impounding capacity of 50 acre-feet or more is to be constructed, that the permittee shall clear the site of the proposed reservoir of all structures, trees,

and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes.

CHAPTER 985

An act to amend Section 1054.1 of the Code of Civil Procedure, relating to continuances in judicial and administrative proceedings.

In effect September 18, 1959

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1054.1 of the Code of Civil Procedure is amended to read:

1054.1. When an act to be done in any action or proceeding in any court of this State or before any state administrative agency, as provided by law or rule, relates to the pleadings in the action, or the undertakings to be filed, or the justification of sureties, or the preparation of bills of exceptions, or of amendments thereto, or to the service of notices other than of appeal and of intention to move for a new trial, the time allowed therefor, unless otherwise expressly provided, shall be extended by the judges of the court or by the agency in which the action or proceeding is pending, or by the judge who presided at the trial of said action, when it appears to the judge of any court or to the agency to whom such application is made that an attorney of record for the party applying for such extension is a Member of the Legislature of this State, and that the Legislature is in session or in recess not exceeding a recess of forty (40) days or that a legislative committee of which he is a duly appointed member is meeting or is to meet within a period which the court or agency finds does not exceed the time reasonably necessary to enable the member to reach the committee meeting by the ordinary mode of travel. When the Legislature is in session or in recess, extension shall be to a date not less than thirty (30) days next following the final adjournment of the Legislature or the commencement of a recess of more than forty (40) days. If a date is available during recess, extension shall be to such earlier date. When a legislative committee is meeting or is to meet within a period which the court or agency finds does not exceed the time reasonably necessary to enable the member to reach the committee meeting by the ordinary mode of travel, extension shall be for such period as the court or agency finds will be reasonably necessary to enable the member to perform the act to be done in the action or proceeding, unless said extension would expire when the Legislature is to be in session; and in that case the extension shall be to a date not less than thirty (30) days following the final adjournment of the Legislature or the commencement of a recess of more

than forty (40) days. If such act may be reasonably done by the member within such recess, continuance shall be to such earlier date.

CHAPTER 986

An act to add Article 3 (commencing at Section 160.97) to Chapter 1a of Division 2 of, and to repeal Section 160.96 of, the Agricultural Code, relating to pest control.

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Article 3 (commencing at Section 160.97) is added to Chapter 1a of Division 2 of the Agricultural Code, to read:

Article 3. Report of Loss

Report of loss or damage

160.97. Any person suffering loss or damage resulting from the use or application by others of any pesticide, or of any substance, method or device for pesticidal purposes or for the purpose of preventing, destroying, repelling, mitigating or correcting any disorder of plants or for the purpose of inhibiting, regulating, stimulating or otherwise altering plant growth by direct application to plants must, within sixty (60) days from the time that the occurrence of such loss or damage became known to him, or in the event a growing crop is alleged to have been damaged, prior to the time fifty percent (50%) of said crop shall have been harvested, provided, such loss or damage was known, file with the county commissioner of the county in which the loss or damage, or some part thereof, is alleged to have occurred, a verified report of loss setting forth so far as known to the claimant the following: name and address of claimant, type, kind and location of property allegedly injured or damaged, date the alleged injury or damage occurred, name of pest control operator allegedly responsible for such loss or damage, and name of the owner or occupant of the property for whom such pest control operator was rendering labor or services.

The filing of such report or the failure to file such report need not be alleged in any complaint which might be filed, and the failure to file the report as herein provided for shall not be a bar to the maintenance of a civil action for the recovery of damages for such loss or damage.

Proof of failure to file the report herein required shall create a rebuttable presumption that no such loss or damage occurred.

"Pesticide" means any economic poison as defined in Section 1061 of this code.

SEC. 2. Section 160.96 of said code is repealed.

Repeal

CHAPTER 987

An act to amend Section 11274 of the Government Code, relating to general administrative costs.

In effect September 18, 1959

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 11274 of the Government Code is amended to read:

11274. The Board of Control shall certify annually to the Controller the amount determined to be the fair share of administrative costs due and payable from each state agency and shall certify forthwith to the Controller any amount redetermined to be the fair share of administrative costs due and payable from any state agency. The Controller shall forthwith transmit to each state agency from which administrative costs have been determined or redetermined to be due, a statement in writing setting forth the amount of such administrative costs due from the state agency, and stating that, unless a written request to defer payment thereof is filed by the state agency with the Controller within 30 days after the mailing of the statement by the Controller to the state agency, the Controller will direct the Treasurer to transfer the amount of such administrative costs from the special fund or funds chargeable therewith to the General Fund. The Controller shall specify on such statement the special fund appropriations to be charged at the time transfers are made covering such administrative costs.

CHAPTER 988

An act to add Section 13012 to the Government Code, relating to approvals or authorizations by the director or the Department of Finance.

In effect September 18, 1959

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 13012 is added to the Government Code, to read:

13012. Whenever any statute, heretofore or hereafter enacted, requires by the use of the word or words "approve," "approval," "authorize," or "authorization," the director or the department to approve or authorize any act or transaction, such approval or authorization shall hereafter be deemed to have been given only if given in writing by the director, his deputy, or by some other officer or employee of the Department of Finance acting pursuant to written authority of the director.

CHAPTER 989

An act to amend Sections 15857 and 15859 of the Government Code, relative to the acquisition of real property by the State.

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 15857 of the Government Code is amended to read:

15857. The board may agree with the owner of part or all of the property to be condemned as to the compensation to be paid, and may incorporate such agreement in a stipulation to be filed in the condemnation proceeding.

Compensation stipulation

SEC. 2. Section 15859 of the Government Code is amended to read:

15859. The board may abandon any condemnation proceeding. Nothing in this part extends the time specified in Section 1255a of the Code of Civil Procedure for the abandonment of condemnation proceedings.

Abandonment of condemnation proceedings

CHAPTER 990

An act to repeal Section 12198 of the Government Code, relating to recording official bonds.

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 12198 of the Government Code is repealed.

CHAPTER 991

An act to repeal Section 65334 of the Government Code, relating to the appointment of area planning commission members.

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 65334 of the Government Code is repealed.

CHAPTER 992

An act to amend Sections 8011 and 8014 of the Fish and Game Code, relating to receipts for fish, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 8011 of the Fish and Game Code is amended to read:

Quadruplicate receipt

8011. Every person engaged in the business of buying, canning, curing, or preserving fish, or manufacturing fish meal, fish oil, or fish fertilizer, or dealing in fish, who receives fish from fishermen, other than persons engaged in the taking, transportation, or sale of live fresh-water fish for bait, shall make a legible record in the form of a receipt in quadruplicate on forms to be furnished by the department.

The receipt shall show:

(a) The weight of each species of fish received.

(b) The name of the fisherman.

(c) The Department of Fish and Game registration number of the boat or the name of the dealer from whom the fish were received.

(d) The name of the recipient.

(e) The date of receipt.

(f) The price paid.

SEC. 2. Section 8014 of said code is amended to read:

Distribution of copies

8014. The original signed copy of the receipt shall be delivered to the fisherman at the time of the purchase or receipt of the fish. The duplicate copy shall be kept by the dealer or person receiving the fish for a period of six months and shall be available for inspection at any time within that period by the department and the triplicate copy shall be delivered to the department on or before the first and sixteenth day of each month. On delivery of sardines, anchovies, mackerel, or squid used or intended to be used in a cannery a quadruplicate copy shall be made at the time of the original and shall be made available by the maker for delivery to an agent authorized in writing by the majority of the persons who participated in the taking of the fish, excluding the fisherman receiving the original copy. The buyer or canner upon request of such authorized agent shall notify the agent of the unloading and weighing of such fish and shall permit such agent to be present at all times during the weighing of such fish.

Urgency

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

If this act is to be in effect to afford its protection during the present season it must take effect immediately.

SEC. 3. This act shall become operative August 1, 1959. Operative date

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CHAPTER 993

An act to amend Section 11011 of the Government Code, relating to lands under the jurisdiction of state agencies.

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 11011 of the Government Code is amended to read:

11011. On or before December 31st of each year each state agency shall make a review of all proprietary state lands (other than tax-deeded land and land held for highway purposes and lands under the jurisdiction of the State Lands Commission and land which has escheated to the State or which has been distributed to the State by court decree in estates of deceased persons) over which it has jurisdiction to determine what, if any, land is in excess of its foreseeable needs and report thereon in writing to the Department of Finance.

Jurisdiction of all land reported as excess shall be transferred to the Department of Finance, when requested by the director thereof, for sale or disposition under this section or as may be otherwise authorized by law.

The Department of Finance shall report to the Legislature at each of its general sessions, the land declared excess and request authorization to dispose of the land by sale or otherwise.

Whenever any land is reported as excess pursuant to this section, the Department of Finance shall determine whether or not the use of the land is needed by any other state agency. If the Department of Finance determines that any such land is needed by any other state agency it may transfer the jurisdiction of such land to such other state agency upon such terms and conditions as it may deem to be for the best interests of the State.

When authority is granted for the sale or other disposition of lands declared excess, and the Department of Finance has determined that the use of the land is not needed by any other state agency, the Department of Finance shall sell the land or otherwise dispose of the same pursuant to such authorization, upon such terms and conditions and subject to such reservations and exceptions as the Department of Finance may deem to be for the best interests of the State. The Department of Finance shall report to the Legislature at each regular session,

with respect to each parcel of land authorized to be sold under this section, giving the following information:

(a) A description or other identification of the property

(b) The date of authorization

(c) With regard to each parcel sold after the next preceding report, the date of sale and price received, or the value of the land received in exchange, or

(d) The present status of the property, if not sold or otherwise disposed of at the time of the report.

Money received from the sale of any parcel of land pursuant to this section shall be used to defray the cost of making the sale and any balance shall be paid into the General Fund unless otherwise specified by law.

Nothing contained in this section shall be construed to prohibit the sale, letting or other disposition of any state lands pursuant to any law now or hereafter enacted authorizing such sale, letting or disposition.

CHAPTER 994

An act to amend Section 2 of the Fish and Game Code, relating to regulations on fish and game.

In effect September 18, 1959

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of the Fish and Game Code is amended to read:

2. Unless the provisions or the context otherwise requires, these definitions, rules of construction, and general provisions shall govern the construction of this code and all regulations made or adopted under this code.

SEC. 2. This act shall become operative on the effective date of the first regulations made by the Fish and Game Commission pursuant to Chapter 2 (commencing with Section 200) of Division 1 of the Fish and Game Code after the 1959 Regular Session of the Legislature.

CHAPTER 995

An act to add Section 16653 to the Government Code, relating to the redemption of state bonds and bond coupons, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 16653 is added to the Government Code, to read:

16653. The expense incurred by the State Treasurer and his agents in the payment of bonds and bond coupons upon maturity or when called for prior redemption is a part of the cost of redemption of such bonds and bond coupons and shall be charged against the fund which is chargeable with the costs of administration of the proceeds of such bonds, if other than the General Fund.

SEC. 2. This act shall be applicable to all such services performed after July 1, 1959, by the State Treasurer and his agents in the payment of bonds and bond coupons matured or called for prior redemption whether such bonds or bond coupons were outstanding or unissued on that date.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act will permit the recoupment of the costs of governmental services incurred in the redemption of state bonds, in behalf of special funds, and will result in a substantial saving to the General Fund. To insure the greatest possible savings, the act must be operative at the commencement of the forthcoming fiscal year so that it may be integrated with fiscal year operations, and it is essential, therefore, that it go into effect immediately.

CHAPTER 996

An act to amend Section 110.5 of, and to add Section 110.7 to, the Business and Professions Code, relating to charges to state agencies for services performed by the Division of Administrative Procedure, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 110.5 of the Business and Professions Code is amended to read:

110.5. The department shall maintain a staff of hearing officers qualified under Section 11502 of the Government Code, who, together with any additional employees assigned for that purpose, shall constitute the Division of Administrative Procedure. The department may employ hearing officers on a permanent, part-time or intermittent basis and shall maintain a staff which is sufficient to fill the needs of the various state agencies. Upon request from any agency the director shall assign a hearing officer for any proceeding arising under Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and may assign a hearing officer to conduct similar proceedings not arising

Hearing officers

under said chapter. Any hearing officer so assigned shall be deemed an employee of the department and not of the agency to which he is assigned. When not engaged in hearing cases, hearing officers may perform the duties provided for in Section 110.6.

SEC. 2. Section 110.7 is added to said code, to read:

Cost of Division of Administrative Procedure

110.7. The total cost to the State of maintaining and operating the Division of Administrative Procedure shall be apportioned equitably among the agencies for which services are provided by the division. The costs of maintaining and operating the division, excluding the costs expended and charged pursuant to Section 11413 of the Government Code, shall be determined and charged in the same manner as administrative costs under Article 2 (commencing at Section 11270) of Chapter 3 of Part 1 of Division 3 of Title 2 of the Government Code, except that the amounts determined and charged pursuant to this section shall be determined and charged annually in advance and shall be credited to the appropriation for the support of the Division of Administrative Procedure. Such amounts shall include services for agencies supported in whole or in part from the General Fund.

Urgency

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Division of Administrative Procedure is a service agency in many respects to other agencies of the State Government. For purposes of good fiscal management the cost of administering and maintaining the services performed by this division to the various state agencies should be budgeted and paid out of the funds available for the support of such agencies on the basis of services received. It is therefore necessary that this act become effective sufficiently in advance of the commencement of the next fiscal year to enable the State Budget to be adjusted in this regard.

Operative date

SEC. 4. This act shall become operative on July 1, 1959 or on the date it becomes effective, whichever date is later.

CHAPTER 997

An act to amend and renumber Section 8961.3 of, and to add Section 8961.3 to, the Health and Safety Code, relating to public cemetery districts.

In effect September 18, 1959

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 8961.3 of the Health and Safety Code is amended and renumbered to read:

8961.7. A district formed prior to the adoption of this section may acquire, and maintain a mausoleum if construction thereof was completed at least 10 years prior to May 1, 1947; provided, however, that such district may construct additions to such a mausoleum for crypt entombment. Mausoleum

SEC. 2. Section 8961.3 is added to said code, to read:

8961.3. Interment in a district cemetery under the provisions of Section 8961.2 shall be permitted only if both of the following conditions exist: Conditions permitting interment

(a) Decedent was a resident of this State at the time of his death.

(b) There is no private cemetery nearer to decedent's place of residence than the nearest district cemetery, the distances measured in a straight line from the decedent's place of residence to the nearest private cemetery and the nearest district cemetery.

The district which maintains the cemetery nearest in a straight line to decedent's place of residence shall allow the interment of the decedent in the cemetery if the charges prescribed by Section 8961.2 are paid. Any other district may permit the interment of such decedent in a cemetery which it maintains upon payment of such charges.

CHAPTER 998

An act to amend Section 15502 of the Corporations Code, relating to the formation of limited partnerships.

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 15502 of the Corporations Code is amended to read:

15502. (1) Two or more persons desiring to form a limited partnership shall

(a) Sign and acknowledge a certificate, which shall state

I. The name of the partnership,

II. The character of the business,

III. The location of the principal place of business,

IV. The name and place of residence of each member; general and limited partners being respectively designated,

V. The term for which the partnership is to exist,

VI. The amount of cash and a description of and the agreed value of the other property contributed by each limited partner,

VII. The additional contributions, if any, agreed to be made by each limited partner and the times at which or events on the happening of which they shall be made,

VIII. The time, if agreed upon, when the contribution of each limited partner is to be returned,

IX. The share of the profits or the other compensation by way of income which each limited partner shall receive by reason of his contribution.

X. The right, if given, of a limited partner to substitute an assignee as contributor in his place, and the terms and conditions of the substitution.

XI. The right, if given, of the partners to admit additional limited partners.

XII. The right, if given, of one or more of the limited partners to priority over other limited partners, as to contributions or as to compensation by way of income, and the nature of such priority.

XIII. The right, if given, of the remaining general partner or partners to continue the business on the death, retirement, or insanity of a general partner, and

XIV. The right, if given, of a limited partner to demand and receive property other than cash in return for his contribution.

(b) Record said certificate in the office of the recorder of the county in which the principal place of business of the partnership is situated.

(2) A limited partnership is formed if there has been substantial compliance in good faith with the requirements of paragraph one.

(3) If the partnership has places of business situated in, or holds title to real property in, different counties, it shall cause either such recorded certificate, or a copy of such recorded certificate, certified by the recorder in whose office it is recorded, to be recorded in the office of the recorder of each such different county.

(4) Recording of the certificate in accordance with (1) (b) above or recording of the recorded certificate or a copy thereof in accordance with (3) above shall create the same conclusive presumptions as provided in Section 15010.5 of this code; any other person claiming to be a partner who has been omitted from any such statement shall have the right to record a corrective statement as provided in said Section 15010.5.

CHAPTER 999

An act to amend Section 6154 of the Elections Code, relating to voting machines.

In effect September 18, 1959

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 6154 of the Elections Code is amended to read:

6154. For the purpose of assistance in examining a voting machine the commissioners may employ not more than three expert electronic technicians at a cost of not more than ten

dollars ($10) per hour for each electronic technician employed. The compensation of the electronic technicians shall be paid by the person or corporation submitting the machine.

The commission may require the person or corporation submitting the machine to deposit sufficient funds to guarantee the payment of the examination charges. The Secretary of State may deposit such funds in an appropriate treasury trust account and, within 30 days after his report of examination, draw a refund check to the credit of the person or corporation for any amount in excess of costs.

CHAPTER 1000

An act to amend Section 86 of the Agricultural Code, relating to district agricultural associations.

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 86 of the Agricultural Code is amended to read:

Powers of associations

86. Each district agricultural association is a state institution. Each association by its name has perpetual succession, may have a seal, be sued; provided, however, that claims against district agricultural associations shall be presented to the State Board of Control in accordance with Section 16041 of the Government Code, and, with the approval of the Department of Finance, may:

(a) Contract, and sue.

(b) Purchase, acquire, hold, sell, exchange or convey any interest in real or personal property and beautify or improve such property.

(c) Lease, let or grant licenses for the use of its real estate or personal property or any portion thereof to any person or public body for whatever purpose may be approved by the board of directors and the Department of Finance.

(d) Use or manage its real estate or personal property or any part thereof for any or all of the foregoing purposes jointly with any lessee, sublessee or licensee, or otherwise use or manage said property in connection with such lease, sublease or license heretofore or hereinafter made or granted.

(e) Lease or let its real property for public park, recreational, or playground purposes.

(f) Rent or permit the use of its premises for purposes beneficial to the agricultural industry, including but not limited to the holding of sales or auctions of cattle or other livestock.

(g) Contract with any county or county fair association for holding a fair jointly with the same. Such joint fair shall constitute a district fair of the association.

(h) Do any and all things necessary to carry out the above powers and the objects and purposes for which the association is formed.

SEC. 2. Section 86 of the Agricultural Code is amended to read:

Same

86. Each district agricultural association is a state institution. Each association by its name has perpetual succession, may have a seal, and may be sued; provided, however, that claims against district agricultural associations shall be presented to the State Board of Control in accordance with Section 641 of the Government Code, and, with the approval of the Department of Finance, may:

(a) Contract, and sue.

(b) Purchase, acquire, hold, sell, exchange or convey any interest in real or personal property and beautify or improve such property.

(c) Lease, let or grant licenses for the use of its real estate or personal property or any portion thereof to any person or public body for whatever purpose may be approved by the board of directors and the Department of Finance.

(d) Use or manage its real estate or personal property or any part thereof for any or all of the foregoing purposes jointly with any lessee, sublessee or licensee, or otherwise use or manage said property in connection with such lease, sublease or license heretofore or hereinafter made or granted.

(e) Lease or let its real property for public park, recreational, or playground purposes.

(f) Rent or permit the use of its premises for purposes beneficial to the agricultural industry, including but not limited to the holding of sales or auctions of cattle or other livestock.

(g) Contract with any county or county fair association for holding a fair jointly with the same. Such joint fair shall constitute a district fair of the association.

(h) Do any and all things necessary to carry out the above powers and the objects and purposes for which the association is formed.

Effect. Stats 1959, Ch 1715

SEC. 3. Section 2 of this bill shall become operative only if Assembly Bill No. 406 is enacted by the Legislature at its 1959 Session, in which event Section 1 of this bill is repealed.